

# Subdivision and Site Plan Review Regulations

Town of Bristol, New Hampshire

Adopted October 19, 1977

## AMENDED:

May 28, 1980	May 25, 2005	
November 27, 1984	June 28, 2006	
December 23, 1989	June 13, 2007	
February 07, 1991	May 28, 2008	
December 11, 1991	December 10, 2014	
March 11, 1997	March 25, 2015	
July 25, 2001	April 13, 2016	
September 25, 2002	June 24, 2020	
May 14, 2003	April 27, 2022	
June 25, 2003		
September 24, 2003		
January 14, 2004		

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## **Section I. Authority**

Pursuant to the authority vested in the Bristol Planning Board by the voters of the Town of Bristol and in accordance with the provisions of Chapter 674, Sections 35-42 of New Hampshire Planning and Land Use Regulations, as amended, the Bristol Planning Board adopts the following regulations governing the subdivision of land in the Town of Bristol, New Hampshire.

## **Section II. Title and Purpose**

2.1 These regulations shall be known and may be cited as “Subdivision and Site Plan Review Regulations, Town of Bristol, New Hampshire.”

2.2 The purposes shall be to promote the general health and welfare through these regulations for the subdivision of land in the Town of Bristol and to strive toward attainment of the goals of the Comprehensive Master Plan, 2002-2003 and revised 2006, including the encouragement and promotion of historic preservation, economic growth and promotion of services to and for all citizens of Bristol. *(Amended March 25, 2015)*

## **Section III. Definitions**

### **ABANDONMENT**

The visible or otherwise apparent intention of an owner to discontinue the use of a building, other structure or premises, or the removal of the characteristic equipment or furnishings used in the performance of the use without its replacement by similar equipment or furnishings. *(Amended April 27, 2022)*

### **ABUTTER**

Any person whose property adjoins or is directly across the street or stream from the land under consideration. 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. In the cases of an abutting property being a condominium or other collective form of ownership or being under a manufactured housing park for of ownership, the term “abutter” is as specified for these cases in RSA 672:3. *(Amended June 24, 2020)*

### **ACCESSORY BUILDING**

A subordinate building incidental to and on the same lot occupied by main building or use. The term “accessory building” when used in connection with a farm, shall include all buildings customarily used for farm purposes. Accessory buildings are permitted provided setbacks are met and are exempt from minimum lot requirements. Example: garages, wood sheds, tool sheds.

#### ACCESSORY USE

An accessory use is customarily accessory and incidental to principal use. The accessory use shall be permitted on the same premises with the principal use. A use which is minor in character, but which is clearly separate or different from the premise's "principal use" is not an accessory use.

#### AGRICULTURE

The commercial production, keeping or maintenance, or sale or lease of plants and animals useful to man, including but not limited to: hydroponics; forage and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; fish; trees and forest products; fruits of all kinds including grapes, nuts and berries; vegetables; nursery, floral, ornamental and green house products; or lands devoted to a soil conservation or forest management program. Non-commercial agriculture is allowed in all districts. *(Amended June 24, 2020)*

#### AMUSEMENT

Establishments engaged in providing entertainment for a fee or admission charge and including such activities as bowling alley, dance hall, gymnasium, tennis center, or other indoor commercial amusement or assembly use. Golf driving range, miniature golf course, water slide, or other outdoor commercial establishments.

#### APARTMENT UNIT

One or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

#### APPEAL

A resort or application to a higher authority, as for sanction, corroboration, or a decision.

#### APPLICANT

Means the owner of record, or his/her agent, duly authorized in writing at the time of application.

#### AUTOMOBILE SERVICE STATION

Any building land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries and similar accessories.

#### AUTOMOTIVE REPAIR SERVICES AND GARAGES

Establishments primarily engaged in furnishing automotive repair, rental, leasing and parking services to the general public.

#### BANK

An establishment for the custody, loan, exchange, or issue of money.

#### BASAL AREA

The cross sectional area of a tree measured at a height of 4 ½ feet above the ground, usually expressed in square feet per acre for a stand of trees. *(Amended April 27, 2022)*

#### **BED AND BREAKFAST**

A building intended for the rental of individual rooms to lodgers, providing the first meal of the day in the A.M., for unspecified periods of time.

#### **BOARDING HOUSE**

A lodging house at which meals are provided. No individual kitchen facilities provided.

#### **BOAT STORAGE**

Commercial facility for storing boats, marine equipment and related products either indoor or outdoor. *(Amended June 24, 2020)*

#### **BREW PUB**

A brewery licensed by the state of NH as a brew pub as defined in RSA 178:13. *(Amended April 27, 2022)*

#### **BUFFER STRIP**

Land which is maintained in either a natural or landscaped state and is used to screen and/or mitigate the impacts of development on surrounding areas, properties or rights-of-way. Buffer strips may not be used for structures (except for fences), driveways, or parking areas. Buffer strips may or may not conform with setbacks, as specified by these regulations. *(Adopted June 28, 2006)*

#### **BULK STORAGE**

Storage in containers larger than those normally intended for retail distribution. Storage of up to 600 gallons of fuel oil or propane will not be considered bulk storage. *(Amended April 27, 2022)*

#### **BUSINESS OFFICE**

Bank, insurance, real estate, or other business or professional office.

#### **CHILD/DAY CARE CENTER**

A private establishment where tuition, fee or other forms of compensation for the care of the children is charged, and which is licensed to operate as a child care center. *(Amended June 24, 2020)*

#### **CHURCH**

A place of worship either indoors or outside, including a parish house and rectory.

#### **CLASS VI ROAD**

Means a right-of-way which has been either: (1) discontinued and made subject to gates and bars by a Town Meeting vote, or (2) not maintained by the Town for a period of five years or more.

#### **CLUB**

Private club or lodge including a YMCA or similar facility operating for members or employees only.

#### **CLUSTER**

A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

#### CLUSTER DEVELOPMENT

Means a pattern of subdivision development which places dwelling units into compact groupings while providing a network of commonly owned or dedicated open space.

#### COMPLETED APPLICATION

Means an application with all information and accompanying documents required under these regulations and deemed necessary to invoke jurisdiction and allow the Board to proceed with consideration and make an informed decision.

#### COMBINED DWELLING AND BUSINESS

A building in which is combined dwelling units and business use. The combined business use must be a permitted use in the district. *(Amended June 24, 2020)*

#### COMMERCIAL DEVELOPMENT

A development which might include land areas with or without building where products and/or services are offered to the public.

#### COMMERCIAL ENTERPRISE

A place of business which shall include such activities as retail, wholesale, light assembly work, fabrication of goods and materials, and data services. *(Amended April 27, 2022)*

#### COMMERCIAL DOCKING FACILITY

A multi-slip docking facility in which slips are rented to boat owners or to persons renting boats for short or long term use.

#### COMMUNITY DOCKING FACILITY

A multi-slip docking facility in which slips are rented or assigned to persons other than the owners of the property to which the docks are attached.

#### CONDOMINIUM DOCKING FACILITY

A multi-slip docking facility in which each boat slip is individually owned.

#### CONSTRUCTION DRAWINGS

Detailed information which may be required by the Board, including but not limited to, grading and drainage plans, street plans, elevation plans and/or utility plans.

#### CONSULTANT

A person who gives expert or professional advice for the purpose of investigative studies as specified by the Board.

#### CONTIGUOUS LOTS

Adjacent or abutting lots which have a common boundary line.

#### CONVENIENCE STORE

Any retail store with a floor area of less than 4000 square feet offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood. *(Amended April 27, 2022)*

#### DEVELOPER

The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.

#### **DISTILLERY**

A facility that distills, bottles, sells, and/or offers samples of liquor per RSA 178:6 and 178:7. *(Amended April 27, 2022)*

#### **DISTRICT**

A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

#### **DISTURBED AREA**

An area in which natural vegetation is removed, exposing the underlying soil. *(Amended April 27, 2022)*

#### **DRIVEWAY**

A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure(s).

#### **DWELLING**

A structure or portion thereof which is used exclusively for human habitation.

#### **DWELLING, MULTIFAMILY**

A structure containing more than two dwelling units. *(Amended June 24, 2020)*

#### **DWELLING, SINGLE FAMILY**

A structure containing one dwelling unit. *(Amended June 24, 2020)*

#### **DWELLING, TWO-FAMILY**

A structure on a single lot containing two dwelling units, each of which is totally separated from the other (includes Modular Housing). *(Amended June 24, 2020)*

#### **DWELLING UNIT**

A structure, or portion thereof, occupied or intended for occupancy as separate living quarters, providing complete and independent living facilities, including permanent facilities for living, sleeping, eating, cooking, and sanitation which are used in common by one or more persons. *(Amended June 24, 2020)*

#### **DWELLING UNIT-EFFICIENCY**

A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

#### **EASEMENT**

A grant of one or more of the property rights by the property owners to and/or for the use by the public, a corporation or another person or entity

#### **ENCLOSED OCCUPIED SPACE**

An enclosed structure used for the activities of the occupants.

#### **ENERGY FACILITY**

A business that includes the use of photo-voltaic technology to convert sunlight into energy and / or uses various technologies to store energy for use at a future period. *(Amended April 27, 2022)*



#### ENGINEER

A registered engineer or licensed land surveyor licensed by the State of N.H.

#### EXCAVATION

A land area which is used, or has been used, for the commercial taking of earth, including all slopes. *(Amended April 27, 2022)*

#### EXPANSION

Implies an enlargement in size or use from either the inside or outside of an existing perimeter of a structure or operation. This shall include residential, commercial, industrial or any other preexisting entity.

#### FACILITY

A building, room, array of equipment, or a number of such things, designed to serve a particular function(s) and not otherwise defined in this ordinance. *(Amended April 27, 2022)*

#### FARMING

See Agriculture.

#### FARM ANIMAL

Any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms in the U.S., and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. Farm Animal also includes animals such as horses and llamas when used solely as work and pack animals or simply for pleasure. *(Amended April 27, 2022)*

#### FENCE

A solid or divided wall that is meant to prevent access or visibility from one area to another. A fence is not meant to retain earth. *(Amended April 27, 2022)*

#### FILING FEE

A levy which may be required to accompany any petition submitted to the appropriate board. This fee is in addition to postal notice costs, site inspection fees, and special consultant's fees, if any.

#### FINAL PLAT

The final map of all or a portion of a subdivision or site plan which is presented to the proper review authority for final approval.

#### FLOOD

The temporary overflowing of water onto land which is usually devoid of surface water.

#### FLOOD HAZARD AREA

The flood plain consisting of the floodway and the flood fringe area (See FLOOD PLAIN).

#### FLOOD PLAIN

The channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater.

#### FOOTPRINT

The vertical projection onto the ground of the largest outside dimensions of a structure including porches, decks, eaves and overhangs. *(Amended April 27, 2022)*

#### FORESTRY

Commercial growing and harvesting of forest products.

#### FRONTAGE

The length of the lot bordering on a town or state road, or a subdivision road approved by the Planning Board, excluding class 6 and limited access highway. If the line is curved or irregular, frontage may be measured along the mean of the front lot line. The shore line of a body of water is not considered as frontage.

#### FUNERAL HOMES

Mortuary, funeral home, or similar use.

#### GREENHOUSE

Commercial building for growing plants indoors, and including sale of products grown and associated products. A small greenhouse used primarily by the owner, or for heat conservation, is allowed in all zones.

#### GROSS FLOOR AREA

The total horizontal area of all floors of a building between the surrounding walls.

#### GROUND COVER

Any herbaceous plant or woody plant which normally grows to a mature height of 4 feet or less. *(Amended April 27, 2022)*

#### HALL

A large public or semi-public room or auditorium for gatherings, entertainments, exhibits, etc.

#### HOME OCCUPATION

Any use conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is not outside storage or display except a permitted sign. A home occupation or professional office shall be permitted as a use if: The home occupation is carried on by a resident member of the family and that not more than the equivalent of one full-time employee other than those who are part of the resident family is employed.

#### HOTEL/MOTEL/LODGING FACILITIES

Motel, hotel, tourist cottages, or similar use intended primarily for transient occupancy. All such uses must meet zone restrictions on dwelling units per acre unless an easement has been granted to the town preventing conversion of the building to unit ownership.

#### HYDROPONICS

A technique of growing plants (without soil) in water containing dissolved nutrients. *(Amended April 27, 2022)*

#### IMPERVIOUS COVER

Permanent surface having the potential to cause runoff during a rain event. Examples include— but are not limited to—asphalt roads, hardpack, metal or shingled roofs, and concrete sidewalks. *(Amended April 27, 2022)*

#### INN

A commercial facility for the housing and feeding of transients.

#### INDUSTRIAL DEVELOPMENT

A development which might include land areas with or without buildings, where finished, semi-finished rough or raw materials are processed, fabricated or manufactured.

#### JUNKYARD

Any area, lot, land, parcel, or part thereof used for storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal or other scrap or discarded goods, materials, machinery or other type of junk, or two or more unregistered or inoperable motor vehicles that are not located in a permanent structure. *(Amended April 27, 2022)*

#### KENNEL

A facility (use or structure) for boarding, breeding, training, selling of five (5) or more dogs beyond three (3) months of age belonging to customers, patrons, or others, or lost or strayed animals, for compensation or as a humanitarian gesture. The animals must be licensed and the facility or premises is subject to periodic inspection as scheduled by the Land Use Office. *(Amended April 27, 2022)*

#### LAND USE PERMIT

Written permission issued by the proper municipal authority for the construction, repair, Alteration or addition to a structure. *(Amended December 10, 2014)*

#### LIGHT INDUSTRIAL FACILITY

An enterprise which shall include the establishment of industrial production plants that will not be noxious, offensive, or detrimental to the environment, the Town, or the abutters. *(Amended April 27, 2022)*

#### LIVING SPACE

Any portion of a dwelling that is suitable for human habitation. *(Amended April 27, 2022)*

#### LOT

A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

#### LOT SIZE

Means the total horizontal land area within the boundaries of a lot, exclusive of any land designated for street, reserve strip, open space or other such specially reserved area purposes.

#### MANUFACTURING

Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics resins or liquors.

#### MANUFACTURING FACILITY

A facility whose purpose is the making of goods and articles by hand or machinery often on a large scale and with division of labor to produce a product.

#### MANUFACTURED HOUSING (MOBILE HOME)

Any structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 30 body feet or more in length, or when erected on site, is 240 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-A. *(Amended June 24, 2020)*

#### MANUFACTURED HOUSING PARK

A site with required improvements and utilities for the long-term parking of manufactured housing which may include services and facilities for the residents.

#### MARINA

Marina means a waterfront facility whose principal use is the provision of publicly available service for the securing, launching, storing, servicing or repairing of water craft. A facility for short-term docking that is ancillary to the other land uses is considered a commercial use and not a marina.

#### MEDICAL BUILDING

A building that contains establishments dispensing health services.

#### MEDICAL FACILITY

Medical doctor, dentist, medical laboratory, chiropractor, or similar medical office or use where there are no overnight facilities for patients.

#### MIXED-USE DEVELOPMENT

A cohesive commercial, residential, and institutional development where uses may be located in the same building or in separate adjacent or interconnected buildings. A mixed-use development must consist of elements of a live-work-play environment that should be safe, comfortable, and attractive to patrons, residents, and people walking. It should include employment opportunities for a diverse range of ages with a particular interest in commercial uses that complement and support the nearby businesses and civic uses. *(Amended April 27, 2022)*

#### MOBILE HOME

See MANUFACTURED HOUSING.

#### MODULAR HOME

See DWELLING, SINGLE FAMILY or DWELLING, TWO-FAMILY *(Amended April 27, 2022)*

#### NANO BREWERY

A brewery licensed by the State of NH as a nano brewery as defined in RSA 178:12-a. *(Amended April 27, 2022)*

#### NATURAL WOODLAND BUFFER

A forested area consisting of various species of trees, saplings, shrubs, and ground covers in any combination and at any stage of growth. *(Amended April 27, 2022)*

#### NEW CONSTRUCTION

Construction of a new free-standing structure as defined in this ordinance. *(Adopted December 10, 2014)*

#### NONCONFORMING BUILDING OR STRUCTURE

One that does not conform to the regulations of the district in which it is located.

#### NONCONFORMING LOT

A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

#### NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

#### NONRESIDENTIAL UNIT

One (1) room, or rooms connected together, constituting a place from which a business or other enterprise may be conducted.

#### NORMAL HIGH WATER

The limit of flowage rights in a regulated water body. In an unregulated water body normal high water is the high water experienced in an average year. For lakes where dams are owned by the New Hampshire Water Resources Board, information on the level of flowage rights is available from the Board.

#### OFFICE

The buildings, room, or series of rooms in which the affairs of a business, professional person, branch of government, etc. carry out their duties.

#### OFFICE BUILDING

A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a restaurant, coffee shop, newspaper or candy stand.

#### OFF-STREET PARKING

A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

#### OPEN SPACE

Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

#### ORDINARY HIGH WATER LINE

The line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water line is not easily discernible, the ordinary high water line may be determined by DES. (*Amended April 27, 2022*)

#### OUTLET STORE

Retail sales area on premises for only those products manufactured on premises.

#### PARKING AREA

Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

#### PARKING FACILITY

Parking area, parking garage or similar use.

#### PARKING LOT

An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

#### PARKING SPACE

A single vehicle space consisting of 10' x 20' in area unless otherwise designated by the Bristol Planning Board.

#### PERFORMANCE & PAYMENT BOND

Cash, a suitable surety bond, an escrow deposit or a lien on the property as approved by the Bristol Board of Selectmen to secure regulated improvements on subdivided property.

#### PERSONAL SERVICE SHOP

Barber or beauty shop, laundry or dry cleaning shop, shoe repair shop, pharmacy, photographer's studio, printer, rentals, or similar service commercial uses.

#### PLAT

(1) A map representing a tract of land, showing the boundaries and location of individual properties and streets; (2) a map of a subdivision or site plan.

#### PRELIMINARY PLAN (LAYOUT)

A preliminary map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and preliminary approval.

#### PRESITE BUILT HOUSING

Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation on the building site. Presite built housing shall not include manufactured housing as defined in RSA 674:31.

#### **PRESITE BUILT HOUSING SALES**

A business whose primary purpose is to sell preside-built housing (modular homes) as defined in RSA 674:31.

#### **PRIMARY STRUCTURE**

A structure other than one which is used for purposes wholly incidental or accessory to the use of another structure on the same premises. *(Amended April 27, 2022)*

#### **PRINTING SHOP**

Business producing printed materials.

#### **PRIVATE DRIVEWAY**

A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

DEFINITION DELETED MAY 28, 2008

#### **PROCESSING**

A series of operations, usually in a continuous and regular action or succession of actions, taking place or carried on in a definite manner.

#### **RECREATIONAL CAMPING PARK: SHORT-TERM**

A facility which primarily provides sites for the short-term location of recreational vehicles, travel trailers, tent campers, tents, pickup campers or any type of vehicle or structure used for camping. To qualify as a “recreational camping park; short term”, at least 50% of the available sites must be reserved for non-renewable use of two weeks or less. *(Amended June 13, 2007)*

#### **RECREATIONAL CAMPING PARK: LONG-TERM**

A facility which primarily provides sites for the long-term location of recreational park trailers or other types of recreational vehicles. Any camping park in which less than 50% of the sites are reserved for non-renewable use of two weeks or less will be classified as a “recreational camping park: long-term. *(Amended June 13, 2007)*

#### **RECREATIONAL FACILITY**

A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

#### **RECREATIONAL PARK TRAILER**

A recreational vehicle built on a single chassis, mounted on wheels, which may be connected to utilities necessary for the operation of installed fixtures and appliances, and with a gross trailer area not exceeding 400 square feet when in the set-up mode. Vertical multi-level additions such as second stories, lofts or overhead storage with a maximum ceiling height of five feet are not included in the 400 square feet. *(Amended June 13, 2007)*

#### **REFERENCE LINE**

The ORDINARY HIGH WATER LINE. *(Amended April 27, 2022)*

#### **REPAIR SHOP**

Business for repair of small appliances, radios, televisions, office equipment or similar use.

#### RESEARCH, DEVELOPMENT AND/OR TESTING FACILITY

A facility whose purpose is the careful, systematic, study and investigation in some field of knowledge, undertaken to discover or establish fact or principles- which can be further used for delivery, production, or commercialization. (*Amended April 27, 2022*)

#### RESERVE STRIP

An area for which future public use is intended for street connection or for pedestrian ways.

#### RESIDENTIAL DEVELOPMENT

A development which might include single-family residences either detached or attached; multi-family residences, for rent, lease or sale; hotels, motels, inns or lodging houses; and other developments intended for use for human occupancy, either as temporary or permanent residence.

#### RESIDENTIAL INSTITUTION

Includes home for the elderly, orphanage, rest home, extended care facility, and similar types of group living accommodations. (*Amended April 27, 2022*)

#### RESORT

A facility for transient guests where the primary attraction is generally recreational features or activities.

#### RESTAURANT

Any building, room, space or portion thereof where meals, or sandwiches, or beverages, or ice cream, or other prepared food is sold to the public for consumption on or off the premises. Not to include Restaurant; High-Impact or Restaurant; Take-Out.

#### RESTAURANT; HIGH-IMPACT

Any building, room, space or portion thereof where meals, or sandwiches, or beverages, or ice cream, or other prepared food is sold to the public for consumption on or off the premises and which meets one or more of the following conditions:

- a. Food is customarily served by restaurant employees at the same table or counter at which it is consumed, and seating is provided for more than 180, including both inside and outside seating.
- b. Food is not customarily served by restaurant employees at the same table or counter at which it is consumed, and seating is provided for more than 90, including both inside and outside seating.
- c. Has provisions for selling food directly to consumers in automobiles.
- d. Regularly provides or allows live entertainment, dancing or karaoke.
- e. Is open for business at any time between 11:00 PM and 6:00 AM.

(*Amended June 24, 2020*)

#### RESTAURANT; TAKE-OUT

Any building, room, space or portion thereof where meals, or sandwiches, or beverages, or ice cream, or other prepared food is sold to the public for consumption on or off the premises and which has no interior seating and which meets none of the conditions for Restaurant; High-Impact.



#### RESUBDIVIDE

The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law; or the alteration of any streets or the establishment of any new streets within any such subdivision, but not including conveyances made so as to combine existing lots by deed or other instrument.

#### RETAIL SALES

Includes shop and store for the sale of retail goods, personal service shop and department store, and shall exclude any drive-in service, free-standing retail stand, gasoline service and motor vehicle repair services, new and used car sales and service, trailer and mobile home sales and service and commercial services. *(Amended April 27, 2022)*

#### RETAIL STORAGE

Storage of merchandise intended to be sold to the public.

#### RIGHT-OF-WAY

(1) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses; (2) generally, the right of one to pass over the property of another.

#### SALES ROOM

A business whose primary purpose is to sell automobiles, trucks, boats, motorcycles, snowmobiles, farm equipment, manufactured housing (mobile homes), recreational vehicles or other similar objects and which has outdoor display and storage of the objects. Not to include Presite Built Housing Sales. *(Amended June 24, 2020)*

#### SCHOOL

Public, or private school, college, or other educational facility either licensed by the State of New Hampshire as an educational institution or one which is accredited by a nationally recognized accreditation association.

#### SEATING CAPACITY

The number of seats that can be filled.

#### SELF-SERVICE

A retail commercial enterprise in which the customers serve themselves and pay a cashier.

#### SETBACK

The distance between the street right-of-way line or any other lot line and the edge of a structure (excluding fences) or any projection thereof excluding uncovered steps. *(Amended June 24, 2020)*

#### SETBACK LINE

That line that is the required minimum distance from the street right-of-way line or any other lot lines that establishes the area within which any structure (excluding fences) must be erected or placed. *(Amended April 27, 2022)*

#### SEWAGE DISPOSAL SYSTEM

A system adequate to permit the installation and operation of an approved sewerage disposal plan on the plat for individual, multiple or group sewerage.

#### SHOPPING CENTER

A group of commercial establishments planned, constructed and managed as a total entity with customers and employee parking provided on-site, provision for goods delivery separated from customer access, esthetic considerations and protection from the elements.

#### SHORE LINE FRONTAGE

The average of the actual natural navigable shoreline footage and a straight line drawn between property lines, both of which are measured at the reference line. *(Amended April 27, 2022)*

#### SHORT TERM RENTAL

A dwelling unit where transient lodging is provided for compensation for stays of between one and 30 consecutive nights, and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, rooming/boarding/lodging house, or bed-and-breakfast. *(Amended April 27, 2022)*

#### SHRUB

Any multi-stemmed woody plant which normally grows to a mature height of less than 20 feet. *(Amended April 27, 2022)*

#### SIGN

Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

#### SIGN, TEMPORARY

A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a short period of time.

#### SPECIAL EXCEPTION

A use of a building or lot which may not otherwise be permitted under the Zoning Ordinance except upon application to the Board of Adjustment and subject to the approval of that Board, and only in cases where the words "Special Exception" in the Zoning Ordinance pertain, and in accordance with the provisions of Article V, Board of Adjustment. *(Amended April 27, 2022)*

#### STABLE AND KENNEL

Facilities for keeping of animals.

#### STREET

Any vehicular way which: (1) is an existing state, or municipal roadway; or (2) is shown upon a plan approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior

to the appointment of a planning board and the grant to such board the power to review plats; and includes the land between the street lines, whether improved or unimproved.

#### STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. It shall not include a minor installation, such as a fence six (6) feet high or less, mailbox, flagpole, or sign. *(Amended June 24, 2020)*

#### SUBDIVIDE

To divide land in accordance with the definition of subdivision. *(Amended June 24, 2020)*

#### SUBDIVIDER

Any person having an interest in land that is the subject of an application for subdivision.

#### SUBDIVISION

The division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It includes the division of a parcel of land held in common and subsequently divided into parts among the several owners. This definition is intended to incorporate the full definition contained in RSA672:14. *(Amended June 24, 2020)*

#### SUBDIVISION ROAD

A road meeting the standards specified in Section 5.10 which provides access to lots in a subdivision and is shown on a subdivision plan approved by the Planning Board. *(Amended May 28, 2008)*

#### STORAGE AREA

A distinct part or section of a building set aside for the purpose of storing goods.

#### STORAGE YARD

A tract of ground, often enclosed, used for the specific purpose of storing goods.

#### SWIMMING AREA

Best source of information may be from the state marine safety office.

#### TEMPORARY CAMPING UNIT

Tents, tent trailers, pop-up trailers, camping vans, pick-up campers, vehicle or any other device or vehicular-type structure as may be developed, marketed and used by the camping trade for use as temporary living quarters or shelter during periods of recreation, vacation or leisure time, that do not include an operational approved waste processing system. *(Amended April 27, 2022)*

#### THEATER

A movie and/or playhouse.

#### TOURIST HOME

An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

#### TRUCKING FACILITY

An area and building where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles. (*Amended April 27, 2022*)

#### VARIANCE

Permission to depart from the literal requirement of a zoning ordinance.

#### VETERINARY HOSPITAL

A place for the boarding or treating of animals, provided that the principal user is a certified veterinarian. Such facility shall not be established within 100 feet of a lot line from an adjacent residential lot line. Any outdoor use area shall be enclosed by a solid wall or fence which effectively screens all noise from adjoining property.

#### WAIVER

A special approval by the Planning Board granted when, in the judgment of that Board, a plan is substantially in conformity with current regulations and strict conformity to approved regulations may cause undue hardship or injustice to the owner of the land, provided that the spirit of the regulations and public convenience and welfare will not be adversely affected.

#### WAREHOUSE AND WHOLESALE MARKETING

A building for the storage, distribution, or wholesale marketing of materials, merchandise, products or equipment, provided that such use is not hazardous by reason of potential fire, explosion, or radiation. Not to include Warehouse, Self-Service. (*Amended June 24, 2020*)

#### WAREHOUSING

Terminal facilities for handling freight with or without maintenance facilities.

#### WAREHOUSE, SELF-SERVICE

A commercial facility in which customers rent space to store possessions and are given direct access to the rented space. (*Amended April 27, 2022*)

#### WATER BODY

Any natural or artificial collection of water, whether permanent or temporary.

#### WATERFRONT

Frontage on or access to a lake, pond, or river.

#### WATERFRONT PROPERTY

A property that has frontage on a water body.

#### WATER LINE OF NEWFOUND LAKE

The limit of flowage rights is 7.24 on the gage located at the bridge over the outlet of the lake. This is equal to 589.12 NGVD (as referenced in NHDES letter to Ed Lindholm dated May 17, 1995). (*Amended April 27, 2022*)

#### WETLANDS

Areas defined as, but not restricted to, lakes, ponds, rivers, streams, marshes, swamps, and bogs and such areas which are at least in part underlain by poorly drained and very poorly drained soils, as defined by the National Cooperative Soils Survey, for Grafton County,

NH, of the National Resource Conservation Service of the U.S. Department of Agriculture (USDA), as it may be amended from time to time. Upon inspection during the growing season, wetlands have visible water at or near ground level, and wetlands have plant species characteristic of one or more of the wetland association types. (See NH Wetlands Bureau Code of Administrative rules for further definitions of these wetland association types and their vegetative components.)

#### **WINERY/MEADERY**

A facility that produces, bottles, sells, and/or offers samples of wine or mead per RSA 178:8. (*Amended April 27, 2022*)

#### **YARD SALE, BARN SALE, OR GARAGE SALE**

The sale of household goods from a dwelling, provided that no sales shall continue for more than three (3) consecutive days. All items for sale must be stored inside and out of public view at the end of each sale period. (*Amended April 27, 2022*)

## **Section IV. Exemptions from Subdivision Regulations**

### **4.1 Adjustment of Boundaries**

The sale or exchange of land between owners of adjoining properties for the purpose of minor lot line adjustments or boundary agreements which do not create buildable lots and where the original properties are not reduced in size below the minimum lot size requirement shall be exempted from these regulations, but not RSA 674:37 Recording of Plats.

### **4.2 Parcels Divided by Street**

Any transfer, conveyance or sale of land held in one ownership but previously divided into lots or parcels by an existing street shall not be considered a subdivision for the purposes of these regulations.

### **4.3 Contiguous Lots**

Contiguous lots, parcels or tracts of land in the same ownership and described separately on separate deeds and previously approved by the Planning Board shall constitute separate lots. In such cases, subdivision approval shall not be required for the sale of the area described on a separate deed.

Contiguous lots, parcels or tracts of land in the same ownership whether described in one or more deeds shall constitute one lot if not previously approved by the Planning Board. Subdivision approval shall be required for the sale of any portion of such a lot, parcel or tract of land.

The subdivider shall observe the following general requirements and principles of land subdivision.

## Section V. General Requirements for the Subdivision of Land

The subdivider shall observe the following general requirements and principles of land subdivision.

### 5.1 General Guidelines

- A. A proposed subdivision shall conform with the Comprehensive Town Master Plan, these Subdivision Regulations, the official map and all Town of Bristol Ordinances and any other pertinent State or local laws or regulations.
- B. The subdivider shall give due regard to the preservation and protection of existing features: trees, scenic points, brooks, streams, water bodies, other natural areas and historic landmarks in order to preserve the natural environment.
- C. Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection or other public services; flood hazard, poor soil conditions, excessive slope or other hazardous conditions; or necessitate the excessive expenditure of public funds for the supply of such services is prohibited.

NOTE: Steep land (15 degrees natural slope or greater over the majority of lots), areas with high water table (within two feet of the surface), flood plains areas with less than three feet of natural soil over impermeable material (percolation rate slower than 30

minutes per inch) are problems of such nature to endanger health, life or property. Such areas shall not be platted unless a design solution acceptable to the Board can be presented.

- D. Proposed subdivision which create one or more lots within the 250-foot shoreland protection zone defined in the Comprehensive Shoreland Protection Act (RSA 483-B) and are not served by municipal sewers must be approved by the New Hampshire Department of Environmental Services prior to submission for approval by the Board.
- E. Proposed subdivisions which create one or more lots of less than 5 acres and are not served by municipal sewers must be approved by the New Hampshire Department of Environmental Services (NHDES). NHDES approval must also be obtained for proposed conversion of existing buildings to condominiums where septic systems are, or will be, used.

### 5.2 Easements

- A. Reserve strips of land which, in the opinion of the Board, show intent on the part of the developer or subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
- B. All plats or layouts shall show the boundaries of proposed permanent easements such as for utilities over, under, or on the property. Such easements shall have satisfactory

access to existing and/or proposed public streets. Water courses proposed for public control shall have a permanent easement of not less than 20 feet.

- C. The Board may require areas of the plat to be set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by a covenant in the deed. Whether or not required by the Board, these play or recreation areas shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

## 5.3 Flood Hazard Areas

- A. For subdivisions that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):
  - 1. 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.
  - 2. The Planning Board shall require that all proposals for development greater than 50 lots or five acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
  - 3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
    - a. all such proposals are consistent with the need to minimize flood damage;
    - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
    - c. adequate drainage is provided so as to reduce exposure to flood hazards.

*(Amended June 13, 2007)*
- B. The Board may, if deemed necessary, require new or replacement water supply systems and/or sanitary sewage systems to be designated to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems to be located so as to avoid impairment of them or contamination from them during flooding.

## 5.4 Monuments

- A. Monuments constructed of concrete or stone at least four inches by four inches on the top and at least 36 inches long shall be set at all lot corners and iron pins or equivalent markers at all lot parts where the bearing of a lot line changes.
- B. Two bench marks of the same description as the monument shall be set at opposite ends of the subdivision whose tops are at an even foot in reference to the U.S.G. S. datum plane where practical, or to an assumed datum where the preceding is not feasible.

## **5.5 Documentation of Impacts**

Pursuant to RSA 674:36, it shall be the responsibility for the developer, if the Board deems it necessary, to provide an accurately documented environmental and economic impact statement. Such statement may require adherence to the Master Plan documentation on drainage, erosion, forest productivity, land use, ground and surface water quality, traffic safety, public services, and any other factors that could impact the short and long-term well-being of the people of Bristol.

## **5.6 Special Investigative Studies**

Pursuant to RSA 676:4 (a), it shall be the responsibility of the developer, if the Board deems it necessary, to pay reasonable fees for the review of documents, the cost of special investigative studies, Board administration fees, hiring of consultants and other matters which may be required by special applications.

## **5.7 Notification of Public Hearings**

- A. The Board, before considering or taking formal action upon a plat or the completed application, shall hold public hearings as required by the provisions of RSA 676:4E to provide an opportunity for public testimony relative to the consequences of the proposed subdivision.
- B. At the hearing, the applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify subject to Board approval, at the hearing.

## **5.8 Sewerage Disposal**

- A. All on-lot sewage disposal systems shall comply with the requirements of the New Hampshire Department of Environmental Services (NHDES) and receive NHDES approval pursuant to RSA 485-A:29,1 (Water Pollution and Waste Disposal/Submission and Approval of Plans and Specifications).
- B. Where individual on-lot sewage disposal systems are proposed, it shall be the responsibility of the subdivider or agent to prove that the area of each lot is adequate to permit the installation and proper operation of such systems or that adequate land area is available for group disposal.

## **5.9 Class VI Road Improvements**

As provided for in RSA 674:36, any Class VI road (or existing substandard street) which provides access to any lots in a subdivision must be improved by the subdivider to meet the standards set forth in Section 5.10, as a condition precedent to the approval of the final plat.



## 5.10 Road Design and Construction

- A. The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in the adjoining subdivision or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connecting streets.
- B. No street or highway right-of-way shall be less than fifty (50) feet in width and less than three hundred (300) feet in length and may be required to be more if a greater street width/length is warranted in the opinion of the Board.
- C. Grades of all streets shall be not less than 1% nor more than 10% unless specifically approved by the Board.
- D. Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum radius of 100 feet and no interchange shall be acceptable at less than 60 degrees. Property lines on corners shall reserve a 20-foot curve radius.
- E. Except where near-future connections may be possible, dead-ends or cul-de-sacs shall have a circular turn around at the closed end with a minimum radius of 60 feet from the center to the outside edge of the right-of-way. The center portion of the turnaround shall be left in its natural state unless prior approval of the Planning Board is obtained. (See Appendix A, Figure 1 for layout requirement).
- F. Driveways entering the proposed road shall cross a culvert having a minimum diameter of 15 inches placed in the roadway drainage ditch if deemed necessary.  
  
No driveway drainage shall enter upon the traveled way.
- G. Existing streets outside the subdivision, but by which there is access to the subdivision, shall, if practical and necessary, be widened, extended or improved in compliance with the standards required by these Regulations at the expense of the subdivider.

No street or cul-de-sac will be recommended for acceptance by the Town unless it meets all the requirements of these Regulations. All streets, cul-de-sacs, and roadways shall be constructed in accordance with the following minimum specifications, and are required to stand at least one year prior to the application of the surface course.

1. The roadway or traveled way, exclusive of grass strip, sidewalk area or drainage ditches, shall have a width of at least 24 feet for a through street or 20 feet for a dead-end street. The traveled way shall be centered in the right-of-way. The Planning Board may require a greater width if deemed necessary.
2. All topsoil, loam, clay and stumps and other improper road foundation material must be removed from the limits of the road bed to a depth of at least 18 inches. Topsoil shall be removed from areas that will be filled. Loam or improper road foundation material must be excavated and replaced with bank-run gravel or broken rock.
3. All roads shall be crowned 1/4 inch per foot from the center line with the exception of banked curves.

4. The base course shall consist of bank-run gravel, free from loam or organic matter, to a depth of at least 15 inches uniformly compacted the full width of the traveled way surface. *(Adopted December 10, 2014)*
  5. The finished course shall consist of crushed bank-run gravel to a minimum depth of six inches. *(Adopted December 10, 2014)*
  6. The surface course shall be hot mix bituminous asphalt and consist of a two-inch binder coat and a one-inch top mix. *(Adopted December 10, 2014)*
  7. Drainage, sanitary and storm facilities, curbs, gutters and sidewalks shall be provided to the extent deemed necessary by the Board. All proposed drainage facilities and culverts with a minimum diameter of 15 inches shall have adequate erosion protection installed on both ends. Natural water courses shall be cleaned and increased in size, where necessary, to take care of storm runoff. Drainage ditches at least three feet in width and 16 inches in depth at its midpoint below center line grade shall be constructed in the street right-of-way on both sides of the paved roadway. Cut slopes and fill slopes may not exceed a 2:1 grade. (See Appendix A, Figure 2 for typical street section.)
    - a. All drainage designed shall be as specified in Manual On Drainage Design for Highways, New Hampshire Department of Public Works and Highways.
- H. All workmanship and materials shall be as required in “Standard Specifications for Road and Bridge Construction, New Hampshire Department of Transportation, 1990”, as amended.
- I. All plans shall comply with RSA 485-A:17 Terrain Alteration regardless of area disturbed, and erosion control and stormwater management shall be as required in “Guidelines For The Preparation Of Site Applications, October, 1991, New Hampshire Department of Environmental Services”.

## 5.11 Manufactured Housing Parks

### A. Location.

All manufactured housing parks shall be located on a site, graded to insure drainage of surface water, subsurface water and sewage as well as being free of stagnant pools.

### B. Roadways

1. Roadways shall be well-drained, gravel, hard surfaced or paved and maintained in good condition. All roadways shall be lighted at night.
2. All streets and roadways shall have a minimum surfaced width of 20 feet and parking shall be prohibited on both sides. One-way streets shall be a minimum of 12 feet in width. Parking lanes for parallel parking shall be a minimum of seven feet.

### C. Space Allocations

1. A minimum of 10,000 square feet shall be provided for each manufactured housing space (pad). The lot size may be reduced when a public sewerage disposal system is utilized or when a common use area is provided for off-site

disposal of sewerage. A minimum of 5000 square feet shall be considered a minimum space for any manufactured housing space (pad).

2. There shall be a minimum of 20 feet clearance between each manufactured housing space. No manufactured housing shall be located closer than 20 feet from any building within the park and from any property line bounding the park. When applying this clearance figure, awnings, vestibules, or any attached or detached structure shall be considered an integral part of the manufactured housing.

#### D. Water Supplies

1. An adequate supply of potable water under at least 20 pounds per square inch pressure shall be provided. All water to be utilized for drinking or culinary purposes shall conform in bacteriological quality to those standards adopted by the New Hampshire Department of Environmental Services.
2. Wells or springs used as a source of water supply shall be located, constructed and protected so as to preclude their pollution by surface drainage or by seepage from sink drains, cesspools or septic tank effluent.
3. There shall be no cross connections or interconnections between a potable and a non-potable water supply.

#### E. Sewerage

1. All sewerage and other water carried wastes shall be disposed of in the Town sewerage system whenever available. When such a system is not available, all wastes shall be disposed of through an approved sewerage disposal system, meaning an approved system constructed in accordance with plans submitted to and approved by the New Hampshire Department of Environmental Services.
2. The term "sewerage" as employed in these Regulations shall refer to that defined in RSA 149:1.

#### F. Trash and Garbage Collection

1. Covered garbage and trash containers shall be provided at all places covered by these regulations. Such containers shall not be filled to overflowing or allowed to become a breeding place for insects.

#### G. Facilities and Maintenance Requirements

1. Each manufactured house shall have water connections, sewerage, and weather proofed ground fault electrical outlets of a rating at least 110 volts and approved by current National Electrical Code.
2. Liquefied petroleum gas for cooking purposes must have containers properly connected by iron or copper tubing and be securely fastened in place.

## **Section VI. General Application Procedures**

### **6.1 Preapplication Phase (Subdivision)**

#### **A. General**

Previous to the formal submission of a Completed Subdivision Application, a subdivider, in order to save himself the cost of needless changes at a later date, may appear at a regularly scheduled meeting of the Board to submit a sketch plan and to discuss the proposal in conceptual form only. The Board may make suggestions which might be of assistance to the subdivider in meeting the requirements of a completed Subdivision Application.

#### **B. Responsibility of Subdivider**

The subdivider shall familiarize himself with State and Town Regulations relative to health, buildings, roads and other pertinent data, so that he is aware of the standards with which the proposed subdivision must comply.

#### **C. Planning Board Action**

The Planning Board will not take any formal action on such a discussion phase, nor will public notice to abutters be required.

### **6.2 General Procedure**

Whenever a subdivision is proposed and before any construction, land clearing or building development is begun, before any permit for the erection of any building and before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated or granted, and before a subdivision plan may be filed in the Office of the Register of Deeds of Grafton County, the owner(s) thereof or his agent shall apply to the Board for approval of such subdivision on a form provided by the Board. Such application shall give the names and mailing addresses of the persons to be notified of any hearing including names and addresses of all abutting property owners. Agents of the owner shall present written authority of their appointment.

### **6.3 Preliminary Layout**

The subdivider shall submit an application for preliminary layout approval to the Secretary of the Board not less than 15 days before any regular meeting of the Board.

The Board, before taking formal action on preliminary layout, shall discuss the layout with the subdivider or his agent. After such discussion, the Board shall communicate to the developer the specific changes required, if any, which it will require in the preliminary layout in its entirety, but these changes shall be considered as conditional and shall not be entered on the plan at this time.

## **6.4 Preliminary Layout Requirements**

*(Amended June 28, 2006, May 28, 2008, and March 25, 2015)*

The subdivider shall file with the Board two paper copies of the preliminary layout. The map scale shall be not more than 100 feet to the inch. The sheet size shall be 17" x 22" or 22" x 34" as specified by the Grafton County Register of Deeds, with separate sheets numbered and showing their relationship to one another. A margin of at least one inch shall be provided outside ruled borderlines on all sides. In addition, the applicant shall submit nine reduced scale copies with a sheet size of 11" x 17". The plan for the preliminary layout and any subsequent revisions shall show or be accompanied by the following:

- A. Proposed subdivision name; name and address of owner of record; name and address of designer, planner or surveyor; date, north arrow and scale; and vicinity map at scale of 1" = 1000'.
- B. Name and addresses of owners of record of abutting properties, abutting subdivision names, streets, easements, building lines, alleys, parks and public open spaces, and similar facts regarding abutting property.
- C. Location of outside boundaries and area of the entire parcel being subdivided, whether or not all land therein is to be subdivided. Approximate property line dimensions, proposed lots, approximate acreage of each lot and dimension of lot frontage on a public right-of-way; existing easements, buildings, watercourses, ponds or standing water, rock ledges and other essential site features.
- D. Existing water mains, sewers, culverts, drains, electric utilities and proposed connections or alternate means of providing water supply, electric utilities, disposal of sewerage and surface drainage. Location and results of each percolation test hole and information with respect to soil conditions to show that the lots can support both on-site water and waste disposal, if required, without danger of contamination of water supply on such lot or on other property.
- E. Location of existing and proposed easements over and under private property. Proposed easements shall be not less than ten feet in width and shall have satisfactory access to existing or proposed public ways.
- F. Location, name and widths of existing and proposed streets and highways with their grades and profiles and the elevation of sufficient points on the property to indicate the general topography of the property.
- G. Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- H. Preliminary location and size of any bridge, culverts or under drains which may be required.

*Section 6.4 Preliminary Layout Requirements (for Subdivision), continued*

- I. Where the layout submitted covers only part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in light of adjustments and connections with the street system of the part not submitted.
- J. Copies of all information required by any State agency for approval, including all necessary State approval/permits.

## **6.5 Revision of Preliminary Layouts**

The Board, before taking action, shall hold a discussion or hearing with the subdivider, and shall hear and confer with other parties whose interest may be affected by the proposed layout. All abutting property owners shall be notified in writing by certified mail, by the Board. The subdivider shall pay all fees and expenses. After such discussion, the Board shall communicate to the developer the specific changes, if any, which it will require in the preliminary plat and the types and amount of construction or improvements it shall require as a condition preceding the approval of the subdivision plat. The Board may disapprove of the preliminary layout in its entirety, but shall state its reasons for such disapproval. Any approval shall be considered only as tentative and shall not be entered on the plat. If the subdivider wishes to develop a subdivision in sections this shall be indicated on the preliminary plat and shall disclose the proposed use of the portions not platted.

## **6.6 Site Inspection**

The Board may conduct a site inspection of the proposed subdivision prior to conditional approval to ascertain the natural condition of the site and to inspect the layout of proposed streets and roads.

## **6.7 Abandonment of Preliminary Layout**

A preliminary layout shall be considered to have been abandoned by the subdivider if he has not submitted a Final Plat for all or a portion of such proposed subdivision within 12 months from the date of submission of the Preliminary Layout. An abandoned layout cannot be revised or is not transferable except as a complete new submission to the Board.

## **6.8 Abutter Notification**

Whenever any subdivider or their authorized agent request the Planning Board to discuss a subdivision proposal at any Board meeting, they must, prior to submitting their plan to the Board Secretary or Chair, provide:

- A. At least a 20-day notice of the meeting request. *(Amended March 25, 2015)*
- B. A list of all abutters and their mailing addresses, verified by Land Use/Assessing Office signature. *(Amended March 25, 2015)*
- C. A check to cover mailing and advertising costs.

## **6.9 Filing Fee**

- A. Application for a subdivision shall be accompanied by applicable fees.
- B. The Board may require a registered engineer or qualified consultant as accepted by the Planning Board to study the project, or subdivision plan including drainage facilities and road construction to assure conformity to the subdivision regulations. Costs shall be paid by the subdivider prior to any action by the Board.

## **6.10 Final Plat Procedure**

A completed application for a Final Plat must be provided at the meeting unless submitted prior to a regular Board meeting, at which time the application shall be accepted. (*Amended March 25, 2015*)

The Town, or it's representative, will be responsible for recording the approved subdivision plat (mylar original) with the Grafton County Registrar of Deeds prior to any sale or transfer of land within the subdivision. The subdivider shall be responsible for the payment of the recording and administrative fees.

## **6.11 Final Plat Requirements**

*(Amended June 28, 2006, May 28, 2008, and March 25, 2015)*

The Final Plat submitted for approval and subsequent recording shall be submitted in permanent black ink on a permanent reproducible mylar or similar material. It shall be submitted in one mylar type original and two black or blue line paper printed in the following sheet size: 17" x 22" or 22" x 34". The drawing shall be at a scale of not more than 100 feet to the inch. In addition, if there is any change from the preliminary plat, the applicant shall submit nine reduced scale copies with a sheet size of 11" x 17". The final plat shall conform with the requirements of RSA 478:1-a and shall show the following:

- A. The name of the subdivision; name and address of the subdivider; the seal of a registered engineer or licensed land surveyor licensed by the State of New Hampshire; date; scale and north arrow.
- B. Sufficient data acceptable to the Board to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Reservations for public purposes, including public utilities and drainage easements. The subdivision plat shall be based on a boundary survey certified by an engineer or surveyor licensed in the State of New Hampshire.
- C. Names and addresses of abutting property owners, intersecting roads and driveways within a minimum of 200 feet, more when deemed necessary by the Board, of the parcel to be subdivided.
- D. Street right-of-way lines, lot frontage on right-of-way, lot lines, lot sizes in square feet and acres, proposed easements, deed restrictions and areas to be dedicated to public use.

*Section 6.11 Final Plat Requirements (for Subdivision), continued*

- E. A general site location map at a scale of one inch to 1,000 feet locating exactly the proposed subdivision boundary in relation to major roads and community facilities of the town.
- F. If a subdivision is to be served by public water supply or by public sewers, a statement from the municipal department or company involved, stating the availability of such services.

## **6.12 Construction Drawings**

As part of the final plat submission, the subdivider or their agent shall be required by the Board to submit any or all of the following:

**A. Subdivision Grading and Drainage Plan**

This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient.

1. Basic street and lot layout, with all lots numbered consecutively.
2. Location of all existing and proposed buildings.
3. Contours of existing grade at intervals of not more than five feet. Intervals less than five feet may be required depending on the character of the topography. Contour lines shall extend a minimum of 100 feet beyond the subdivision boundary.
4. Final identification, location, elevation, grades and/or contours at intervals of not more than two feet (lesser intervals may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
5. Final identification and relative location of proposed soil erosion and sediment control measures and structures.
6. Final drawings and specifications for each proposed erosion and sediment control measure and structure designed in accordance with guidelines acceptable to the Grafton County Conservation District.
7. Final drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.
8. Final slope stabilization details and specifications.
9. A timing schedule indicating the anticipated starting and completion dates of the subdivision and development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.
10. All road construction plans are to be stamped by a professional engineer and shall state that "This design complies with all American Association of State Highway and Transportation Officials standards for 30 MPH designs", unless some other design speed is approved by the Board.



**B. Subdivision Street and Utility Plan**

This plan shall be submitted on a separate sheet or sheets and provide the following information:

1. Complete plans and profiles of all proposed streets, including but not limited to:
  - a. Horizontal and vertical curve data at the street centerline.
  - b. Intersection, turnaround and/or cul-de-sac radii.
  - c. Typical sections of proposed streets.
2. Complete plans and profiles of all proposed sanitary and storm sewers, including the following:
  - a. Invert elevations, original and finished ground profiles above these sewer and top of manhole elevations.
  - b. Profiles and grades of storm sewer lines.
  - c. Type of materials and class used and proposed grades.
3. Location and details of all existing and proposed utilities, including water mains, gas mains, telephone, electric, on and adjacent to the land to be subdivided.

## **6.13 Performance Bond**

Under RSA 674:36 III (b), the Planning Board shall have the power to demand a performance bond at its discretion. The subdivider shall post a performance bond in an amount sufficient to cover the cost of the preparation and installation of streets, the extension of public water and sewer lines, if available, the installation of storm drains, under drains, monuments, erosion control, structures, etc. This bond shall be approved as to form by the Select Board and the legal counsel of the Town of Bristol and conditioned on the completion of such improvement within two years of the date of this bond.

The amount of the performance and payment bond shall be based on a registered engineer's, or a qualified consultant's cost estimate of the necessary improvements. The Board may require a review at the subdivider's expense, by a registered engineer or a qualified consultant of the submitted plans and cost estimate. The estimate shall be approved by the Planning Board prior to the subdivider obtaining the performance bond and all bonds shall be in an amount of 100% of the estimated cost.

The performance and payment bond shall not be released until the Select Board has certified completion of the required improvements in accordance with the plan approved by the Board. No lot shall be sold prior to the approval of the performance bond.

## **Section VII. (Subdivision) Administration**

### **7.1 Notice of Violations**

Upon determination by the Planning Board that a violation of these regulations has occurred, notice shall be given by the Planning Board to the Select Board recommending appropriate enforcement procedures. The Select Board after receiving said written notification is responsible for the enforcement of these regulations and shall communicate all decisions to the Planning Board.

### **7.2 Enforcement of The Master Plan and The Bristol Historic District**

Having an established and proved Master Plan, denoting one or more historic districts and other considerations as stated in the Master Plan, the Historic District and the Master Plan encompasses all the authority, powers and duties to enforce such provisions of the Master Plan.

In case of the violation of any ordinance or regulation made under the authority conferred by these and other regulations of an historic district, the Bristol Historic District Commission, in addition to other remedies, may initiate any appropriate action or proceeding to prevent, restrain, retract or abate such violation as required under RSA 674:49 and RSA 674:50.

### **7.3 Determination of Authority**

Whenever a local land use ordinance, a Master Plan or other regulations are enacted or adopted which differ from the authority of an existing ordinance or other regulations as enacted or adopted by the Town, State or Federal Government, the provision which imposes the greater restriction or higher standing shall be controlling.

### **7.4 Penalties for Transferring Lots in Unapproved Subdivisions**

Any owner, or agent of the owner, of any land located within a subdivision who transfers or sells any land before a plat of the said subdivision has been approved by the Planning Board and filed with the appropriate recording officer under RSA 676:16, shall forfeit and pay a civil penalty of \$500.00 for each lot or parcel so transferred or sold; and, the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town may enjoin a transfer of sale which violates the provisions of this section and may recover the penalty imposed by civil action. In any action to recover a penalty, the prevailing party may recover reasonable court costs and attorney's fees as may be ordered by the court.

## **7.5 Fines for Continuation of Violations**

Any violation of this title may be made punishable by a fine of not more than \$100.00 for each day that such violation continues after the conviction date; provided, however, that the total fines imposed for any single violation shall not exceed \$500.00.

## **7.6 Waiver**

Where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner, agent, and/or potential subdivider, a subdivision plan substantially in conformity with regulations may be approved by the Board provided that the spirit of the regulations and public convenience, health and welfare will not be adversely affected.

## **7.7 Appeals**

Any person, aggrieved by an official action by the Board, may appeal therefrom to the Superior Court as provided by RSA 677:15.

## **7.8 Validity**

If any section, provision, portion, clause or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion, or phrase of these regulations.

## **7.9 Amendments**

These regulations may be amended or rescinded by the Board but only following a public hearing on the proposed changes. The Chair or Secretary of the Board shall transmit a record of any changes so authorized to the Select Board, the Town Clerk and to the Registrar of Deeds of Grafton County.

## **7.10 Adoption**

These regulations shall become effective after a public hearing, adoption and certification by the Planning Board, and filing with the Town Clerk, Select Board and the Grafton County Registrar of Deeds.

## **Section VIII. Site Plan Review Regulations**

### **8.1 Authority**

Pursuant to the authority vested in the Bristol Planning Board by the voters of the Town of Bristol on March 14, 1989, in accordance with the provision of NH RSA 674:43, the Bristol Planning Board hereby adopts the following regulations for the review of site plans for the development of tracts for nonresidential uses and for multi-family dwelling units, effective December 23, 1989 and as amended.

### **8.2 Purpose**

The purpose of these regulations is to implement the vision of the Comprehensive Master Plan as embodied in its guiding principles (see Chapter I Vision of the Master Plan). It is the intent of this ordinance to provide for balanced, responsible and attractive growth by encouraging appropriate land use, providing for harmonious and aesthetically pleasing development, protecting public health and safety, and creating conditions favorable for convenience and prosperity.

This ordinance is intended to insure adherence to sound site utilization principles, including: providing open and green spaces of adequate proportions; requiring proper arrangement and coordination of streets in relation to other existing or planned streets and of sufficient location and width to allow for traffic, adequate light, air, and access by firefighting apparatus; and otherwise employing innovative land use controls consistent with the Master Plan.

### **8.3 Jurisdiction**

A. Site Plan Review is required for the following:

1. All new construction or enlargement of existing structures for non-residential use, but not including accessory buildings for one or two-unit family residences.
2. Any new paving or increase in the total paved area on all non-residential properties and multi-family properties. *(Amended June 28, 2006)*
3. All changes in, or expansion of, the use of non-residential properties except for changes that meet all of the following criteria:
  - a. The change in use is from one permitted use to another permitted use within the same zoning district. A use allowed by Variance or Special Exception is not included.
  - b. The gross floor area of the building is unchanged. The area of open or screened porches, porticos or decks is not considered to be part of the gross floor area.
  - c. There is no increase in the parking requirements as defined in Article IV, Section 4.5, B2-B15 of the Zoning Ordinance, -or the parking requirements for the new or expanded use are satisfied. *(Amended June 13, 2007)*

*Section 8.3.A.3 (Site Plan Review) Jurisdiction, continued*

- d. There are no changes in grading, screening of abutting property, or exterior lighting.
  4. All new construction and enlargement of dwellings with more than two units. *(Adopted December 10, 2014)*
  5. Any increase in the number of dwelling units in a structure containing two or more existing dwelling units. *(Amended June 18, 2006)*
  6. Any increase in the number of non-residential allowed uses within an existing non-residential property. *(Adopted December 10, 2014)*
  7. Any conversion from residential to non-residential use, or the commencement, on an existing residential property, of any new non-residential use which is not accessory to the residential use. *(Adopted June 13, 2007; amended May 28, 2008)*
  8. Any changes to a property which make it inconsistent with the current Site Plan. *(Adopted December 10, 2014)*
- B. Minor Site Plan Review
- Any Site Plan Review which involves no expansion of the building or changes to the site and involves no current Zoning Board decisions shall be designated as a Minor Site Plan Review. Proposals which do not meet these criteria may be designated as a Minor Site Plan Review by the Planning Board at a Preliminary Conceptual Consultation when the Board determines that the proposal involves only minor changes and does not require an engineered plan to evaluate. *(Amended June 13, 2007)*
- However such a designation shall not alter the applicant's burden of providing sufficient information to demonstrate compliance with these regulations, and the Board may, at any time during the review process, require such information as it deems necessary to evaluate the application. *(Amended May 28, 2008)*
- C. During the Pre-application Consultation (see Section 8.6), the Planning Board may waive part or all of the requirements for Site Plan Review for enlargement or new construction with an area of 400 square feet or less, or for new paving or an increase in the total paved area of 1,000 square feet or less, upon receipt of a written request by the applicant.
- D. Waiver means a special approval by the Planning Board granted when, in the judgment of the Board, a plan is substantially in conformity with current regulations and strict conformity to approved regulations may cause undue hardship or injustice to the owner of the land, provided that the spirit of the regulations and public convenience and welfare will not be adversely affected.

*Section 8.3 (Site Plan Review) Jurisdiction, continued*

E. No changes or alterations shall be made in an approved site plan, nor shall the project be implemented in any manner which is inconsistent with such approved plan, without the assent of the Planning Board. Upon application of the owner, or his/her designated agent (authorized in writing), the Planning Board shall have the power to modify or amend its approval of the plan. The Board shall hold a public hearing, in accordance with the procedures required by RSA 676:4, before taking action on any proposed changes in the site plan; provided, however, that the Board may, at any public meeting, without a public hearing, approve a minor change which meets all of the following criteria:

1. The proposed change is one which does not alter the manner in which any regulatory standard contained in these Regulations or in the Bristol Zoning Ordinance applies to the proposal;
2. The proposed change does not alter any aspect of the reasoning which the Board utilized for its decision, or of the effect or implementation of any express condition of approval;
3. The change is one which would not, by itself, trigger site plan review jurisdiction under Section 8.3 of these Regulations; and
4. The change is otherwise one which the Board believes does not alter in any respect the impacts of the plan upon abutters or the public, with any doubts concerning such impacts being resolved in favor of holding a fully-noticed public hearing.

*(Amended June 13, 2007)*

## **8.4 Compliance with Other Regulations**

The site plan review procedure shall in no way relieve an applicant from compliance with applicable sections of the Driveway Regulations, the Subdivision Regulations, the Zoning Ordinance, and any other regulations or ordinances of the Town of Bristol and the State of New Hampshire.

## **8.5 Standards**

- A. The development shall conform to the provisions of Articles as listed in the Zoning Ordinance.
- B. The development shall conform, as much as possible, to the natural topography of the site.
- C. Outdoor lighting shall be shielded so as not to shine onto abutting properties or onto public highways or streets, and it shall be restricted to that which is necessary for advertising and security of the development.
- D. Sidewalks shall be provided for pedestrian traffic between the main entrances of business, housing, or industrial establishments and parking areas and streets.

*Section 8.5 (Site Plan Review) Standards, continued*

**E. Parking, Off-Street Loading, and Pedestrian Safety. (Adopted April 13, 2016)**

Parking space: 10' x 20' unless specified by the Bristol Planning Board.

Adequate parking and off-street loading facilities shall be provided whenever any new use is established or an existing use is enlarged, in accordance with the following specifications:

1. All new constructions of institutional, commercial, or industrial uses requiring off-street loading facilities shall provide such facilities so that delivery vehicles are parked off the traveled way.
2. Whenever a new use is established or an existing use is enlarged, adequate off-street parking shall be provided. In general, this requires adherence with the standards below. However, for any non-residential use, the Planning Board may reduce the parking Requirement by up to 25% if the applicant can demonstrate in a written request that a smaller number of spaces would be adequate and sufficient. The normal standards are as follows:
  - a. Residential Use:
    1. Multifamily - Studio & 1 Bedroom: One space per dwelling unit
    2. Multifamily – Two Bedroom: 1.5 spaces per dwelling unit
    3. Multifamily – Three Bedroom and up: Two spaces per dwelling unit
  - b. Hotels, Motels, Inns, and Boarding houses: One space per rented sleeping room and one space per 50 square feet floor area for meetings and functions.
  - c. Educational Facilities: One space per three seats in the largest public assembly room such as auditorium, gym, cafeteria, etc., or one space per staff member, whichever is greater.
  - d. Place of Assembly with seating, such as a church, funeral parlor, auditorium, theater, etc.: One space per three seats.
  - e. Place of Assembly without fixed seating such as a skating rink, meeting/function rooms, dance hall, etc.: One space per 50 square feet of gross floor area accessible to the public.
  - f. Kindergarten, Nursery School, Day Care Facilities: One space per ten children or one space per staff member, whichever is greater.
  - g. Marinas: 1.5 spaces per slip (wet or dry) plus trailer storage spaces, if needed.
  - h. Combined Residence and Non-Residential Uses: See requirements for Residential Use plus requirements stipulated for Non-Residential Uses.
  - i. Manufacturing, Warehouses, Wholesale, Industrial and Light Industrial Uses: 1.25 spaces per employee on largest shift.
  - j. Medical Office Building: One space per 150 square feet of gross floor area.

*Section 8.5.E. Parking, Off-Street Loading, and Ped. Safety, continued*

- k. Office Buildings, Banks, Retail Commercial, Business and Professional Services: One space per 150 square feet of gross floor area plus one space per 600 square feet of gross floor area of storage.
  - l. Multifamily Housing for the Elderly: One space per unit.
  - m. Veterinary Hospital: Five spaces per doctor.
  - n. Restaurant: One space per three seats, interior or exterior.
  - o. Restaurant, High-Impact: One space per three seats, interior or exterior.
  - p. Restaurant, Take-Out: 12 spaces per take-out location (window, counter, etc.).
- 3. For any use other than those specifically mentioned, the parking requirement shall be based on the closest similar use as determined by the building official.
  - 4. In the case of two uses on one lot, the requirement for parking and loading spaces shall be the sum of the requirement of the various uses computed separately. However, the space computed for one use shall not be used to provide the requirements of any other use. Required loading areas shall not be included as parking.
  - 5. Where a principal use on a lot is not enclosed in a building, the specific portion of the lot so used shall be considered gross floor area for calculating parking requirements.
  - 6. Parking spaces required by this section may be located either on the same premises as the activity they serve, or on a separate parcel which may be shared. To be credited, parking spaces must be off-street and located within 500 feet walking distance of the entrance they serve, or within 800 feet for employee parking. Walkways, including sidewalks if necessary, shall be provided by the applicant to connect the proposed activities with the parking which serves those activities, and with adjacent premises, if developed. If an applicant is proposing to use a separate parcel for parking, he must provide a recordable easement granting parking rights to all proposed spaces, except that no such easement shall be required, in the case of commercial uses, for the crediting of parking spaces in municipal off-street parking lots.
  - 7. In the Village Commercial District, on-street parking spaces may be credited toward the parking requirement for commercial uses if located between the parcel's side lot lines on the same side of the street. However, such crediting shall not be construed to limit the public's right to use the on-street spaces, or to give any private owner the right to control the use of those spaces.
  - 8. Municipal parking may not be credited toward the parking requirement for residential use without the approval of the Board of Selectmen and, at the next possible Town Meeting, approved by the legislative body.
  - 9. In the Downtown Commercial district, a change from one non-residential use to another shall not cause any change in the parking requirement.



*Section 8.5 (Site Plan Review) Standards, continued*

F. Parking and loading and pedestrian safety:

1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers and must comply with all applicable Zoning and Town Regulations. *(Amended June 28, 2006)*
2. In the Village Commercial and Downtown Commercial Districts, parking shall be located no closer to the street line than the building it serves, unless there are special features peculiar to the lot, such as shape or topography or the proposed use which, in the judgement of the Planning Board make another parking arrangement more appropriate. In such cases, the owner shall provide screening approved by the Planning Board for all parking areas not in compliance with this regulation. *(Amended May 28, 2008)*
3. Sufficient off-street loading and/or unloading space must be provided including off-street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street. All loading/unloading must be in accordance with Zoning and Town Regulations.

G. Access to public streets shall conform to the requirements of the NH Department of Transportation and/or to the Bristol Driveway Regulations.

H. Pollution Control Provisions shall be made to prevent ground surface water contamination due to on-site storage or use of petroleum products and hazardous substances in compliance with NH RSA 146-C, 147-A, 153, 430, and such other Federal, State and Local statues, ordinances and regulations as are or may be applicable.

I. Architectural Standards

1. Appearance Criteria

In order to provide for "...harmonious and aesthetically pleasing development..." (Section 8.2), the Planning Board will use the following criteria in its review of the architectural design of proposed commercial structures.

The purpose of these guidelines is to provide design standards with which to assist with the development, renovations, and restorations of commercial properties to complement the overall New England-style ambiance of the community. The guidelines are directed towards, but not limited to, assisting corporate franchises and commercial developments in the design of structures and related properties which reflect the small-town, rural, and agricultural atmosphere that defines Bristol.

*Section 8.5.I.1 (Site Plan Review) Architectural Standards, Appear. Criteria, continued*

The objective of these regulations is not to restrict imagination, innovation, or variety in the new construction, restoration, and renovation of commercial buildings and related property, but rather to enhance the visual appearance of the community, preserve property values, and to further encourage continued economic development. These regulations *are* intended to discourage routine franchise architecture, strip mall vistas, and urban blight.

These architectural design regulations do not apply to industrial buildings; however, additional screening may be required for industrial buildings.

These regulations are not expected to foresee all possible proposed building situations; decisions concerning such unforeseen situations will be made with these regulations in mind.

2. Factors for Evaluation

The evaluation of the following appearance factors will govern the Planning Board's decisions on whether the proposed site and building designs are acceptable:

- a. conformance to this section;
- b. architectural character;
- c. building materials;
- d. harmony and compatibility of project compared to existing site and neighborhood; and
- e. retention, alteration, or removal of existing structures and site features.

3. Site Development

The development of the site must address various elements in providing a total design plan for the proposed construction. The building's orientation, setback, alignment with the street, and relative spacing with respect to other structures will be considered in the overall design. Long, strip mall-type development should be avoided. The reuse of existing structures and landscape features is encouraged. The overall architectural theme for the site development will create a positive image for the project.

4. Site Organization

All existing natural and man-made features of the site should be carefully considered for integration into the overall site design. It is important to cluster buildings within a development wherever feasible to encourage open space. A compact building arrangement provides savings in grading, paving, utilities, and other costs and conserves natural site features and open space. Separation of vehicular and pedestrian pathways is important to the overall safety of the site.

5. Architectural Requirements

- a. **ROOFS.** Monotony of design or warehouse-style structures shall be avoided. Variation in detail and form shall be used to provide visual interest. In order to prevent the construction of warehouse-style buildings (i.e. long horizontal roof lines), all new buildings and additions shall have pitched roofs of 4:12 or greater, or gabled roofs, where practical. Shed, gambrel, and barn-style roofs are also acceptable. Dormers are encouraged. Roofs must have appropriate overhangs.

In large commercial structures over 200 feet in length where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the facade to create the appearance of multiple attached buildings. Additionally, changes in building elevations may be used in conjunction with pitched roofs to give the appearance of multiple attached buildings.

All sides of a structure shall receive design consideration. A facade unrelated to the rest of the building is not acceptable.

- b. **BUILDING MATERIALS.** Exterior surfaces of building shall be covered with traditional materials or products which simulate natural materials, including but not limited to clapboards, shingles, stone, brick, or architectural concrete masonry units. Exposed plain cinder block, corrugated steel, sheet plastic, or sheet fiberglass are not acceptable. Pitched roofs shall be constructed of shingles, metal roofing, or other materials traditionally used in this region.
- c. **AWNINGS.** Brightly colored or illuminated franchise type awnings are not acceptable. Awning covers designed for shade should be made of fabric or simulated fabric-like material.
- d. **ARCHITECTURAL DETAILS.** Such details shall be appropriate to the style of structure. Examples of architectural details to be considered and encouraged are covered porches, finials, decorative shingles, bracketed eaves, columns, balustrades, towers, cupolas, and arches. All features and details should be in proportion with the building.
- e. **WINDOWS AND DOORS.** Windows shall comprise no less than 5% of the exterior wall surface of the portions of the building facing a public right-of-way, parking area, or a developed area—on- or off-site. Windows may be used for either interior illumination or for display purposes. All windows and doorways shall be encased with trim; decorative trim is preferred.
- f. **FENCING.** Fences made of traditional New England materials are encouraged, for example, picket, wrought iron, brick, or stone. Chain link security fences are discouraged.
- g. **INTERCOMS.** Use of amplified PA or drive-thru type intercoms is prohibited if site abuts developable residential property or property in residential use.

Permissible amplified systems should be designed using components that minimize the radiation of sound and use noise-blocking design techniques and site elements that prevent radiation of noise (i.e. landscaping and fencing).

- h. **COLOR.** Exterior colors of buildings and accessories are encouraged to be muted. Bright, franchise colors are not acceptable.
- i. **MECHANICAL EQUIPMENT.** All rooftop mechanical units shall be located so as not to be visible from the street level or from other public areas on the ground level. Wall- or ground-mounted equipment shall be screened from public view with fences or vegetation.

*(Adopted December 10, 2014)*

- J. Landscaped buffer strips shall be provided to assure that the development of the project conforms at its boundaries with the character of the adjoining land and its uses. These buffer areas shall be of sufficient width to provide privacy and noise protection, but in no case shall the width of such areas be less than the setbacks required by the Zoning Ordinance.
  - 1. Buffer strips between residential and non-residential uses shall contain vegetation and/or a solid fence which will screen non-residential uses from residential during winter months.
- K. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate. Where green areas are required by the Planning Board, wood chips or crushed stone may be prohibited.
- L. Visual screens of solid fencing or hedges shall hide storage and litter or garbage collection areas from adjoining parking areas, neighboring properties, and public highways.
- M. Erosion and Sedimentation plan shall contain the following:
  - 1. make provisions to accommodate the increased run-off caused by changed soils and surface conditions during and after development;
  - 2. identify, and relatively locate, proposed erosion and sediment control measures and structures during and after development;
  - 3. include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins;
  - 4. ensure that stripping of vegetation, regrading or other development will be done in such a way that will minimize soil erosion. Temporary seeding and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

*Section 8.5 (Site Plan Review) Standards, continued*

- N. Provisions shall be made to prevent erosion and sedimentation caused by change topography and soil and surface conditions during and after construction.
1. During construction, sediment in the run-off water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversion, sediment retention basins, and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface materials.
- O. The land indicated on the plan shall be of such character that it can be used for development purposes without danger or injury to health, safety, or the prosperity of the Town by reason of fires, flooding, water pollution, inadequate streets or walkways, accelerated erosion or other dangers, perils or hazards.
- P. Off-site public facilities, including, but not limited to, streets, firefighting apparatus and road maintenance equipment, shall be adequate to meet any additional burden placed on such public facilities by the proposed use of the site development. Where off-site improvements are deemed necessary by the Board, the Board shall require, as a plan, that the developer provide, in an amount and manner to be determined by the Board, and in conformance with Article XI of the Zoning Ordinance of the Town of Bristol, his share of off-site improvement costs. Where the use will require an excessive or premature expenditure of public funds to improve existing, or to provide new facilities, site development shall not be approved.
- Q. For site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):
1. 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.
  2. The Planning Board shall require that all proposals for development greater than 50 lots or five acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
  3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
    - a. all such proposals are consistent with the need to minimize flood damage;
    - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
    - c. adequate drainage is provided so as to reduce exposure to flood hazards.

*(Adopted June 13, 2007)*

## **8.6 Preapplication Consultation (Site Plan)**

- A. The Bristol Planning Board may provide for pre-application or informational review of all Site Plans and Subdivision applications as provided in RSA 676:4.II subject to the following:

1. **PRELIMINARY CONCEPTUAL CONSULTATION PHASE.** Preliminary conceptual consultation shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. Furthermore, applicants are advised that they should not make any substantial financial commitments based on any statements made at any Preliminary Conceptual Consultation Phase hearing.

The board and the applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the master plan. Such discussion may occur without the necessity of giving formal public notice (RSA 676:4 subparagraph I(d)). Any pre-application or informational discussion beyond what is deemed general and conceptual shall be considered as a Design Review Phase and said pre-application or informational preliminary discussion shall require public hearing and notification (RSA 676:4 subparagraph I(d)).

2. **DESIGN REVIEW PHASE.** The board or its designee may engage in nonbinding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided however, that the design review phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by RSA 676:4 subparagraph I(d). Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.
3. The applicant may elect to forego or engage in pre-application or informational review or either phase (RSA 676:4 subparagraphs (a) and (b)). Pre-application or informational review shall be separate and apart from formal consideration (RSA 676:4 paragraph I), and the time limits for acting under provided under RSA 676:4 subparagraph I(c) shall not apply until formal application is submitted (RSA 676:4 subparagraph I(b)).

**B. RESPONSIBILITY OF APPLICANT**

It shall be the responsibility of the Applicant(s) to become familiar with all applicable Federal, State, County and Town regulations affecting any subdivision or site plan. This includes, but is not limited to, subdivision/site plan regulations, zoning ordinances, health and safety regulations, building codes and standards, and road specifications.

## 8.7 Application Procedures for Full Site Plan Review

The owner of the property, or the designated agent (authorized in writing), shall file a completed application no less than fifteen days prior to a regularly scheduled meeting of the Planning Board. A completed application shall include:

A properly completed application on a form provided by the Planning Board and including:

1. Names, addresses and telephone numbers of applicant and owner (if other than applicant).
  2. Location of site (Tax Map & Lot #; street address).
  3. Brief description of proposed plan.
  4. Detailed description of the types of services and/or products to be involved in any non-residential use, including hours of operation and any changes of an existing use. (*Amended June 28, 2006*)
  5. Names and addresses of all abutters (legibly printed or typed).
- A. Four copies of the site plan, prepared by a licensed land surveyor, drawn accurately and to scale (1" = 20' preferred), and including:
1. Tax map numbers and those of adjoining properties.
  2. North arrow.
  3. Boundary distances, monuments and bearings.
  4. Existing and proposed contour lines at two-foot intervals.
  5. All features located within 50 feet of the lot boundaries including natural features and existing and proposed building outlines showing the location of steps, entries and loading platforms.
  6. Lines of all existing streets within 100 feet of the lot boundaries.
  7. Wetland delineation by a professional licensed by the State of New Hampshire.
  8. Surface cover including but not limited to wooded, cleared, paved, gravel, standing water, etc.
  9. Proposed landscaping plan.
  10. Zoning Board of Administration decisions.
  11. Any right-of-ways/easements.
- B. Nine reduced scale copies of the site plan with a sheet size of 11" x 17". (*Amended May 28, 2008, and March 25, 2015*)
- C. A copy of all applicable Town, State, County or Federal approvals or permits such as, but not limited to, dredge and fill, wetland alteration, curb cuts, site specific, septic approval, 101 Life Safety Code, etc. (*Amended March 25, 2015*)
- E. The application fee and sufficient fund to cover the full costs of notifying abutters and advertising the public hearing.

The applicant may request a waiver from any of the items contained in this section. Requests for a waiver must be in writing and include an explanation for the request.

### *Section 8.7 Application Procedures for Full Site Plan Review, continued*

If the application is incomplete, the Planning Board cannot accept it or act on it. Although a completed application is sufficient to invoke the jurisdiction of the Planning Board, the applicant will need to furnish the additional information described in Section 8.8 (or obtain a waiver for specific items from the Planning Board) before a site plan can receive final approval.

The applicant is responsible for all the costs of any special investigations and of the review of documents and other materials which may be required by the application, including all engineering and legal expenses. The Planning Board shall determine the scope of such investigations and reviews, and it shall determine the persons or firms to be hired for the investigations and reviews.

## **8.8 Additional Requirements for Full Site Plan Review**

A. In addition to the requirements set forth in Section 8.7B, the site plan must contain the following information or meet the following criteria:

1. Title block containing at a minimum:
  - a. Identification of plan, including name(s) or owner(s) and applicant(s), if different.
  - b. Tax map and lot numbers.
  - c. Name(s) or person(s) responsible for preparation of the plan.
  - d. Date of plan preparation.
  - e. Scale of plan.
2. Location plan.
3. Abutters listed on the plan.
4. Waivers being requested listed on the plan.
5. Zoning district of lot.
6. Minimum building requirements (for that particular zoning district).
  - Min. lot size =
  - Min. road frontage =
  - Front, rear, and side setback =
7. Indication of flood zone per NFIP FIRM (National Flood Insurance Program; Flood Insurance Rate Map) (e.g. Is this lot in a Special Flood Hazard Area?)
8. Present use of lot.
9. Proposed use for lot.
10. Purpose of the plan – should include size of buildings and use proposed.
11. Total area of the parcel in acres and square feet.
12. Reference to established benchmark based on N.G.V.D. (National Geodetic Vertical Datum) 1929 established by USGS (US Geological Survey) or other datum acceptable to Planning Board.
13. Soil type(s) and boundaries of lot per Grafton County Soil Conservation Service.
14. Existing and proposed utilities including but not limited to water lines, wells, sewage lines, utility poles and drainage facilities (including sources of supply, tanks, building drains, pipe sizes, etc.)



*Section 8.8 Additional Requirements for Full Site Plan Review, continued*

15. Impervious areas as a % of total lot area. Gravel access drives are to be considered as impervious.
16. Parking requirements: e.g. Office: 1 sp/300 s.f. x 3,000 s.f. = 10 spaces).
17. Total parking being provided.
18. Location of driveways and parking spaces. Dimensions of parking spaces indicated.
19. Off-street loading facilities.
20. Location of walks, fences and screening.
21. Location, size and type of signs.
22. Designated outside service, storage and/or display.
23. Exterior site lighting, including type, location, intensity, direction, etc.
24. Landscaped buffer area (where required).
25. Building setback lines.
26. 50-foot, 125-foot and 250-foot setback lines from water bodies subject to the requirements of the Shoreland Protection Act, RSA 483-B. (*Amended May 28, 2008*)
27. Impervious surface area and % coverage by impervious surfaces for all lots subject to the requirements of the Shoreland Protection Act, RSA 483-B. (*Amended May 28, 2008*)
28. Building height.
29. Appropriate stamps and signatures of all applicable professionals
30. Planning Board approval Block of a size that is at least 2 x 4 inches and similar to, and containing at a minimum, all of the information in the example below:

<p style="text-align: center;"><b>Approval Block – Planning Board Use Only</b></p> <p>Date of Planning Board Approval: _____</p> <p>Expiration Date: _____</p> <p>Chair Signature _____</p>
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**members.**

*Section 8.8 Additional Requirements for Full Site Plan Review, continued*

**B. The applicant must also furnish the following documentation:**

1. Anticipated completion dates of the proposal and any planned phasing of the project.
2. Drainage calculations based on a 10-year storm event with provisions for a 50-year storm event.
3. Cost estimate and performance bond for any improvements or work in the town's right-of-way.
4. Erosion and sedimentation control plans.
5. Copies of any proposed or existing easements, covenants, deed restrictions, ZBA rulings, or any other similar document pertinent to the site plan.
6. Provisions for snow removal/storage.

**C. If deemed necessary by the Board, the applicant may be required to submit documentation such as, but not limited to:**

1. Environmental impact study, including but not limited to the impact of noise, dust, odor, etc.
2. Traffic study.
3. Fiscal impact study.
4. Cost estimate and performance bond.

## **8.9 Application Procedures for Minor Site Plan Review**

The owner of the property, or designated agent (authorized in writing), shall file a completed application no less than fifteen days prior to a regularly scheduled meeting of the Planning Board. A completed application shall include:

**A. A properly completed application on a form provided by the Planning Board and including:**

1. Names, addresses and telephone numbers of applicant and owner (if other than applicant);
2. Location of site (Tax Map & Lot number; street address);
3. Brief description of proposed plan, including current use;
4. Detailed description of the types of services and/or products to be involved in any non-residential use, including hours of operation and any changes of an existing use; (*Amended June 28, 2006*)
5. Names and addresses of all abutters (legibly printed or typed) and verified by Land Use/Assessor Office signature. (*Amended March 25, 2015*)
6. Four copies of Bristol Tax Map showing lot under consideration and all adjoining properties and zoning district along with nine reduced scale copies with a sheet size of 8 ½" x 11" or 11" x 17". (*Amended May 28, 2008 and March 25, 2015*)
7. North arrow;
8. Previous Zoning Board decisions;

9. Written statement with calculations depicting how the parking requirements are being met;

*Section 8.9 Application Procedures for Minor Site Plan Review, continued*

10. Any right of way documents or easement documents that pertain to the parcel;
11. Copies of any relevant permits or approvals;
12. Description of changes in exterior lighting;
13. Planning Board approval block added to the tax map of a size that is at least 2x4 inches and similar to, and containing at a minimum, all of the information in the example below:

<p style="text-align: center;"><b>Approval Block – Planning Board Use Only</b></p> <p>Date of Planning Board Approval: _____</p> <p>Expiration Date: _____</p> <p>Chair Signature _____</p>
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- B. The application fee and sufficient funds to cover the full costs of notifying abutters and advertising the public hearing.

The applicant may request a waiver from any of the items contained in this section. Requests for a waiver must be in writing and include an explanation for the request.

If the application is incomplete, the Planning Board cannot accept it or act on it. Although a completed application is sufficient to invoke the jurisdiction of the Planning Board, the applicant may need to furnish additional information.

## **8.10 Review Procedure**

### **A. Public Hearing and Notice**

Before considering and taking action on a site plan, the Planning Board shall hold a public hearing on the proposal. The applicant and all abutters shall be notified of the hearing by certified mail at least 15 days before the hearing. A notice of the hearing shall be published in a newspaper of general circulation before the hearing.

1. When, in the opinion of the Land Use Officer, a Variance is required for the project by the Zoning Ordinance, the applicant must first obtain the necessary approval from the Zoning Board of Adjustment before the site plan may be approved.

*(Amended March 25, 2015)*

*Section 8.10 (Site Plan) Review Procedure, continued*

B. A joint hearing for Site Plan Review involving any of the Land Use Boards as pursuant to RSA 676:2 may be held.

C. Relaxation of Standards

After a public hearing, the Planning Board may waive or modify any portion of these regulations when, in the opinion of the Planning Board, strict conformity to the regulations would pose an unnecessary hardship to the applicant, and when the waiver or modification would not be contrary to the spirit and intent of these regulations. In granting such waivers and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objective of these regulations. Request for a waiver should be specified on the application checklist only upon receipt of a written request by the applicant.

D. When subdivision approval is also required for a proposed development, the Planning Board may hold the site plan review hearing in conjunction with the subdivision hearing.

E. Board Action

After the public hearing and such special investigations and review of documents and other matters as may be required by the application, the Planning Board shall act to approve, approve with modifications, or disapprove the proposed site plan.

1. An approved site plan shall be endorsed and signed by the Chair and Vice Chair of the Planning Board, or in their absence, by members designated by the Planning Board.
2. If the site plan is approved with modifications, the applicant shall present a revised site plan with the modifications required by the Planning Board for the required endorsement and signatures.
3. A copy of the approved site plan shall be retained by the Planning Board, which shall provide a second copy to the Land Use Officer. (*Amended March 25, 2015*)
4. If the site plan is disapproved, the reasons for the disapproval shall be noted in the records of the Planning Board and in a letter sent to the applicant.

F. Condition of Approval

Every site plan approval shall be upon the condition, whether stated in the Board's decision or not, that the site plan must be implemented in accordance with the plans and specifications on file, and in accordance with all representations made either orally or in writing by an applicant. The Planning Board may impose further conditions and restrictions on any site plan approval. Such additional conditions and restrictions may routinely be imposed when the approved use is broad in nature.

*Section 8.10 (Site Plan) Review Procedure, continued*

G. Performance Bond

Under RSA 674:36 III (b), the Planning Board shall have the power to demand a performance bond at its discretion. The subdivider shall post a performance bond in an amount sufficient to cover the cost of the preparation and installation of streets, the

extension of public water and sewer lines, if available, the installation of storm drains, under drains, monuments, erosion control, structures, etc. This bond shall be approved as to form by the Board of Selectmen and the legal counsel of the Town of Bristol and conditioned on the completion of such improvement within two years of the date of the bond. The amount of the performance and payment bond shall be based on a registered engineer's or a qualified consultant's cost estimate of the necessary improvements. The Board shall require a review at the subdivider's expense, by a registered engineer or a qualified consultant of the submitted plans and cost estimate. The estimate shall be approved by the Planning Board prior to the subdivider obtaining the performance bond and all bonds shall be in an amount of 100% of the estimated cost. The performance and payment bond shall not be released until the Select Board has certified completion of the required improvements in accordance with the plan approved by the Board. No lot shall be sold prior to the approval of the performance bond.

#### H. Site Inspection

The Planning Board, its members or its designated agents, may conduct site inspections while considering the proposed site plan. After the improvements have been completed, the Planning Board or its designated agent shall inspect the site to ascertain compliance with the site plan. The applicant shall pay these costs of any expert inspections and/or tests required as part of this review.

- I. Approval of a site plan by the Planning Board shall be valid for one year from the date of approval or for such time as the Board may designate at the time of the approval. Upon written request of the applicant received before the expiration date of site plan approval, the Planning Board may extend the approval for up to one year. Such extensions may be granted more than once.

## 8.11 Administration

#### A. Appeals

Any person aggrieved by an official action of the Planning Board may appeal to Superior court as provided by RSA 677:15.

#### B. Enforcement and Penalties

Upon determination by the Planning Board that violation of these regulations has occurred, notice recommending appropriate enforcement procedures shall be given to the Select Board, which is responsible for the enforcement of these regulations.

1. The Town of Bristol may seek injunctive relief under NH RSA 676:15.
2. Whoever shall violate any of these regulations shall be subject to the fines and penalties set forth in NH RSA 676:15 and shall be liable for all legal costs incurred by the Town in enforcing these regulations.

#### C. Saving Clause

If any provision in these regulations shall be held to be invalid for any reason by any court, such holding shall not invalidate any other provision of these regulations.

D. Adoption and Amendment

These regulations shall take effect immediately after their adoption by the Planning Board. These regulations may be amended by the Planning Board after an appropriately advertised public hearing.

## **8.12 Definitions**

As found in SECTION III.