
TOWN OF HOPKINTON, NH

SITE PLAN REVIEW REGULATIONS



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SECTION I
AUTHORITY AND PURPOSE

1.1 AUTHORITY As authorized by the voters of the Town of Hopkinton, the Hopkinton Planning Board, under the provisions of New Hampshire Revised Statutes Annotated, Chapter 674:43-I. To review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled "Site Plan Review Regulations, Town of Hopkinton, New Hampshire."

1.2 PURPOSE The purpose of the **Site Plan Review Regulations** and the site review procedure is to:

- (a) Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
 - (1) Inadequate drainage or conditions conducive to flooding of the property or that of another;
 - (2) Inadequate protection for the quality of groundwater;
 - (3) Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
 - (4) Inadequate provision for fire safety, prevention, and control.
- (b) Provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
- (c) Provide for open spaces and green spaces of adequate proportions;
- (d) Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- (e) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- (f) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval;
- (g) Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health;

SECTION I
AUTHORITY AND PURPOSE

- (h) Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity;
- (i) Implement the goals and objectives of the Master Plan, as periodically updated; and
- (j) Require innovative land use controls on lands when supported by the Master Plan.

SECTION II DEFINITIONS

2.1 AUTHORITY In general, words and terms used in these Regulations shall have their customary dictionary or statutory meanings or the same meanings as corresponding words and terms as defined in the Zoning Ordinance and Subdivision Regulations of the Town of Hopkinton. For the purpose of these regulations, certain words used herein are defined as follows:

2.1.1 Abutter: Any person who owns land which adjoins or is directly across the street or stream from the land under consideration and whose property is located in New Hampshire. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

2.1.2 Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

2.1.3 Access Management: The process of providing and managing access to land development while preserving local and regional flow of traffic in terms of safety, capacity, and speed.

2.1.4 Antenna: Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

2.1.5 Applicant: Any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity commencing proceedings under these Regulations to effect a non-residential site plan or multi-family development hereunder for him/herself or for another. Consent shall be required from the legal owner of the premises, if the owner is not the applicant.

2.1.6 Approval: Recognition by the Planning Board (certified by written endorsement on the site plan map), that the Final Site Plan submission meets the requirements of these regulations and all other applicable ordinances and regulations.

2.1.7 Building: Any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls or firewalls, built to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

2.1.8 Board: The Planning Board of the Town of Hopkinton.

2.1.9 Corner Clearance: The distance from the intersection of a public or private roadway to the nearest access connection, measured from the closest edge of pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

SECTION II DEFINITIONS

2.1.10 Cross Access: A service drive providing vehicular access between two or more contiguous sites so the vehicle need not enter the public street system to access other sites.

2.1.11 Deed: A legal document conveying real property.

2.1.12 Easement: A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

2.1.13 Engineer, Town: The duly designated engineer of the Town of Hopkinton. If there is no such official, the consultant or official assigned by the Hopkinton Board of Selectmen or the Hopkinton Planning Board.

2.1.14 Essential Services: Services provided by public utility or government agencies through erection, construction or maintenance of underground or overhead gas, electrical, steam or water transmission and distribution systems, and collection, communications, supply or disposal systems. Facilities necessary for the provision of essential services including poles wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, unoccupied utility structures (subject to the provisions of 3.7.8 of the Zoning Ordinance), and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings not necessary for the furnishing of essential service by public utility or governmental agencies for the public health, safety or general welfare.

2.1.15 Final Site Plan Map: The final site plan map of a proposed site development which is presented to the Planning Board for final approval, which complies with these regulations and which, if appropriate, shall be filed with the Registry of Deeds of Merrimack County.

2.1.16 Flood Prone Area: An area of land that would be covered with water during a flood, as mapped by the National Flood Insurance Program.

2.1.17 Frontage, Road: A public or private drive that generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street; also known as service roads.

2.1.18 Ground Cover: A low growing plant, other than turf or grass, which forms a dense, continuous cover over the ground surface.

2.1.19 Height: The distance measured from ground level of the natural grade of a site to the highest point on the tower or other structure, including antennas.

2.1.20 Joint / Shared Access: A driveway connecting two or more contiguous sites to the public street system.

2.1.21 Lot Frontage: The horizontal distance measured along a lot line dividing a lot from a street. Driveways to rear lots shall not be construed as frontage.

SECTION II DEFINITIONS

2.1.22 Lot, Reverse Frontage: Any lot that has, or will have, frontage on two or more roadways.

2.1.23 Personal Wireless Service Facility(ies) or PWSF(s) or facility(ies): Any "PWSF" as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services, which for purposes of this Ordinance shall also include, as the context may require, all towers and antennas used in connection therewith.

2.1.24 Personal Wireless Services: Any wireless telecommunications services, and commercial mobile services including cellular telephone services, personal communications services, and mobile and radio paging services as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332 (c)(7)(C)(i).

2.1.25 Secondary Use: A use of land or of a building or portion thereof, which is unrelated to the principal use of the land or building.

2.1.26 Selectmen: The Selectmen of the Town of Hopkinton.

2.1.27 Sight Distance: The length of the roadway or driveway ahead visible to the driver. The sight distance is based on numerous factors, as adopted by American Association of State Highway and Transportation Officials (AASHTO). Sight distance is determined by many factors including but not limited to the design of alignment and profile of a road or driveway, pavement conditions, and other elements and standards as discussed in the AASHTO manual.

2.1.28 Site Plan or Site Development Plan: Refer to Section IV.

2.1.29 Street: Means relates to and includes any street, avenue, road, boulevard, lane, alley, viaduct, highway, freeway, and other ways. Street shall include a way which is over twenty (20) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure.

2.1.30 Subdivision: The division of the 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 re-subdivision, and where 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 several owners shall be deemed a subdivision under this title, per RSA 672:14.

2.1.31 Tower: Shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennae. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

SECTION III PROCEDURES

Site Plan Review shall be conducted in accordance with the procedural requirements contained in **REVIEW PROCEDURES**, of these regulations including the notice to abutters and a public hearing and in accordance with RSA 674:44 as from time to time amended.

3.1 GENERAL Site plan review by the Planning Board is required for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. Projects for the construction or alteration of Personal Wireless Service Facilities are directed to comply with the "**TOWN OF HOPKINTON, NH, PERSONAL WIRELESS SERVICE FACILITIES ORDINANCE**", and the **PERSONAL WIRELESS SERVICE FACILITIES** section of these regulations.

3.2 SPECIAL EXCEPTIONS For developments covered by these regulations that require special exceptions, application must first be made to the Zoning Board of Adjustment. Having secured a special exception, if required, the applicant must then obtain Planning Board Approval of the site plan and, if necessary, of the subdivision plan. Requirements for the latter are described in the subdivision regulations.

3.3 PRELIMINARY CONSULTATIONS In order to expedite such review, **the applicant is encouraged to consult informally with the Planning Board as soon as possible** in order to acquaint the Board with the plans and to obtain preliminary guidance.

3.4 SITE PLAN REVIEW On formal submission of the site development plan, the owner or his authorized agent shall submit the proposed site plan maps and supporting data to the Planning Board in accordance with **APPLICATION REQUIREMENTS** section below, as appropriate.

3.5 GENERAL POINTS

- (a) The applicant shall check the list of all abutters with records at the County Registry of Deeds and not rely on those obtained from the local tax rolls, as ownership may have changed since town records were last updated.
- (b) The applicant shall bear all the costs of review, including the costs of notifying abutters, the Board's administrative expenses, the costs of special investigations, the review of documents by the Central New Hampshire Regional Planning Commission, consulting engineers or other consultants, and other costs required by particular applications (see RSA 674:44 V).
- (c) The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.
- (d) If the site plan is approved by the Planning Board, then the applicant may apply for a building permit. No building permit will be issued until approval of the site plan by the

**SECTION III
PROCEDURES**

Planning board is granted. The applicant will be notified by mail of approval or disapproval of site plans.

SECTION IV
APPLICATION REQUIREMENTS

4.1 APPLICATION REQUIREMENTS All projects will require the following:

- (a) Completed original Application for Site Plan Review;
- (b) Ten (10) copies of completed application and all associated documentation and plans submitted with the original Application for Site Plan Review.
- (c) List of current names and addresses of all abutters, and use of abutting properties, identified with location of the structures thereon including access roads;
- (d) One (1) set of addressed mailing labels of abutters, applicant, engineer, architect, soil scientist, wetland scientist, land surveyor, and any holders of conservation preservation, or agricultural preservation restrictions or easements.
- (e) Fees as set by the Planning Board;
- (f) Site Plan:
 - (1) Sheet size: 24" x 36" maximum;
 - (2) Scale: not less than 1" = 100';
 - (3) Match lines when needed;
 - (4) Four (4) prints of each plan sheet (blue or black line) at full scale;
 - (5) One (1) reduction of each plan reduced to no more than 11" x 17";
 - (6) Date, title, scale, north arrow, location map, legend;
 - (7) Name and address of developer, designer/engineer if required, and owner(s) of record;
 - (8) All existing and proposed easements.
 - (9) Drawing of site showing boundaries, existing natural features including watercourses and water bodies, trees and other vegetation, topographical features, any other features that should be considered in the site design process;
 - (10) Plan of all buildings with their type, size and location (set backs);
 - (11) Location of off-street parking and loading spaces with a layout of the parking indicated;
 - (12) The location, width, curbing and type of access ways and egress ways (driveways), plus streets and sidewalks within and around site;
 - (13) The type and location of solid waste disposal facilities;
 - (14) The location, size and design of proposed signs and other advertising or instructional devices;
 - (15) The location and type of lighting for all outdoor facilities, including direction and area of illumination;
 - (16) Right-of-way lines of all existing adjoining streets;
 - (17) Water supply and sewage disposal facilities;
 - (18) The zoning districts and boundaries for the site and within 1,000 feet of the site;
 - (19) One hundred year flood elevation line, where applicable.
- (g) An elevation view or photograph of all buildings indicating their height, width and surface treatment;
- (h) Landscaping plan showing required details described within these regulations;

SECTION IV
APPLICATION REQUIREMENTS

- (i) Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.

4.2 ADDITIONAL APPLICATION REQUIREMENTS Projects requiring new or additional buildings, changes to the exterior dimensions of existing buildings or changes to existing contours and finished grade elevations as well as the type, extent, and location of existing landscaping, parking, and open space areas shall submit the following items in addition to those required in Section A (above):

- (a) Plan of all buildings with their type, size, location (setbacks) and elevation of first floor indicated: (assume permanent onsite elevation);
- (b) The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
- (c) The location, elevation and layout of catch basins and other surface drainage features;
- (d) Existing and proposed contours and finished grade elevations – all contours shall be a minimum of 2-foot intervals;
- (e) The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;
- (f) The size and location of all public service connections – gas, power, telephone, fire alarm, (overhead or underground);
- (g) Surveyed property lines showing their angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
- (h) If a subdivision, the lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply; and
- (i) Erosion and sedimentation control plan.

SECTION V
TOWN ENGINEER

The Town Engineer, or in the absence of a town engineer, a professional engineer licensed in New Hampshire designated by the Planning Board and acceptable to the applicant, shall inspect all site improvements. The developer shall pay said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the engineer. A letter certifying the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan review.

SECTION VI REVIEW PROCEDURES

A completed application shall fulfill all requirements of these regulations. Provided an application is received at least 15 days before a regular Planning Board meeting, determination as to its completeness shall be made at the meeting.

If any items listed in Section IV are missing or incomplete as of the noted deadline, the application shall not be placed on the agenda for the next Planning Board meeting.

The Planning Board shall provide a receipt for the application. The Board shall begin formal consideration of the application within 30 days after submission of the completed application. The Board shall act to approve, conditionally approve, or disapprove within 65 days after submission, provided that the Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove. The applicant may waive the requirement for Planning Board action within the time periods specified and consent to such extension as may be mutually agreeable.

6.1 PUBLIC HEARING Before taking action on a site plan, the Planning Board shall hold a public hearing thereon. The applicant and abutters shall be notified of the public hearing by certified or registered mail, return receipt requested, not less than 10 days before the date fixed for the hearing. In addition, notice of the public hearing shall be given to the general public by posting at the town hall.

The Board may grant conditional approval of an Application, which shall become a final approval without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. Final approval may occur in this manner only when the conditions are:

- (a) Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
- (b) Conditions which are in themselves administrative and which involve no discretionary judgments on the part of the Board; or
- (c) Conditions with regard to the Applicant's possession of permits and approvals granted by other boards or agencies.

All other conditions shall require a public hearing after notice in accordance with procedures contained herein. The Board's approval of a Site Plan shall lapse if all conditions of approval have not been met within 90 days of the date of the conditional approval. Upon request, and where it can be shown to the satisfaction of the Board that circumstances exist that preclude compliance within the 90-day deadline, an Applicant may be granted a reasonable extension of this time period.

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Selectmen shall, upon request of the Applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order the Selectmen shall certify on the Applicant's application that the plat is approved pursuant to RSA 676:4, I, (c) and this paragraph, unless within those 40 days the Selectmen have

SECTION VI REVIEW PROCEDURES

identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the applicant does not comply. Such certification, citing RSA 675:4, I, (c) and this paragraph shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18 and court review under RSA 677:15.

Failure of the Selectmen to issue an order or certify approval shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

The Planning Board may approve or disapprove the plan. In case of disapproval of any proposed site plan submitted, the grounds for such disapproval shall be adequately stated on the records of the Planning Board and the applicant shall be notified by certified mail.

Upon approval, the Chairman shall sign and date the Site Plan as approved. Approved plats and any documents affecting covenants, deed restrictions, etc., shall be recorded, when appropriate, with the Merrimack County Registry of Deeds. All conditions of approval as imposed by the Planning Board shall appear on the face of the final plat to be recorded. Within 10 days of such approval, the plats and associated documents must be submitted to the Planning Department. A copy of the recorded plat and associated documents certified by the Merrimack County Registrar of Deeds shall be submitted to the Town prior to issuance of building permits or start of any construction activity.

6.2 PRE-OCCUPANCY REVIEW. Before the final building inspection is considered complete and the building(s) approved for occupancy, the Planning Board shall have the opportunity to inspect the site for compliance with the approved site plan. Any material deficiencies between the approved plan and the site as developed shall be remedied before the site shall be approved for occupancy. The Planning Board may, at its discretion, retain the town engineer or other qualified professional acceptable to the applicant, to perform this review. All associated expenses shall be borne by the applicant.

SECTION VII
LANDSCAPING STANDARDS

7.1 PURPOSE Landscaping shall be required around the perimeter of the parcel, in the parking area, and around the buildings to meet the following objectives:

- (a) To enhance the overall visual attractiveness of the building, the site, and the Town;
- (b) To protect and preserve the appearance, character, and value of surrounding neighborhoods by improving the compatibility between different land uses in the Town and by buffering neighboring properties and areas from any adverse effects of site development;
- (c) To mitigate the appearance and aesthetic impact of accessory uses (such as loading areas, dumpsters, utility equipment and areas, storage areas, and parking areas) with appropriate screening and landscaping as warranted;
- (d) To facilitate safe movement of pedestrian and vehicular traffic onto, around, and over a site, and to protect pedestrian movement in areas with vehicular traffic;
- (e) To mitigate increased temperatures caused by large expanses of un-shaded asphalt;
- (f) To reduce erosion and protect wetlands, surface waters, and aquifer recharge areas;
- (g) To promote energy efficiency and conservation through landscaping and site design; and,
- (h) To soften glare, filter noise and air pollution, create privacy, and provide an attractive boundary between properties.

7.2 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS All site plan applications shall include a separate Landscape Plan, which shall include the following:

- (a) Existing and proposed landscape features;
- (b) Proposed locations of all plants and materials;
- (c) A planting schedule;
- (d) The botanical and common names of all proposed plant species;
- (e) The size, quantity, and description of all plants;
- (f) The location of existing trees, shrubs, and planting beds;
- (g) The height and caliper of trees and shrubs at the time of planting and maturity;
- (h) A maintenance surety to ensure that any planted materials will be replaced in the event they are damaged or die within one year; and
- (i) Soil management plan detailing what will happen to disturbed topsoil and subsoil.

**SECTION VII
LANDSCAPING STANDARDS**

7.3 GENERAL LANDSCAPING STANDARDS

- (a) All dead, dying, or diseased vegetation shall be promptly replaced, based on seasonal planting practices, with healthy living plants in all required landscape areas. All planting areas should be landscaped with a combination of climate tolerant plant material and protective ground cover. Bare soil is not permitted.
- (b) No loam shall be removed from the site except in compliance with the approved soil management plan. All loam shall be stockpiled on the site and stabilized for redistribution.
- (c) Plants shall be selected based on consideration of site conditions and plant function. Use of native and flowering species is encouraged; hybrid varieties of native plants, and plants that are non-native and non-invasive are also permitted. Use of invasive species included on the N.H. Invasive Species Committee's most current list of prohibited invasive species, is not permitted in accordance with New Hampshire Agricultural Rule NH AGR 3800.
- (d) Side slopes shall not exceed thirty-three (33) percent (3:1 slope) and should be stabilized with loam and seed, hydro-seed, sod, ground cover, or mulching materials.
- (e) Existing trees and other vegetation shall be incorporated into the site design to the maximum extent possible. The Board may request that certain vegetation, including trees, be left on the site and with adequate protection to the root structure, including but not limited to restricting pavement areas. Precautions must be taken during the site development process to limit the amount of surface area subject to compaction by heavy equipment and other methods. Compaction of the soils may and can impede drainage and proper root development and growth. The Planning Board may restrict the use of equipment in the areas underlying mature trees and other vegetative features of the site to lessen the negative impact of soil compaction on the plant species.
- (f) In areas where effective vegetative buffers exist and are maintained, the Planning Board may waive the necessity for additional vegetation.

7.4 FRONT YARD LANDSCAPE STANDARDS The front yard shall include a vegetated area adjacent to the street. The area shall be one-third (1/3) of the front setback required for the zoning district and shall run parallel with the entire frontage of the parcel. It may include the following elements:

- (a) One tree planting for each fifty (50) feet of frontage;
- (b) The planting area may include trees, shrubs, perennial flowerbeds, ground cover and other landscaping material that will enhance the attractiveness of the site. The use of mulch, stone, and other landscaping materials is permitted; however, they shall not be the primary element in the design;
- (c) Fences and Stone Walls: These items may be incorporated into the front yard landscape area provided they do not interfere with sight distance, pose safety

SECTION VII LANDSCAPING STANDARDS

concerns for the general public, or in any way create a visual nuisance to the general public. All fences and walls must be of a traditional New England material such as wood, brick or stone. Iron fences are also acceptable. The least desirable fences shall include chain link, stucco, concrete, etc.

7.5 SIDE AND REAR YARD LANDSCAPE STANDARDS Side and rear yard landscape areas may be required in order to provide privacy, and to enhance the attractiveness of the site. The Planning Board will determine the type and extent of side and rear yard landscaping. They shall include the following landscaping elements:

- (a) **Shade and Buffer Trees:** Shade trees shall be deciduous, hardy, drought and salt tolerant species at 2-1/2" to 3" caliper, and 12 feet in height at time of planting. Evergreen trees should be hardy, full, and well branched, with a minimum height of 6 feet at time of planting. Evergreen trees shall be planted in groups, diagonally spaced according to species requirements;
- (b) **Shrubs:** Evergreen shrubs shall be a minimum of 2-1/2 feet in height at time of planting, full and well branched. Deciduous or flowering shrubs should be 3-1/2 feet in height at time of planting, full and well branched;
- (c) **Planting Beds:** Beds may include perennial flowerbeds, groundcover, and other landscaping material that will enhance the attractiveness of the site. Trees and shrubs may be located in planting beds. The use of mulch, stone and other landscaping materials is permitted; however, they shall not be the primary element in the design;
- (d) **Berms and Fences:** Berms and fences may be required by the Planning Board to insure a dense buffer. A detailed drawing shall be provided for Planning Board review and approval;
- (e) **Existing Vegetation:** Upon approval by the Planning Board, existing vegetation may be used for side and rear landscape areas when it is of sufficient vigor and density to form an effective buffer. All such vegetation must be protected as necessary during construction to avoid damage. Damaged material will be replaced with the appropriate landscaping element.

A detailed drawing showing the overall design and the materials to be used shall be submitted to the Planning Board for review and approval.

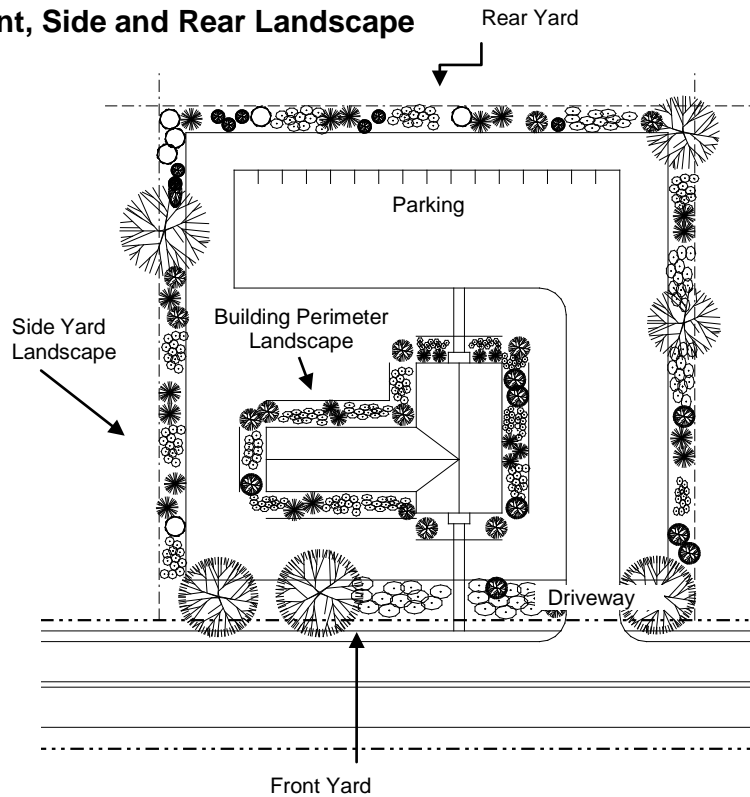
7.6 BUILDING PERIMETER LANDSCAPE STANDARDS The landscaped area adjacent to the building shall be a minimum of ten (10) feet wide and run parallel with the sides of the buildings that will be visible from abutting streets and or residential properties. It shall include:

- (a) **Shade and Buffer Trees:** Trees may be planted in clusters in order to accommodate building design elements. Shade trees shall be hardy, drought and salt resistant species at 2-1/2" to 3" caliper and at least 12 feet high at time of planting. Evergreen trees should be hardy with a minimum height of 6 feet at time of planting, full and well branched.

SECTION VII LANDSCAPING STANDARDS

- (b) **Shrubs:** Evergreen shrubs shall be a minimum of 2-1/2 feet in height at time of planting, full and well branched, unless otherwise specified by the Planning Board or these regulations. Deciduous or flowering shrubs should be 3-1/2 feet in height at time of planting, full and well branched.
- (c) **Planting Beds:** Bed may include perennial flowerbeds, groundcover, and other landscaping material, which will enhance the attractiveness of the site. Trees and shrubs may be located in planting beds. The use of mulch, stone and other landscaping materials is permitted; however, they shall not be the primary element in the design.

Graphic: Front, Side and Rear Landscape



7.7 PARKING LOT LANDSCAPE OBJECTIVES All parking lots shall be landscaped to meet the following objectives:

- (a) Mitigation of environmental complications created by large expansions of vehicular surface areas;
- (b) Storm water mitigation, visual screening of automobiles, summer shading of vehicular surface areas;
- (c) Wind buffering;
- (d) Pedestrian walkways, and

SECTION VII
LANDSCAPING STANDARDS

- (e) Separation from vehicular travel ways.

The overall parking lot size, arrangement and circulation should conform to existing topography where possible. Clustering of small parking areas is desirable to reduce large unbroken areas of pavement and should be oriented toward the side and rear yards of the development.

7.7.1 Parking Lot Landscape Performance Standards All parking lots shall employ, at a minimum, the following landscaping performance standards:

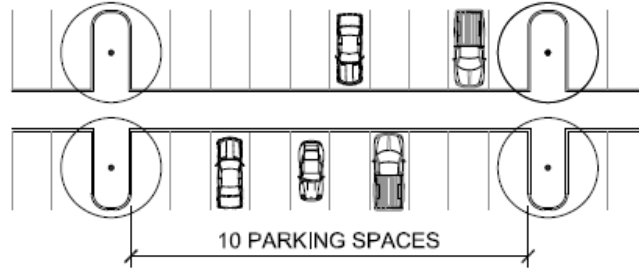
- (a) **Shade and Buffer Trees**: Trees may be planted in clusters in order to accommodate design elements. Shade trees shall be hardy, drought and salt resistant species at 2-1/2" to 3" caliper and at least twelve (12) feet high at time of planting. Evergreen trees should be hardy with a minimum height of six (6) feet at time of planting, full and well branched.
- (b) **Shrubs**: Evergreen shrubs shall be a minimum of 2-1/2 feet in height at time of planting, full and well branched, unless otherwise specified by the Planning Board or these regulations. Deciduous or flowering shrubs should be 3-1/2 feet in height at time of planting, full and well branched.
- (c) **Planting Beds**: Beds may include perennial flowerbeds, groundcover, and other landscaping material, which will enhance the attractiveness of the site. Trees and shrubs may be located in planting beds. The use of mulch, stone and other landscaping materials is permitted; however, they shall not be the primary element in the design

7.7.2 Parking Lot Medians and Islands Landscaped median and islands shall be designed to accept and retain storm water infiltration. This can be accomplished by using porous curbing, wheel stops, or other elements to permit free flow of water. The intrusion of vehicles into these areas should be prevented. Medians and islands shall include plantings and landscape features that will increase the attractiveness of the site and be designed to provide a safe haven for pedestrians if needed. Medians shall be incorporated into parking lot designs according to the following standards:

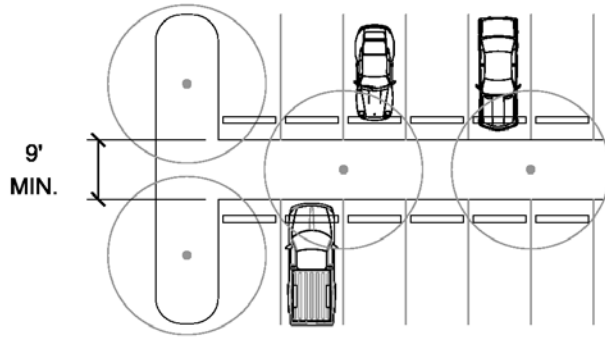
- (a) A minimum of ten (10) percent of the interior of parking lots shall be set aside for landscaping areas, exclusive of paved pedestrian areas;
- (b) The landscaped area shall be calculated as ten (10) percent of all drives, parking areas, and drive islands;
- (c) Each landscape island shall contain at least one (1) shade tree;
- (d) One shade tree per forty (40) feet of parking shall be installed in landscape medians;
- (e) A minimum of two (2) shade trees for every five (5) parking spaces shall be provided;

**SECTION VII
LANDSCAPING STANDARDS**

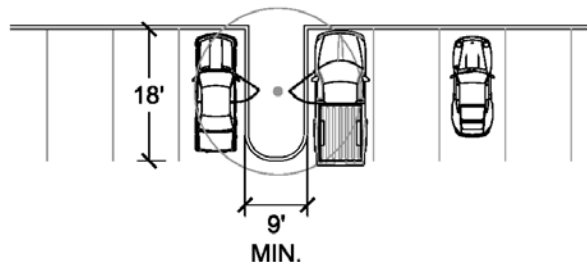
- (f) One shrub per two hundred (200) square feet of parking area (or 1.6 shrubs per parking space) shall be provided. Perennial plantings may be used in place of shrubs.
- (g) A maximum of ten (10) contiguous parking spaces shall be permitted. A minimum nine (9) foot wide landscape island shall be provided between each area of contiguous parking spaces and shall be incorporated into each parking design. Please see graphic below.



- (h) Either a porous curb or wheel stop shall be provided for all parking spaces adjacent to interior planting areas or pedestrian areas to protect those areas from overhanging by parked vehicles. Please see graphic below.



- (i) Planting islands which are parallel to parking spaces on both sides shall be a minimum of nine (9) feet wide (to allow car doors to swing open) and eighteen (18) feet long measured from face of curb. Please see graphic below.



SECTION VII LANDSCAPING STANDARDS

7.7.3 Parking Lot Perimeter The parking perimeter is defined as that area directly adjacent to the parking area. Landscape screening of parking areas from all abutting streets and properties shall be provided to increase the attractiveness of the parking area, to provide shade, and to provide visual buffering. Parking lot perimeter landscape requirements can be combined with perimeter landscape requirements when the areas overlap. Exceptions may be made by the Planning Board to foster connectivity between adjacent, off-street parking areas. Perimeter landscaping shall contain the following elements:

- (a) Depending upon site constraints and opportunities, the landscaped area must be at least five (5) feet wide with one tree and three shrubs required for thirty five (35) linear feet of perimeter;
- (b) Drought and salt tolerant shade trees, at least 12 feet high at 2-1/2" to 3" caliper at time of planting;
- (c) Shrubs 2-1/2 to 3 feet high at time of planting. Perennial plantings may be used in place of shrubs.

Buffer requirements can be combined with perimeter landscape requirements when the areas overlap.

7.7.4 Parking Lot Adjoining Residential Areas Screening shall be 100% opaque up to six (6) feet along boundary lines adjoining residential areas. The standards for other site screening opacities will be site specific and evaluated for the type of development. The treatment of adjoining properties will also help determine the screening requirements. The Planning Board may require that this be increased when the lot is at a lower elevation than adjoining properties. The standards for other site screening opacities will be site specific and evaluated for the type of development. The treatment of adjoining properties will also help determine the screening requirements.

7.8 STREET LANDSCAPE STANDARDS When new streets are proposed as part of a subdivision, new streets shall be bordered with trees on both sides. To avoid damage to trees during construction, street trees shall be installed upon completion of the street construction, and street trees shall conform to the following standards:

- (a) Street trees shall be deciduous, hardy, drought and salt tolerant species at 2-1/2" to 3" caliper and a height of twelve (12) feet at time of planting. Shade trees shall be spaced at intervals no greater than thirty five (35) feet. Selected species shall cast moderate to dense shade in summer; have a typical life span of more than sixty (60) years; mature to a height of at least fifty (50) feet; be able to survive two (2) years with no irrigation after establishment, and be of native origin.
- (b) To foster biological diversity trees planted along a given street shall use the "10-20-30 Rule" (No more than ten 10% of the trees shall be of the same species,

SECTION VII
LANDSCAPING STANDARDS

no more than 20% in the same genus, and no more than 30% in the same family).

- (c) Trees located under utility wires should be a low-growing species.
- (d) Trees should be located to avoid obstruction for driver visibility, and to avoid interference between root systems and utilities. Trees may be planted individually or clustered.
- (e) All newly planted trees, shrubs and other vegetation shall have a watering plan during the establishment period (for trees, one-year-per-inch in caliper at planting, shrubs and other vegetation generally establish within one growing season). All planting beds shall be mulched in accordance with good landscape practices.
- (f) Where cul-de-sacs are permitted, the island or center area of the cul-de-sac shall remain in a natural vegetated state, with any invasive species removed. If it will be used as a bio-filter for storm-water treatment, the area shall be vegetated with a combination of living plant material including trees, shrubs, and groundcovers. Non-living landscape material may cover up to twenty (20) percent of the island or center area. When planting of vegetation is required, cul-de-sac landscaping shall be installed after construction of the street is complete.

7.9 SIDEWALK LANDSCAPE STANDARDS When sidewalks are constructed, a minimum four (4) foot vegetated strip shall be provided between the street edge and a sidewalk or walkway area. It is strongly recommended that the area be vegetated with perennials, groundcovers, and shrubs (30 inches or less at maturity).

7.10 OPEN SPACE LANDSCAPE STANDARDS All areas that are required to be landscaped and planted shall be clearly shown on the landscape plan. All areas shall be de-compacted (aerated) and covered with a minimum thickness of four (4) inches of non-compacted topsoil, and shall be subsequently planted. No ground shall be exposed to bare soil.

7.11 LANDSCAPING AND SCREENING OF ACCESSORY STRUCTURES AND UNSIGHTLY FEATURES Refuse, dumpsters, compactors, and stock piled materials shall be located so as to be out of view from any abutting property and from the public right-of-way throughout the year. These items shall be properly located within a secured area that has been effectively screened. At a minimum, all such areas shall be concealed with fencing that is at least as tall as the items to be stockpiled, and landscaped with plant materials. All fencing and screening material shall be shown on the plan.

7.12 PERFORMANCE GUARANTEE To ensure that the landscaping is installed in accordance with the final approved landscaping plan and that all plants remain healthy, a performance guarantee shall be required, as a condition of approval, which will be held a minimum of twenty four (24) months after an approved inspection.

**SECTION VII
LANDSCAPING STANDARDS**

7.13 MAINTENANCE AND ENFORCEMENT All required landscaping, buffering and screening shall be maintained in a healthy condition and in accordance with the approved landscape plan. Failure to maintain or to replace dead, diseased, or remove material as shown on the approved landscape plan shall constitute a violation and shall be subject to the penalty provisions of these regulations. The Town reserves the right to draw upon the performance guarantee to replace dead, diseased, or to remove material as deemed necessary.

**SECTION VIII
EROSION AND SEDIMENTATION CONTROL PLAN**

The standards for stormwater management and erosion control shall be, at a minimum, those standards outlined in the New Hampshire Stormwater Manual (New Hampshire Department of Environmental Services, December 2008), as amended.

SECTION IX
ACCESS, PARKING, LOADING AND PEDESTRIAN SAFETY STANDARDS

All parking shall conform to the **Parking Requirements** outlined in Section VI of the Hopkinton Zoning Ordinance.

9.1 ACCESS TO PUBLIC STREETS All access shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, including the Town of Hopkinton Subdivision Regulation Road Design Standards and Driveway Regulations, as adopted and amended.

- (a) **Access Point Pavement**. All access points on the site must be paved; however, the Planning Board will entertain the use of permeable pavement if sufficient information is submitted to document the effectiveness of such pavement, such as climatic conditions and any other conditions that may affect the overall performance of the pavement. All access points must be constructed to minimize dust, erosion, and run-off conditions that could have a detrimental effect on abutting or neighboring properties and public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
- (b) **Driveway Access**. All development shall provide for safe and satisfactory access from a public street. Where driveway access would be from a state road, or any street that has been functionally classified as a minor collector road or higher, the Board may require that such lot be served by a combined access drive serving several lots in order to limit possible traffic hazard on such street; or the Board may require a deceleration – acceleration lane to facilitate traffic movement.
- (c) **Reconfiguration of Access Points**. If an existing site is redeveloped as a result of change of use or expansion, any access points that are not in compliance with existing standards outlined in these regulations shall be brought into compliance. This may include reconfiguration of the access points to facilitate better and safer access to and from the site due to trip generation changes that occur as a result of the new use.
- (d) **Emergency Access**. Buildings, structures, parking lots, and landscaping shall be arranged so that access and egress by emergency vehicles will not be inhibited, and so as to promote safe internal circulation on the property.
- (e) **Sidewalks**. Sidewalks, a minimum of four (4) feet wide, shall be provided for pedestrian traffic to provide connection between the main entrances to businesses, housing, or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provisions shall be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways, shall be at least six (6) inches above grade and protected by curbing.
- (f) **Loading and Unloading**. Loading and unloading space must be provided off-street. The site must be designed to adequately provide for the maneuvering of delivery trucks or other vehicles that may use the site, including employees, customers, and delivery of goods. Maneuvers for parking and loading or unloading spaces must not take place from a public street, and should not interfere with other traffic flow into or within the site.

SECTION IX
ACCESS, PARKING, LOADING AND PEDESTRIAN SAFETY STANDARDS

- (g) **Site Distance**. Site distance is crucial to ensure safe ingress and egress from a site. For all access points, adequate sight distance standards in accordance with acceptable engineering practices and State or National standards (whichever is stricter) shall apply.
- (h) **Driveway Approaches**. Driveway approaches, widths, and throat lengths must be adequately designed to accommodate the volume of traffic entering and exiting the site. This design must also take into consideration the safety of pedestrians, bicyclists, and other motorists. The standards applied must not be so excessive so as to pose safety hazards to pedestrian, bicyclists, or other motorists.
- (i) **Driveway Alignment**. Driveways shall be aligned with those curb cuts directly across the street from the site unless a safer and more effective configuration is presented that will facilitate better traffic circulation in the area.
- (j) **Off-site Improvements**. Where traffic from a proposed development will adversely impact an adjacent street or intersection, provision shall be made for the mitigation of said impacts. Such improvements may include, but are not limited to: medians, traffic signage, drainage improvements, sidewalks or other pedestrian infrastructure or modifications to existing infrastructure, traffic signals, and curbing.

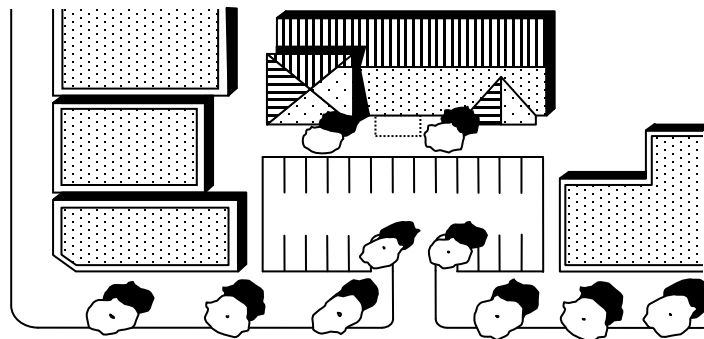
SECTION X
PARKING LOT DESIGN, DRIVEWAYS, AND SHARED ACCESS PERFORMANCE
STANDARDS

10.1 PARKING LOT DESIGN SUBMITTAL REQUIREMENTS Parking design and configuration plans shall include the following submittal requirements:

- (a) Location of access points on both sides of road including distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
- (b) Number and direction of driveway lane(s) to be constructed, with striping and signage plans;
- (c) All planned transportation features (emergency/fire lanes, frontage roads, common access drives, signals, etc.);
- (d) Trip generation data and traffic studies;
- (e) Parking and internal circulation plans; and
- (f) Plat map showing property lines, setbacks, rights-of-way, and ownership of abutting parcels.

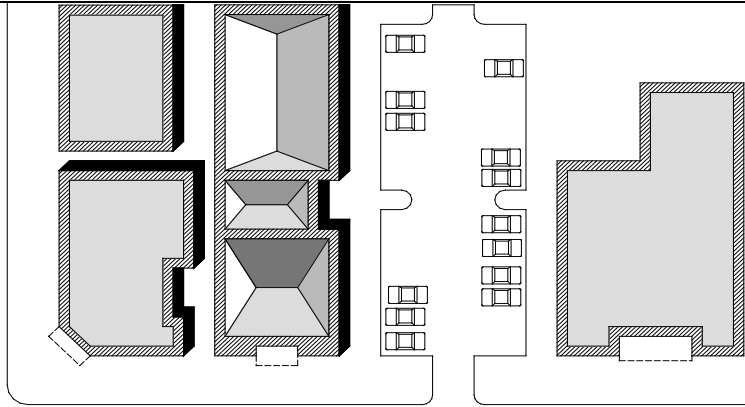
10.2 PARKING LOT DESIGN REQUIREMENTS

- (a) **Location:** Parking lots should be located to the side and rear of proposed structures. See graphics below:

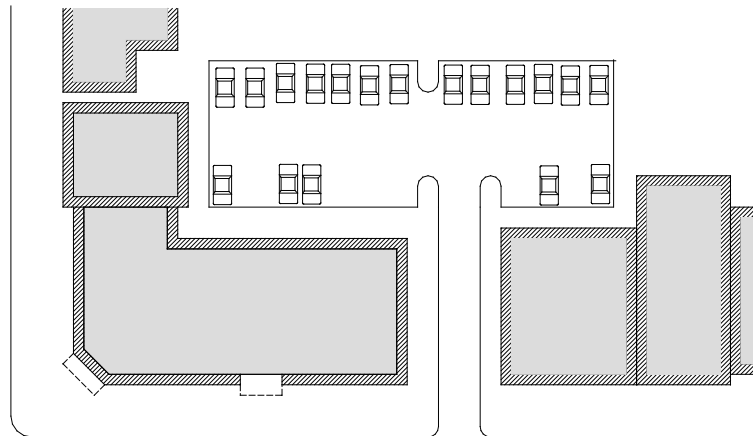


Not desirable – the full length of parking lot is located along the street in front of the building.

**SECTION X
PARKING LOT DESIGN, DRIVEWAYS, AND SHARED ACCESS PERFORMANCE
STANDARDS**



Better – length of parking lot along the street front is limited.



Preferred – parking lot is located behind buildings.

(b) Surface Materials:

- (1) Uses in operation for 6 months or more of the year are required to pave all parking and loading areas. Pavement shall consist of a binder and wear course. In loading areas, additional pavement may be required due to weight of delivery vehicles. Applicants are encouraged to use alternative impervious surface materials other than asphalt and concrete. The Planning Board will entertain the use of permeable pavement if sufficient information is submitted to document the

SECTION X
PARKING LOT DESIGN, DRIVEWAYS, AND SHARED ACCESS PERFORMANCE
STANDARDS

effectiveness of using such pavement in light of climatic conditions and any other conditions that may affect the overall performance of the paving. Encouraged materials include brick, concrete pavers, stamped concrete, cobblestone, and other similar materials.

- (2) Seasonal properties open for business for six months or less annually may use alternative surface materials such as crushed stone or gravel. Sites without paved parking areas shall be required to construct a paved driveway apron at least 30' in length to protect town / state roadways.
- (c) Proper drainage and storm water control facilities shall be incorporated to prevent floating and suspended debris in storm water, snowmelt, or other runoff from exiting the site. Such features may include catch basins, retention ponds, vegetated swales, drywells, grid separators, or other facilities approved by the Planning Board.

10.3 CONNECTIVITY WITH ADJACENT PARCELS / PARKING AREAS The Planning Board may require the use of cross access drives, and other access management techniques to reduce the number of access points on to public roadways. A system of joint use driveways shall be established wherever feasible, along all state roads, and roads with minor collector classification or higher. The location, width, and pavement treatment of all driveways and access points within 200 feet of the site shall be shown on the site plan. The applicant is encouraged to discuss with the Planning Board their plans to minimize access points and provide for joint use driveways and cross easements prior to submitting a formal site plan application.

Where cross access arrangements are proposed or requested by the Planning Board, the site plan design shall incorporate the following:

- (a) A least one (1) cross-easement or right-of-way to each abutting parcel, whether developed or not. Said easement or right-of-way shall be recorded with the deed of each parcel allowing for shared or cross access to and from other properties by the joint use driveways and/or access drives;
- (b) Connecting drives shall be constructed with a design speed of 15 mph and sufficient cart way width of at least 22 feet to accommodate two-way travel;
- (c) The applicant will record an agreement with the deed that remaining access rights along the roadway providing frontage to the development will be dedicated to the Town and pre-existing driveways will be closed and eliminated after the construction of the joint-use driveway; and
- (d) All agreements will be recorded with the deed, including but not limited to maintenance agreements and shall be review and approved by the Town Attorney. Cost of legal review of all documentation will be borne by the Applicant. All costs shall be paid by the applicant prior to the signing of the final plat.

10.4 DRIVEWAY SPACING / LOCATION The following shall serve as the acceptable standard for determining the location and spacing of driveway/access points in a

**SECTION X
PARKING LOT DESIGN, DRIVEWAYS, AND SHARED ACCESS PERFORMANCE
STANDARDS**

development, or as these standards are amended they shall hereby be incorporated by reference.

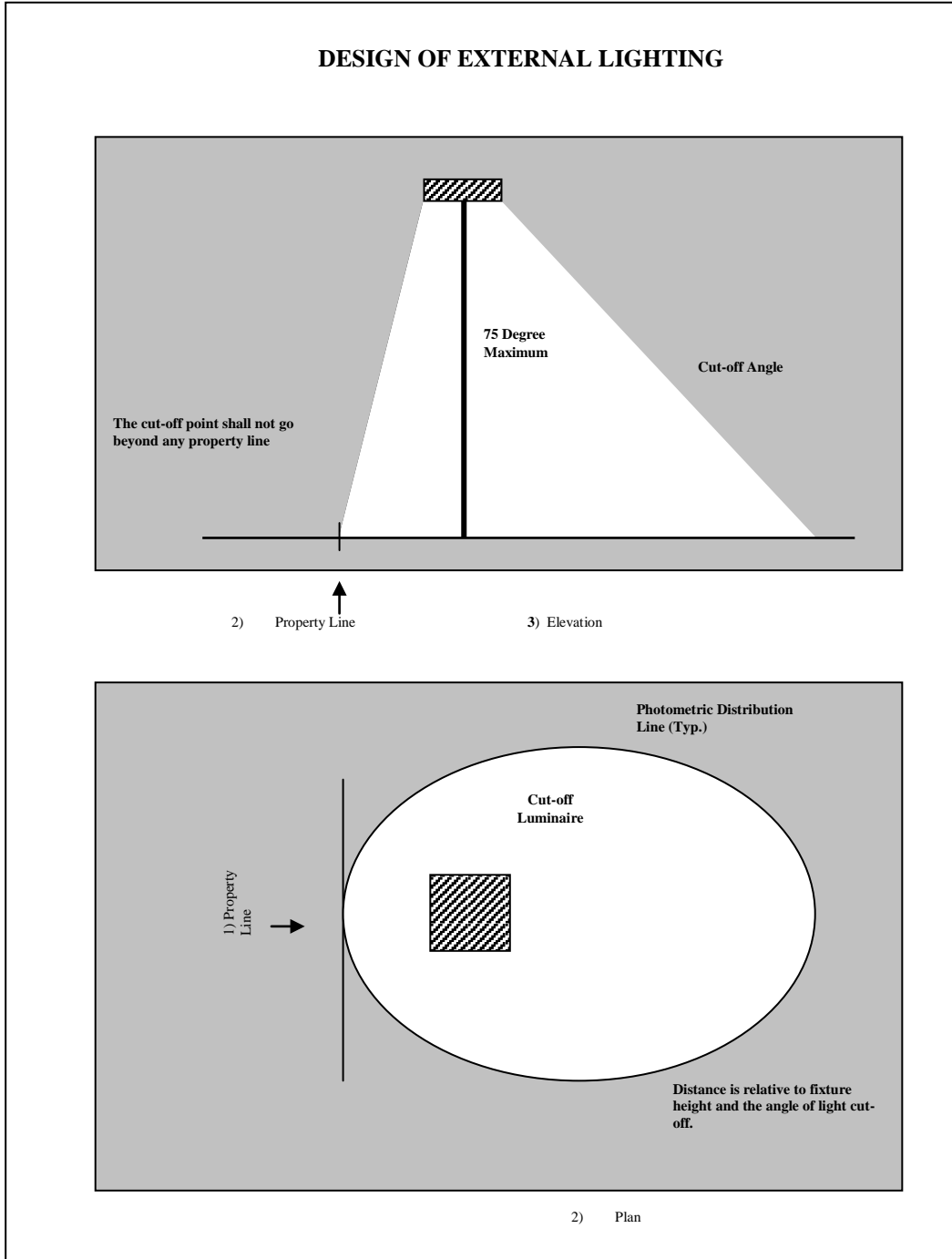
Posted Highway Speed Limit	Driveway Spacing (ft)
35 MPH or Less	150'
40 MPH	185'
45 MPH	230'
50 MPH	275'

Source: "Access Management for Streets and Highways",
Federal Highway Administration, 1982 or as amended

These driveway spacing requirements shall be required unless specifically waived by the Board.

**SECTION XI
EXTERIOR LIGHTING STANDARDS**

The applicant shall demonstrate compliance with the requirements of Section XVIII, Outdoor Lighting Ordinance, of the Hopkinton Zoning Ordinance.



SECTION XII
EXTERIOR BUILDING FAÇADE PERFORMANCE STANDARDS

The applicant shall demonstrate compliance with the requirements of Section IV-A, **Architectural Design Review Ordinance**, of the Hopkinton Zoning Ordinance for the following activities:

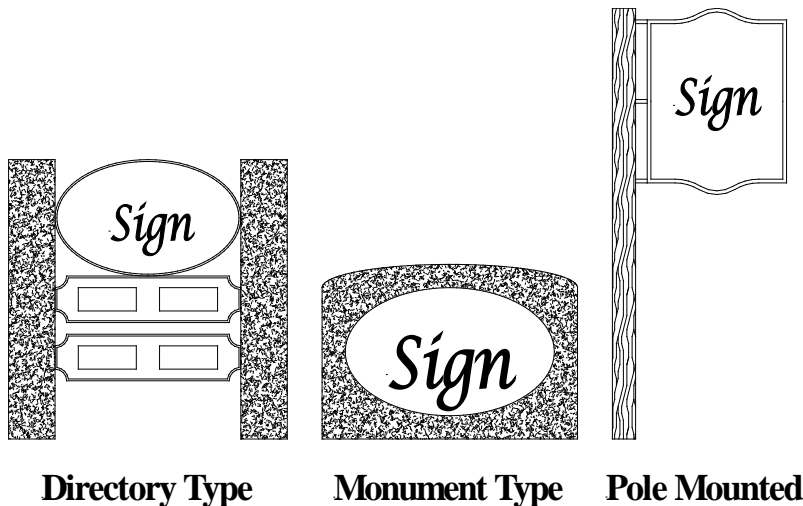
- (a) New building construction to be used for non-residential or multi-family purposes; or
- (b) Additions or alterations to buildings used for non-residential or multi-family purposes which increase or decrease the square footage of the building; or
- (c) Renovations, rehabilitation or reconfiguration of building exteriors where such buildings are used for non-residential or multi-family purposes.

SECTION XIII
SIGNAGE DESIGN STANDARDS

All signs shall be designed to fit the architectural characteristics of the building and take into account: letter size and style of text, sign support methods, sign area configuration, sign shape and proportion, construction materials (text and background surfaces), and lighting. All signs shall be in compliance with the provisions of Section VII, **Sign Ordinance**, of the Hopkinton Zoning Ordinance.

- (a) Wall signs above the eave line are discouraged.
- (b) The use of carved or painted wood, stone, or other masonry products is encouraged.
- (c) Internally illuminated signs shall be prohibited, except as provided in Section VII, Signs, of the Hopkinton Zoning Ordinance.
- (d) A Signage Landscape Strip shall be constructed to re-establish ground cover where disturbed by sign installation and to screen the foundation of monument or pedestal signs without blocking the view of signage information.

Suggested General Forms for Freestanding Signs



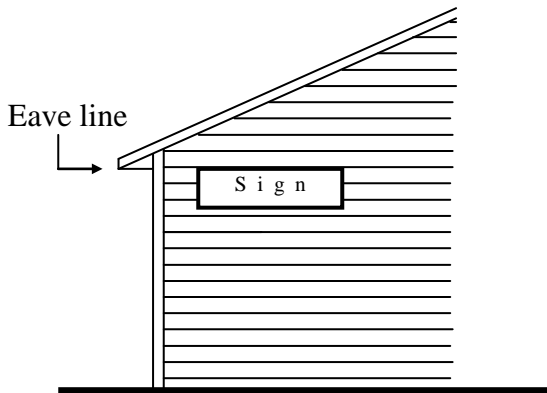
13.1 WALL AND EAVE-LINE SIGNS (EXCEPT FOR SIGNS DIRECTLY PAINTED TO STRUCTURES)

- (a) Wall and eave-line signs shall be designed to be compatible with the predominant visual elements of the building and emphasize architectural elements of the building's facade.
- (b) Signs shall establish a visual continuity with adjacent building facades.
- (c) Signs shall be oriented to emphasize visibility to pedestrian walking and motorist traveling along the street. The size of the sign shall not distract from the other visual aspects of the building or surrounding area.

**SECTION XIII
SIGNAGE DESIGN STANDARDS**

- (d) The letter area as it relates to the overall sign background area shall be proportional, and the lettering shall not occupy more than seventy-five percent (75%) of the sign panel area.

Preferred Location for Wall and Eave Line Signs



**SECTION XIV
PERSONAL WIRELESS SERVICES FACILITIES**

In reviewing and approving the site plan, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse impact of the proposed tower or antenna on adjoining properties and preserve the intent of the Hopkinton Zoning Ordinance. Therefore, applicant shall demonstrate compliance with the requirements of Section 3.10, **Personal Wireless Service Facilities**, of the Hopkinton Zoning Ordinance.

**SECTION XV
WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS**

Water supply and sewage disposal systems must comply with the regulations of the New Hampshire Department of Environmental Services, Water Division and/or the Town Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the owner or his agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of the proposed sewage disposal system. The owner or his agent shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Water Division, for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

**SECTION XVI
FLOOD HAZARD AREAS**

All site plans for both non-residential development and multi-family units shall comply with the Town of Hopkinton **Floodplain Development Ordinance**, Section XVII.

**SECTION XVII
REFUSE STORAGE AREAS**

All dumping or disposal of garbage and other refuse shall be in compliance with Section 5.4.5 of the Hopkinton Zoning Ordinance. All waste material shall be kept in an enclosed building or property contained in a closed container designed for such purposes. All exterior trash containers shall be screened on each side and shall not be visible from the street. Screening shall comply with the **Landscaping Standards**, Section VII of these Regulations.

**SECTION XVIII
UTILITIES**

All non-residential and multi-family structures and sites shall be serviced with underground utilities.

SECTION XIX
WAIVERS OF SITE PLAN REVIEW REGULATIONS

19.1 GENERAL The Planning Board may waive any of the requirements of this regulation where it finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing terms, or the purpose of these regulations may be served to a greater extent by an alternative proposal. The purpose of granting waivers under the provisions of this regulation shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by the terms of the ordinance. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of the following apply:

- (a) The granting of the waiver will not be detrimental to the public safety, health, or welfare, or be injurious to other property, and will promote the public interest.
- (b) The waiver will not in any manner conflict with the provisions of the Town's Zoning Ordinance and Master Plan.
- (c) The waiver will substantially secure the objectives, standards, and requirements of these regulations.

19.2 CONDITIONS FOR GRANTING OF WAIVERS In granting waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of this ordinance.

19.2.1 Procedures The applicant shall submit a request for a waiver in writing with the application for Planning Board Review. The request shall state fully the grounds for the waiver and all of the facts relied on by the applicant. Failure to submit the request in writing shall require an automatic denial of the waiver.

SECTION XX
PERFORMANCE GUARANTEES

20.1 APPLICATION The Planning Board may require the posting of an improvement guarantee in such amount and form as specified below, as is reasonably necessary to ensure the proper installation of all on and off-site improvements required as conditions of approval. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the applicant.

Upon substantial completion of all required improvements, the developer shall notify the Planning Board of the completion or substantial completion of improvements, and shall send a copy of such notice to the Board of Selectmen. The Board of Selectmen or their duly authorized representative shall inspect all improvements and shall file a report indicating approval, partial approval, or rejection of such improvements with a statement of reasons for any rejection.

The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the town officials.

If the improvements are approved, the guarantee shall be released. Where partial approval is granted, the developer shall be released from liability only for that portion of the improvements approved, at the discretion of the Board of Selectmen.

20.2 FORM OF GUARANTEE Performance guarantees may be provided by a variety of means that shall be approved as to form and enforceability by the Planning Board and Town Attorney. Acceptable forms of performance guarantees may include, at the Board's discretion:

- (a) **Security Bond.** The applicant may obtain a security bond from a surety bonding company authorized to do business in the State of NH.
- (b) **Letter of Credit.** The applicant may provide an irrevocable letter of credit from a bank or other reputable lending institution.
- (c) **Escrow Account.** The applicant may deposit cash or other instruments readily convertible into cash at face value, either with the municipality, or in escrow with a bank. Any such account shall require Town approval for withdrawal and shall stipulate that the Town can withdraw the money upon forty-eight (48) hour advance notice to the applicant to complete the guaranteed improvements.

**SECTION XXI
RECORDING**

If a survey of the property has been required under the provisions of these regulations, then the approved Site Plan Map must be recorded with the Registry of Deeds. A copy of the recorded documents, with proof thereon of recordation must be filed with the Planning Board. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.

**SECTION XXII
JOINT HEARINGS**

Pursuant to RSA 676:2, and in accordance with adopted **Rules of Procedure**, the Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a proposal. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that the Zoning Board of Adjustment holds a hearing for special exception for the project.

**SECTION XXIII
AMENDMENTS**

Amendments to these Site Plan Review Regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may be amended from time to time.

**SECTION XXIV
SEPARABILITY**

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate in any manner, any other provision contained herein.

**SECTION XXV
PENALTIES**

Any person who violates any provision of the ordinance shall be subject to penalties in accordance with RSA 676:17. (2006)

**SECTION XXVI
ENFORCEMENT**

These Regulations shall be enforced by the Board of Selectmen, its duly authorized agent or as otherwise set forth in statute or zoning ordinance.

26.1 WRITTEN NOTICE OF VIOLATION A written notice of violation shall be issued to the property owner by registered mail from the Board of Selectmen or their designated agent if they determine that conditions at the site are in violation of any of the requirements of this regulation or plans approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:

- (a) Specify the actions or conditions that violate the requirements of this regulation or plans approved under this regulation;
- (b) Identify what needs to be done to correct the violation(s);
- (c) Specify a reasonable time frame within which the violation will be corrected; and
- (d) Be provided to the property owner with a copy to be kept in the official records of the Planning Board and the Board of Selectmen.

Enforcement action may include, *Cease and Desist Orders*, in accordance with RSA 676:17-a. *Local Land Use Citations*, RSA 676Z:17-b, or other legal remedies available to the Town of Hopkinton.

**SECTION XXVI
EFFECTIVE DATE**

The effective date of these regulations shall be April 10, 2012.

APPENDIX A
CHECKLIST – SITE PLAN REVIEW

In cases where not all items are applicable, draw a line through the items that are not applicable. **All requests for waivers must be in writing with the application.**

ALL APPLICATIONS

- 1. Ten (10) copies of completed application, all associated documentation and checklist;
- 2. List of names and addresses of abutters and use of abutting properties, identified with location of the structures and access roads;
- 3. One (1) set of address mailing labels of abutters, applicant, engineer, architect, soil scientist, wetland scientist, land surveyor, and any holders of conservation preservation, or agricultural preservation restrictions or easements;
- 4. The appropriate fee;
- 5. Site plan: 24" by 36" sheet size maximum, scale not less than 1" = 100', match lines where needed, date, title, graphic scale, north arrow, location map, legend, name & address of developer/applicant, designer/engineer, and owner of record;
- 6. Four (4) prints of each plan sheet at full scale and one (1) reduction of each plan reduced to no more than 11" x 17";
- 7. All existing and proposed easements;
- 8. Site plan showing boundaries, existing natural features including watercourses & water bodies, trees & other vegetation, topographical features, and other pertinent features that should be considered in the site design process;
- 9. Plan of all buildings depicting their type, size, and location (setbacks);
- 10. Location of off-street parking and loading spaces with a layout or the parking indicated;
- 11. The location, width, curbing and type of access ways and egress ways (driveways), plus streets and sidewalks within and around site;
- 12. Location, size, and design of proposed signs and advertising or instructional devices;
- 13. Location and type of lighting for all outdoor facilities, including direction and area of illumination;
- 14. Right-of-way lines of all existing adjoining streets;
- 15. Location and type of Water supply & sewage disposal facilities;
- 16. Zoning districts and boundaries for site and within 1000 feet of site;
- 17. 100 year flood elevation line, where applicable;

**APPENDIX A
CHECKLIST – SITE PLAN REVIEW**

- 18. An elevation view or photograph of all buildings indicating their height, width and surface treatment;
- 19. Landscaping plan showing required details described within the Site Plan Review Regulations, and
- 20. Other required exhibits or data in order to adequately evaluate the proposal.

PROJECTS REQUIRING NEW OR ADDITIONAL BUILDINGS OR CHANGES TO THE EXTERIOR DIMENSIONS OF EXISTING OR CHANGES TO EXISTING CONTOURS AND FINISHED GRADE ELEVATIONS, INCLUDING TYPE, EXTENT, AND LOCATION OF LANDSCAPING, PARKING AND OPEN SPACE AREAS SHALL SUBMIT THE FOLLOWING IN ADDITION TO ABOVE:

- 1. Reproducible mylar, to be retained by the Planning Board at its option;
- 2. Plan of all buildings with their type, size, location (setbacks) and elevation of first floor indicated: (assume permanent onsite elevation);
- 3. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
- 4. The location, elevation and layout of catch basins and other surface drainage features;
- 5. Existing and proposed contours and finished grade elevations – all contours shall be a minimum of 2-foot intervals;
- 6. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;
- 7. The size and location of all public service connections – gas, power, telephone, fire alarm, (overhead or underground);
- 8. Surveyed property lines showing their angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
- 9. If a subdivision, the lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply, and
- 10. Erosion and sedimentation control plan.