

# Seabrook Beach Village District

## Site Plan Review Regulations

1	Authority & Purpose	SP-2
2	Scope of Review	SP-2
3	Fees	SP-3
4	Review Procedures	SP-4
5	Required Exhibits & Data	SP-5
6	Financial Guarantees	SP-6
7	Site Approval Expiration	SP-6
8	Review Standards	SP-7
9	Lighting	SP-8
11	Parking	SP-10
12	Condominium Conversion	SP-11
13	Landscaping	SP-12
14	Spill Prevention & Countermeasures	SP-14

# Site Plan Review Regulations

## Section 1 - Authority & Purpose

Pursuant to the authority vested in the Seabrook Beach Village District (SBVD) Planning Board by Town Meeting, and in accordance with the provisions RSA 674:43-44, the SBVD Planning Board hereby adopts the following regulations governing the review of site plans. The purpose of the site plan review procedure is to protect the public health, safety and welfare, to promote balanced growth, and to ensure positive environmental development in accordance with the Seabrook Master Plan.

## Section 2 - Scope of Review

The development, expansion, or change of use of property for nonresidential use, multi-family dwelling units, or condominium conversion, or excavation which results in the ponding of water shall be subject to review and approval by the Planning Board. A change of use sufficient to invoke Planning Board jurisdiction is:

- The change of one type of use to another, e.g. retail to restaurant; or
- Any use proposed for vacant land or buildings.

Should a use cease for one year, any subsequent use shall be subject to site plan review.

## Section 3 - Fees

**3.100 Standard Site Plan Review:** The application fee for site plan review is \$300 + \$100 per every 1,000 square feet of impacted area. For purposes of determining the appropriate application fee, the plans shall identify and measure the area of all impacted areas, including, but not limited to, buildings, parking, landscaping, woodlands, and wetlands.

**3.200 Low Impact:** The fee for Low Impact Proposals (see Section 4 below) applications is \$100. No impacted area fee, public notice fee or application administration fee are due.

**3.300 Condominium Conversion:** The application fee is \$300 plus \$100 per condominium unit.

**3.400 Conditional Use Permits:** The application fee is \$100. No public notice fee is required.

**3.500 Amended Site Plans:** In those instances in which an applicant seeks to amend an approved site plan less than one year after Planning Board's vote to approve, and in which the proposed amendment impacts less than 10% of the approved site plan impact area, the applicant will pay one hundred percent (100%) of the District's expenses to review the plan, as determined by the Planning Board, and will submit an application fee in the amount of fifty percent (50%) of the original site plan application fee.

**3.600 Additional Fees** specified in Section 4 of the Subdivision Regulations apply to all applications unless otherwise noted herein.

## Section 4 - Site Plan Review Procedure

shall be the same as that required by the SBVD Subdivision Regulations for subdivision review, including provisions relative to abutter notification, public notice, administration; the submittal of site security, exhibits, data, standards, project revisions & as-built plans; the depiction of dimensions, parking, signs, lighting, site features & vegetation; and stormwater standards & requirements. The meanings of terms in the SBVD Zoning Ordinance and Subdivision Regulations apply also to these regulations.

**4.100 Low Impact Proposal:** Notwithstanding the foregoing, in those cases in which the SBVD Building Inspector and/or District Planner determines that a site plan proposal meets all of the following criteria:

- No discernible impact on abutters;
- No adverse impact on the public or the environment;
- No building expansion;
- No increase in intensity of use;
- No increase in traffic impact;
- No condominium conversion, subdivision, or lot line adjustment;
- No changes to stormwater flow or utilities;
- It is the site of a previously approved site plan;
- No review by the Technical Review Committee is warranted;
- No change to lighting or signage;

then the proposal may qualify as a **Low Impact Proposal**, consistent with RSA 676:4 III. Abutters shall be notified pursuant to RSA 676:4. Publication of the notice shall not be required, nor shall review by the Technical Review Committee be required. The Planning Board reserves the right to determine that the proposal does not qualify as a Low Impact Proposal. Required exhibits for Low Impact Proposals are as follows:

- Name of applicant, site address, and business address;
- Name of property owner and address;
- Case number(s) of prior site plan approvals;
- All lot, building, driveway, and parking dimensions;
- Location of lighting, signage, vegetation and other site features;
- Wetlands locations;
- Abutter names and locations shown on drawing;
- North arrow;
- Street names clearly shown;
- Aerial photos and hand drawings are acceptable if they include all of the above;
- Applications should include 12 copies – if color is used, all copies must show colors.

4.200 **Professional Home Offices:** No abutter notification or Planning Board review is required. Applicants for Professional Home Office use shall file an application with the Building Department.

4.300 **Special Events:** No abutter notification or Planning Board review is required. Applicants for a Special Event shall file an application with the Building Department. At the Building Inspector's discretion, the proposal may be forwarded to the Board of Selectmen for review and approval.

## Section 5 - Additional Exhibits & Data Required For Site Plan Review

The applicant shall submit the following exhibits and data, in addition to those required for a subdivision application by the *Subdivision Regulations*, unless such submittal is specifically waived by the Board:

5.010 Copies of all applicable State & Federal Permits;

5.020 Elevation views of all buildings;

5.040 A copy of the certification from a qualified inspector, pursuant to NH RSA 155-A and NH RSA 285, that the project meets the accessibility standards in the State Building Code.

5.050 The location, size and design of proposed signs, outside lighting & other advertising devices;

5.100 Lighting Specifications:

5.110 Description of all Outdoor Lighting Fixtures including component specifications such as lamps, reflectors, optics, angle of cutoff, support poles, additional shields, etc. Include the manufacturers catalog cut or specification sheet for each type of fixture used.

5.120 Location and description of every outdoor lighting fixture including hours of operation.

5.130 The maintained horizontal luminance shown as foot-candles (after depreciation) as follows:

- 5.131 Maximum
- 5.132 Minimum
- 5.133 Average during operating and non-operating hours
- 5.134 Average to Minimum Uniformity Ration.

5.140 Computer generated photometric grid of the site showing the average foot-candle reading in every ten-foot square. This grid shall include contribution from all sources, (i.e., Pole mounted lights, wall mounted lights and signs).

5.150 Foundation and pole details.

5.200 The site plan shall meet the recording requirements of the Rockingham County Registry of Deeds.

## Section 6 – Site Security

The applicant shall submit a site security to ensure that proposed improvements are completed properly and in a timely fashion. The amount of the site security shall be recommended by the District's Peer Review Engineer and approved by the Planning Board, however, the security amount shall be at least \$5,000.

## Section 7 - Site Approval Expiration

In the event that construction is not completed within two years of the date that Site Approval is granted by the Planning Board, the Site Approval shall expire, unless extended by vote of the Planning Board. Site approval shall also expire upon a subsequent site plan approval by the Planning Board for a project on the same site.

# Section 8 - Site Plan Review Standards

While reviewing a final plan, the Board shall consider the following general requirements and design standards:

**8.010 Detrimental Effects To Be Minimized:** Plans shall be reviewed in order to minimize traffic congestion, traffic hazards, unsightliness, annoyance to other land users, erosion and other effects detrimental to the abutters, the neighborhood and the environment.

**8.020 Off-Street Loading:** Sufficient off-street loading space shall be provided, including off-street areas for maneuvering the anticipated trucks or other vehicles.

**8.030 Erosion Control:** Grading, paving and storm drainage systems shall be installed in such a manner as to prevent erosion or sedimentation of streams or damage to abutting properties. Required hay bales and silt fences shall remain in place and will be maintained for a minimum of 24 months. The utilization of wood chips to control erosion is acceptable, as are bales of salt marsh hay. All other hay bales are prohibited due to their propensity to introduce invasive species.

**8.040 Pollution Control:** Oil/water separators shall be installed where the Planning Board deems such installation to be necessary.

**8.050 Local Codes:** All fire and safety codes adopted by the Town of Seabrook shall be adhered to.

**8.060 Sewer:** Sanitary waste facilities in new buildings shall be connected to the municipal sewer system.

**8.070 Truck Operations to be Restricted in Residential Areas:** The applicant shall ensure that truck traffic, the unloading of dumpsters, and the operation of refrigeration trucks will not occur in residential areas between the hours of 11:00 PM and 7:00 AM.

**8.080 Sidewalk Construction Mandatory:** Sidewalks shall be installed at the expense of the developer in all locations that, in the judgment of the Planning Board, will enhance the safe and efficient movement of pedestrians. Sidewalks shall be fabricated of Portland Cement and shall meet the minimum construction standards specified for such sidewalks in the Subdivision Regulations.

**8.090 Curbing Mandatory:** Curbs shall be vertical granite, and shall meet the

current standards and specifications of the NH Department of Transportation. Curbs shall be installed at all roadway curb-cuts, at corners, and at other locations deemed appropriate by the Planning Board.

#### 8.100

8.110 **Noise:** All external machinery shall be muffled so that noise will not be discernible at the perimeter of the lot. At locations where a commercial or industrial proposal abuts a residential use situated within a residential district, the applicant for commercial/industrial use shall construct an acoustical barrier wall to specifications determined by the Planning Board.

8.120 **Loam:** For new connections to the municipal water system, all proposed lawn areas shall be underlain by 6 inches of loam.

8.130 **All Standards** and requirements cited in Section 6 of the Subdivision Regulations shall apply to site plan review.

8.140 **Storage:** There shall be no outside storage of flammable or hazardous gases, liquids, or materials over 500 gallons aggregate. Utilities for heating a building or motor vehicle fueling station are exempt from this regulation.

8.150 **Flood Hazards** - All subdivision proposals and proposals for other development governed by these regulations having land identified as special flood hazard areas in the *Flood Insurance Study* for Seabrook, together with the latest adopted *Flood Insurance Rate Maps* for Seabrook dated January 29, 2021 or later, shall meet the following requirements: 1) Site Plan proposals and proposals for other development shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical and water systems, *are located and constructed to minimize or eliminate flood damage and* adequate drainage is provided to reduce exposure to flood hazards; 2) Site Plan proposals and other proposed new development shall include base flood elevation data.

The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

## Section 9 - Lighting

All lighting fixtures shall meet the following standards:

9.010 **Shielding:** In order to minimize light trespass and direct glare beyond the



site boundary, all outdoor light fixtures shall be fully shielded. This includes Wall Pack Style Fixture.

9.015 **Type:** Pole mounted Outdoor Light Fixture shall be Shoe Box Style. Shoe Box Style Fixtures with Sag Glass Lens and pole mounted flood or spot lights are prohibited.

9.020 **Height:** Pole mounted lighting fixture are limited to 20 feet in height above ground inclusive of the foundation height.

9.025 **Abutters:** Outdoors lighting systems shall be designed such that direct glare is not observable above a height of five feet at the site boundary. Designers are cautioned that this may require shorter poles at perimeter locations depending upon the fixture angle of cut off.

9.030 **Ornamental Lighting** and lighting fixtures used to illuminate landscaping or buildings are prohibited except those that will project light equal to or less than incandescent fixture of 100 watts.

9.035 **Signs:** Lighting fixture used to illuminate outdoor signs shall be subject to the direct glare restriction of section 9.010 and shall be fully shielded.

9.040 **Specifications:** All outdoor lighting systems shall be designed as not to exceed the following Illuminating Engineering Society of North America (IESNA) recommended luminance levels:

***Horizontal Illuminance (Foot candles)***

	Average	Minimum	Uniformity Ratio
Shopping Centers, Restaurants, Offices, during Operational Hours	2.4	0.9	4/1
All sites under all operating conditions when measured ten feet from the property line on abutting properties	0.1	N/A	N/A

*Note: These levels do not apply under service station canopies or awnings at building entrances, however all lights shall be fully shielded or fully recessed into the canopy or awning to meet the direct glare design requirement of section D.*

9.045 **Hours:** All outdoor lighting systems shall be equipped with timers to reduce illumination levels to non-operational levels at a minimum during non-operational hours.

9.050 **Illuminated Signs** shall be equipped with timers to extinguish signs

during non-operational hours.

9.055 **Nonconforming Outdoor Lighting Fixtures** installed prior to the effective date of this section are exempt from the provisions of this section, provided however, that no change in use, replacement, structural alteration, or restoration of Outdoor Lighting Fixtures shall be made unless it thereafter conforms to the provisions of this section.

## Section 10 – None

## Section 11 - Parking Requirements

11.010 **Parking Spaces:** No structure shall be erected nor shall any non-residential land use be established unless appropriate off-street parking and loading space is provided. The number of off-street parking spaces shall conform to the limits specified in the following table:

Type of Use	Maximum # of Spaces	Minimum # of Spaces
<i>Eating &amp; Drinking Establishments</i>		1 space for every 4 seats
<i>Motels and Hotels</i>		1 space for every sleeping room
<i>Offices</i>		1 space per 250 square feet of floor area
<i>Places of Public Assembly</i>		1 space for every 5 seats
<i>Retail Business</i>	1 space per 250 square feet of floor area	1 space per 300 square feet of floor area

If no standard is specified in these regulations, parking requirements will be at the discretion of the Planning Board. The Planning Board may allow variation to these standards if in the board's judgment, circumstances warrant such variation.

11.020 **Parking Dimensions:** Every parking space shall be a minimum of 10 feet in width, and 18 feet in length. Parking lot travel lanes shall be a minimum of 20 feet in width if a herringbone configuration is utilized. Otherwise the travel lanes shall be and a maximum of 24 feet in width.

11.030 **Pavement:** Parking and loading areas shall be paved, if required by the Planning Board. Parking lots shall be designed in such a manner so as to minimize the construction of impervious surface area. For that reason, a herringbone parking alignment is preferred

11.040 **Parking Location:** All parking shall be located on-site, or alternately, a permanent easement may be recorded for alternative parking off-site, so long as the off-site property's potential for expansion is not hindered. Parking is encouraged to be in the rear.

## Section 12 - Condominium Conversion

As used in this section, "*Condominium Conversion*" shall have the following meaning: *The placing or conversion of real property or any interest therein presently under a developed use into the condominium form of ownership pursuant to RSA 356-B.* Such conversions must be approved, in advance, by the SBVD Planning Board. In addition to the requirements specified in these *Site Plan Review Regulations* for site plan review, applications for condominium conversion must meet the following additional requirements:

12.010 **Documents:** A complete set of site plans and floor plans, as well as a complete set of all Condominium documents must be filed with the Planning Board. The applicant's attorney shall certify that all condominium documents are consistent with the SBVD Zoning Ordinance and with the requirements of RSA 356-B.

12.020 **Utilities:** A plan shall be submitted to the Planning Board showing the location of all utilities on the site, and the plan shall indicate the locations where the shutoff valves will be located for each unit. The plan shall indicate whether or not additional meters or additional lines from the street will be required as a result of the condominium conversion. Shut-off valves shall be located on Town-owned property or in a Town-owned right-of-way. Proposed underground utilities shall provide two four-inch ducts for use of the municipality and all overhead poles shall provide space for the use of the municipality at the sub divider's expense. The responsibility for maintenance, operation, replacement and protection of utilities shall be clearly established by the Condominium agreement.

12.030 **Legal Status:** The units which are subject to the requests for condominium conversion must, at the time of the request, exist as legal units pursuant to the ordinances of the Town of Seabrook. The burden shall be on the petitioner to demonstrate that the units to be converted are legal.

- 12.040 **Wetland Protection:** In order for the Condominium Conversion Regulations to be consistent with Section VIII of the Zoning Ordinance, no proposed Limited Common Area shall be allocated a disproportionate share of a lot's wetlands.
- 12.060 **Subsequent Revisions:** Prior to the construction of buildings or infrastructure in any location other than that which was approved, the property owners must first obtain Planning Board approval.
- 12.070 **The Access/Egress** of other property owners shall not be obstructed.
- 12.080 **Parking:** The application shall include a master plan to allocate all parking on-site.
- 12.090 **Stormwater Drainage:** The long term responsibility for maintenance must be clearly defined and binding commitments made by the developer, and a mechanism established to bind successors in title.

## Section 13 – Landscaping

**Purpose of Landscape Design Standards:** The existing landscape of Seabrook is diverse, containing natural wooded environments, open fields, as well as marsh, wetlands and streams. New development should be respectful and sensitive to the dominant landscape character of the town as a whole. Landscaping should result in attractive natural areas, outdoor spaces and open space that incorporate high quality design and maintenance, buffering and screening, and support native wildlife. The purpose of landscaping design standards in Seabrook is to:

13.005 Preserve and enhance the character of Seabrook's landscape and implement goals and objectives of the Master Plan.

13.010 Provide attractive settings for new development, which promotes aesthetically pleasing relationship of scale between buildings and their natural surroundings.

13.015 Preserve and enhance local and regional open space resources.

13.020 Support and encourage the use of sustainable design principles and operating practices that preserve and enhance wildlife habitats, water quality, and overall health of the natural environment.

13.025 Encourage the use of indigenous plant material to provide natural habitat and food sources and to maintain ecological diversity.

13.030 Retain mature vegetation in place or transplant and reuse it on site to the greatest extent feasible and reinforce the visual image of the SBVD.13.035 Enhance the visual impact of public spaces and promote “pedestrian friendly” environments by defining pedestrian and vehicular circulation.

13.040 Offer adequate buffering between abutting parcels and land uses to protect neighboring properties and zoning districts from potentially adverse impacts of structures, lighting glare, noise, wind velocities, and odors and incompatible uses.

13.045 Provide visual relief and mitigate the “heat island affect” from broad expanses of pavement.

13.050 Maintain natural drainage pathways and hydrologic processes and facilitate the reintegration of stormwater run-off on the site.

### **13.200 Preparation of a Landscape Plan**

13.201 A Landscape Plan shall be prepared in sufficient detail to indicate compliance with these regulations. The plan shall include:

13.202 A plant schedule (keyed to plants shown on the plan) including quantity, plant name (common and scientific), planting size and size of maturity, growth habit, and tolerance to environmental conditions. Sizing and measuring shall be governed by the publication *American Standard for Nursery Stock* (2004, as amended) by the American Nursery & Landscape Association (available at [www.anla.org](http://www.anla.org)).

13.203 Written planting notes, requirements and details.

13.204 Existing and proposed vegetation including trees; shrubs and plant beds including all vegetation that shall be retained as required by the Planning Board; dimensions of undisturbed areas and measures that shall be used to protect during construction existing natural features that are to be retained; and location of all utilities above ground and below ground and related easements; and required front, side, and rear yards.

# Section 14 - Spill Prevention, Control & Countermeasures

Any existing or otherwise permitted use or activity having regulated substances in amounts greater than five gallons, shall submit an Emergency Response Official a Spill Prevention, Control & Countermeasures (SPCC) plan that is subject to approval by the Seabrook Fire Chief, or his designee. The plan shall include the following elements:

- 14.801 **Disclosure statements** describing the types, quantities, and storage locations of all regulated substances that will be part of the proposed use or activity.
- 14.802 **Owner** and spill response manager's contact information.
- 14.803 **Location** of all surface waters and drainage patterns.
- 14.804 **A narrative** describing the spill prevention practices to be employed when normally using regulated substances.
- 14.805 **Containment controls**, both structural and non-structural.
- 14.806 **Spill reporting procedures**, including a list of municipal personnel or agencies that will be contacted to assist in containing the spill, and the amount of a spill requiring outside assistance and response.
- 14.807 **Name of a contractor** available to assist in spill response, contaminant, and cleanup.
- 14.808 **The list of available clean-up equipment** with instructions available for use on-site and the names of employees with adequate training to implement containment and clean up response.