

SECTION 300 - APPLICABILITY

302 Exempted Uses – Site Plan approval is not required in the following circumstances:

- 302.1** Routine maintenance or replacement in-kind to structures or property without expansion.
- 302.2** Interior modifications to a structure without changing or adding to the intensity of the use.
- 302.3** Development of a one-family or a duplex residential structure on a lot (except in the case of Open Space Residential Developments), including any associated impervious surfaces or drainage structures.
- 302.4** Temporary uses at existing approved non-residential sites that do not permanently increase traffic, parking, signage or lighting of the site provided that:
 - 302.4.1** The temporary use goes through the Community Development Department’s Technical Review Committee (TRC) Process and there are no outstanding concerns by TRC members;
 - 302.4.2** A Temporary Sign Permit has been applied for and approved, if applicable; and
 - 302.4.3** The temporary use does not exceed 30 days within a 12 month period
- 302.5** Timber harvesting and forest management activities in keeping with spirit and intent of NH RSA 227-G:1.
- 302.6** Installation of solar energy systems on a site and/or non-residential building, if a majority of the power is to be used by those located on the site on which the systems are located, **per NH Public Utility Commission (NH PUC) net metering rules.**
- 302.7** ~~In cases where there is uncertainty as to whether a development proposal is subject to Site Plan Review, the Code Enforcement Administrator or other duly authorized agent shall make a determination, in writing, as to whether site plan review is required.~~
- 302.7** **Change of use of existing non-residential space, which is a permitted use per zoning, and does not constitute an expansion of use.**
- 302.8** **In cases where there is uncertainty as to whether a development proposal is subject to Site Plan Review, the Code Enforcement Administrator or other duly authorized agent shall make a determination, in writing, as to whether site plan review is required.**

303 Minor Site Plan/Change of Use

- 303.1** All site plan applications shall follow the Major Site Plan process unless it is requested by the applicant and determined by the Planning Board that an application qualifies as a Minor Site Plan/Change of Use.
- 303.2** To request an application be heard as a Minor Site Plan/Change of Use application, the applicant shall submit a letter describing the proposed development or change-of-use and addressing the items listed in Section 303.3 below.
- 303.3** Minor Site Plan/Change of Use Applications must describe how they meet the following criteria, as applicable:
 - 303.3.1** The purpose of the plan is for a minor change of use or expansion of use.

- 303.3.2 The site plan will have minimal traffic impact on the surrounding road network.
- 303.3.3 There is no increase of access ways to public streets.
- 303.3.4 Any proposed lot grading does not exceed 15% of the parcel's total square footage, with a maximum allowed increase of 1,500 sqft.
- 303.3.5 Existing drainage systems can accommodate the proposed additional drainage needs.
- 303.3.6 Increase in gross floor area does not exceed 25% of the existing gross floor area with a maximum allowed increase of 500 sq. ft.
- 303.3.7 Expansion of impervious surface does not exceed 25% of the existing impervious area, and does not to exceed 1,200 sq. ft.
- 303.3.8 There are no unusual or special conditions which require supplemental information for Planning Board and outside third party review, such as engineering, traffic, legal, etc.
- 303.3.9 Indicate whether the application is:
 - 303.3.9.1 ~~An open space subdivision with no more than two (2) residential lots.~~ **Site plan review of development of a lot for single family or duplex use when required by subdivision approval.**
 - 303.3.9.2 A new or expanded structure or use required for public safety purposes.
 - 303.3.9.3 A multi-family housing project with three (3) dwelling units.
 - 303.3.9.4 Other application qualifying as "minor"
- 303.4 The Planning Board will review the letter and the justification submitted for meeting the criteria outlined in Section 303.3, discuss the reasons for or against classifying the proposal as a Minor Site Plan/Change of Use, and vote whether or not to deem the application a Minor Site Plan/Change of Use Application.
- 303.5 If the Planning Board determines that the Application does not qualify as a Minor Site Plan/Change of Use, the application will be deemed a Major Site Plan and must follow the procedure and processes for that type of application. The submitted Minor Site Plan/Change of Use Application will be heard as a Preliminary Major Site Plan Application.

SECTION 400 - DEFINITIONS

For the purposes of these regulations, the definitions listed below shall apply. In the case of any word or phrase not defined below, it shall be given the meaning as defined in the Windham Zoning Ordinance, or state law. In the absence of any provided definition, the usual and customary definition of such words or phrase shall apply.

Expansion of Use: Means any increase in dimension, size, area, volume, or height, any increase in the area of use, any placement of a permanent structure or part thereof where none existed before, any improvement that would allow the land to be more intensely developed, any increase in intensity of use based on a review of the ~~original~~ previous nature, function or purpose of the use, the hours of operation, traffic, parking, noise, exterior storage, signs, exterior lighting, types of operations, types of goods or services offered, odors, or area of operation.

SECTION 500 - GENERAL STANDARDS

Site Plan Review shall be required in all circumstances set forth in Section 301 unless excluded by Section 302. The review of any site plan conducted by the Planning Board under these regulations shall ascertain that adequate provisions have been made by the owner or his authorized agent for the following:

- 501 On-site and off-site traffic circulation and access including adequacy of adjacent streets, entrances and exits, traffic flow, sight distances, curb cuts, turning movements or turning lanes, existing or recommended traffic signalization, and projected relocation or widening of streets.
- 502 Pedestrian safety and access.
- 503 Adequacy of the off street parking and the loading facilities, and the safety and circulation of off street parking and loading facilities (except in Open Space Residential Developments).
- 504 No detrimental effect on the community in the areas of danger or injury to health, safety, or general well being by reason of water supply, traffic generation, pollution, such as but not limited to noise, light or odor, drainage, or the requirement for public service which necessitates an excessive expenditure of public funds for the supply of services.
- 505 Protection of the districts in which the site is located and adjoining districts against detrimental or offensive uses or structures on the site.
- 506 Adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site and the methods of drainage for storm waters from its impervious surfaces.
- 507 Preservation, where feasible, of historic and archeological features, as well as the protection of natural land features of the site.
- 508 Landscaping that improves the general character of the surrounding area.
- 509 Signing and exterior lighting that provides adequate site lighting without over lighting the site or adjacent properties while minimizing light pollution (except in Open Space Residential Developments).
- 510 A buffer zone consisting of an existing vegetated or planted screen, berm, or by a solid fence or wall (except in Open Space Residential Developments).
- 511 Emergency water supplies.
- ~~512 In addition, the Planning Board shall review the site plan to assure compliance with the provisions of the zoning ordinance and the minimization of encroachment on neighboring land uses.~~

- 512 **Cross parcel access, where physically feasible, and potentially legally obtainable, for parking lots, driveways, roads, sidewalks and/or access isles.**
- 513 **In addition, the Planning Board shall review the site plan to assure compliance with the provisions of the zoning ordinance and the minimization of encroachment on neighboring land uses.**

SECTION 800 - WAIVER PROCESS

- 801 The applicant may request that the Planning Board waive any of the requirements contained within this document. Requests for waivers shall be submitted in writing, specifying the Section number the justification for the request, and shall be included with the application submission.
- 802 The Planning Board may permit waiver requests to be submitted in writing during the approval process, at their discretion.
- 803 The Board shall vote to grant or deny the applicant's request for a waiver from a specific section of these Regulations at any point during the Change of Use/Minor Site Plan or Major Final Site Plan application process.
- 804 The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may only grant a waiver if the Board finds, by majority vote, that:
- 804.1 Strict conformity would pose an unnecessary hardship to the applicant and the granting of the waiver would not be contrary to the spirit and intent of the regulations; or
 - 804.2 Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations; or
 - 804.3 Granting a waiver will allow for the preservation of historic or culturally significant features and/or structures on the site in which strict conformance to the regulations make it not reasonably possible; or
 - 804.4 **Granting a waiver will allow for the interconnection (presently or in the future) to an abutting parcel(s) for parking lots, driveways, roads, sidewalks and/or access isles in which strict conformance to the regulations would make such interconnection not reasonably possible due to physical or legal impediments.**