



## **FINAL CLOSEOUT REPORT**

### **MIXED USE ZONING STUDY and ORDINANCE DEVELOPMENT for NH ROUTE 111A & MAIN STREET TOWN OF DANVILLE NEW HAMPSHIRE**

**April 16, 2008**



*FOUGERE PLANNING & DEVELOPMENT Inc.*

*Mark J. Fougere, AICP*

253 Jennison Road Milford, New Hampshire 03055

phone: 603-315-1288 fax: 603-249-9314

email: Fougereplanning@comcast.net

**CTAP Final Closeout Report  
Mixed Use Zoning Study and Ordinance Development  
for NH 111A/Main Street Danville, NH**

On July 19, 2007 Fougere Planning and Development, along with Keach-Nordstrom Associates, were engaged by the Town of Danville to undertake a Mixed Use Zoning Study and Ordinance Development for NH 111A/Main Street in Danville, New Hampshire. Over the next six months the Project Team met with the Planning Board a total of ten times (Planning Board minutes of all meetings are attached in the Appendix). During this period, the Project Team developed a comprehensive mixed use zoning ordinance, the Master Plan was reviewed to insure the project's goals were consistent with the adopted Plan and Danville's Site Plan and Subdivision Regulations were reviewed and recommendations made to these documents. On March 11, 2008 the town adopted the Danville Village District ordinance. The following report summarizes the results of the tasks specified in the Request for Proposals.

This project examined and reviewed Danville's Zoning Ordinance governing the Main Street/Town Center area of Danville (generally the Commercial Retail & Service District along Main Street from NH 111A to Pine Street) as well as the area zoned as residential on Main Street south of Long Pond Road. A consensus was developed in the community regarding whether, where, and how to establish a mixed use district along Main Street that would allow for the co-existence of appropriate service-oriented businesses and professional offices with the existing residential uses. It is only through developing a close working relationship with public officials, town staff and the general public that this endeavor was accomplished in the manner, time frame and with the outcome desired by the Town.

While recognizing the need to encourage development of appropriate professional and service-oriented businesses as a means of enhancing the Town Center (and adjacent areas) while broadening the non-residential tax base, Danville also greatly values its rural character and strongly supports preserving this community attribute. With these guideposts in place, the Town hoped to achieve the following objectives through this project:

- Encourage the development of appropriate professional and service oriented businesses as a means of enhancing the Town Center and adjacent areas.
- Refine permitted non-residential development uses in the current Commercial Retail & Service District.
- Encourage additional mixed use “village’ form of development in the Town Center area to establish services and businesses useful to Danville residents.
- Help achieve public consensus about how commercial development should be permitted and regulated.
- Broaden the non-residential tax base of the community by encouraging appropriate non-residential land uses.

## ***THE SCOPE OF WORK***

### **TASK I - FACT FINDING & EXISTING CONDITIONS ANALYSIS**

In order to obtain a firm understanding of the Town of Danville and to ensure the Project Team fully understood the scope of base data that existed; the Project Team undertook the following process:

- Working with the Planning Board, we defined the boundaries of the proposed mixed use district.
- The Team examined past, present and future land use issues in the areas of study. This task was accomplished through interviews with the Planning Board and key Town Officials, Departments and Committees in order to obtain input from these individuals. Recent problems and issues that had been prevalent with Planning Board and Zoning Board applications were also reviewed.
- The Project Team reviewed the 2006 Master Plan. This analysis determined that numerous Sections of the Master Plan support the Town’s effort to adopt a mixed use zoning district, these Sections include Transportation, Land Use, and Economic Development.
- The Project Team reviewed the existing subdivision and site plan regulations and the zoning ordinance. In addition, the previously developed mixed-use zoning change proposal was evaluated.

## **TASK II – PROJECT APPROACH**

With the completion of Phase One, the Project Team was provided with the necessary foundation to fully understand the “background” information associated with the community and the history behind this initiative. Through a series of public gatherings focused squarely on “*Whether*” the Town of Danville desires a mixed use district in the community and if so, “*Where*” are the exact boundaries of this proposed district and “*how*” would such a district function, the Project Team guided the Planning Board through the necessary steps needed in order to garner public support for the proposed mixed use proposal. These steps included:

- To measure community support for the adoption of an amendment that would allow a mixed use district in the community, a number of questions had to be answered. What are the districts benefits? What are the possible negative consequences? What can be done to mitigate such effects? Answering these questions helped set the framework for the remaining components of the study.
- With this type of proposed ordinance and district, some of the questions that the public had were: What are the boundaries of the district? What uses will be allowed in it?, Will single family homes be allowed? And How can potential impacts be appropriately mitigated? Using tax maps to define a conceptual mixed use corridor, the Team laid out a proposed mixed use district to display at the public hearing.
- The “devil is in the details” and the general public wanted to know if a mixed use district was created, what uses would be permitted and how could they impact the community. Questions here included design issues, use categories, parking details, landscaping buffers and encouraging the reuse of exiting structures. Through an open forum public meeting session, ideas were gathered on what appropriate land uses should be allowed in this new district.

## **TASK III – COMMUNITY CONSENSUS BUILDING**

Without public support for the proposed mixed use district the initiative would not garner the support of the Danville voters. Building a consensus within the community to support such a major zoning change is always a challenging endeavor, but by having an “open dialogue” with the community their potential concerns could be fully discussed and evaluated.

On September 27, 2007, a public Open Forum meeting was held at Town Hall and was attended by over 40 residents. The Planning Board members noted that it was the largest

public meeting that they had ever seen; contradicting many who thought few would turn out. The Open Forum was well publicized with postings occurring on the Town's web site, the Town Hall reader board, direct mailings being sent to property owners on Main Street and press releases. (See Appendix) The format of the meeting was a roundtable discussion, allowing for an open discussion to occur as specific issues were raised. The use of this low key approach enabled a consensus for specific recommendations contained within the proposed mixed use district to be developed. The Project Team considered this fact finding approach to be critical in that it provided the Team with the necessary knowledge and background required in order for the Team to develop a set of sound recommendations for the Town. In addition, this process was inclusive, insuring that all groups were made a part of the process, thereby fostering consensus for proposed amendments.

The public meeting announcement letter that was sent to Main Street residents, the Open Forum Agenda and the meeting's Findings are outlined below:

## **Danville Planning Board**

### **Open Forum Mailing**

#### **Potential Main Street Mixed Use Zoning**

**Thursday, September 27<sup>th</sup> @ 7:30 P.M.**

#### **Danville Town Hall**

Over the last few years the Danville Planning Board has been discussing potential avenues to update our Town ordinances to manage the type of commercial/retail development which has been seen in the region and will which inevitably be seen in Danville in the coming years.

Some of these discussions have been focused on permitting service orientated and professional office uses on Main Street. This type of “mixed use” zoning was discussed at length by the Board prior to the March 2007 Town Meeting, but a consensus on the matter was never finalized.

Working with a group of land use planning consultants, the Planning Board is again considering a mixed use zoning district for Main Street. All interested citizens of Danville are invited to an Open Forum on this matter **Thursday, September 27<sup>th</sup> at 7:30 P.M. in the Town Hall**. This will be the first of at least two proposed public Forums. This first Forum will focus on three main topics:

- **Whether** to have a Main Street mixed used district. Why do we need such a district? What are the benefits and what are the possible negative consequences?
- **Where** is the mixed use district? If a new zoning district is proposed, where should it be located? Along the entire length of Main Street? How far off of Main Street should the new district be? Should the district only be near Town Hall and near NH Route 111?
- **How** will the district function? What uses will be allowed and how will they be regulated? Should there be architectural design guidelines? Landscaping requirements? Buffer areas to adjoining land uses?

The Public Forum will be a low key event and depending on the number of attendees, smaller discussion groups will be created. The Planning Board consultants will not be making a presentation, but will be engaging in a give-and-take open dialogue with Danville citizens. We look forward to seeing you.

**Barry Hantman, Chairman**

# **Open Forum Agenda**

## **Potential Main Street Mixed Use Zoning**

**Thursday September 27<sup>th</sup> @ 7:30 P.M.**

1) Introductory Remarks – Planning Board Members & Consultants

- History of Planning Board's mixed use zoning efforts.
- Intent on current initiative: whether – where - how

2) Potential benefits of a mixed used district:

- Why do we need such a district?
- Why would such a district be desired?
- General group discussion on the potential zoning change.

3) Where would a mixed use zoning district best be situated?

- Which properties along Main Street should be included in a mixed use district?
- General concerns?

4) If a mixed use district is proposed:

- How will this new district function?
- Which uses should be permitted?
- Should more than one use be permitted on a single property?
- Should residential and non-residential uses be permitted on a single property?
- Should non-residential buildings be limited in size?
- Should there be specific design requirements?
- General concerns?

## Danville Open Forum Findings

- The meeting began with very negative overtures. We believe this was partly due to anger over last years zoning changes, a misunderstanding on what the Planning Board was trying to accomplish and generally anxiety over the unknown. In addition, the larger than expected turnout underscores the extent of dissatisfaction with the current commercial zoning on Main Street. We believe that by the meetings end, a general consensus was found.
- The group's census was not to expand the proposed Mixed Use District north of its present commercial zoning district, which ends at the Post Office.
- In general, the majority of the attendants supported interspersing residential and non-residential uses.
- Recognize that traffic is increasing along Main Street and ensure any development has safe and proper access.
- Ensure any proposed use “protects” adjoining uses. There is a feeling that there is no protection available in the current ordinances and regulations.
- New England Architectural design is important.
- The new development that has occurred in Hampstead, on Main Street, is typical of the positive development that is desired in Danville.
- Be sensitive to location of parking lots, lights, etc. on abutters.
- Address multiple zoning districts impacting on property at the intersection of Main Street and Route 111.
- Consider expanding the area of HC LI zone at the intersection of Main Street and Route 111.
- Potential future locations of restaurants and retail buildings should be considered. These uses may be best located along the southern end of Main Street.

- Will access to new uses have to be from Main Street or will access be allowed, for corner lots, from adjoining town roads?
- There was a general desire not to have split zoned parcels and general support for having a M/U District boundaries follow existing parcel boundaries where possible.
- Any ordinance should contain language supporting adaptive re-use of existing “historical” residential properties for appropriate non-residential uses.
- Any ordinance should contain language supporting typical small scale professional office, retail, personal service and food service type businesses, but not necessarily car sales, industrial and larger scale commercial uses.

#### **TASK IV – REVISE FUTURE LAND USE POLICIES**

Based upon input received from the Open Forum session, findings were reviewed and analyzed in order to characterize the nature and extent of establishing a mixed use zoning district along Main Street

Working with the Planning Board, the Project Team sifted through the feedback obtained from the public meetings to garner clear direction on required ordinance and regulation elements necessary to implement a successful and publicly supported mixed used district ordinance.

#### **TASK V – IDENTIFY, RECOMMEND, AND PREPARE FUTURE LAND USE, ZONING AND REGULATORY AMENDMENTS**

Based on input from the Planning Board and Community consensus building process, the Project Team prepared a draft Danville Village District zoning ordinance (See Appendix). The ordinance was designed as an alternative to traditional land use controls. This district will provide an alternative method to attract acceptable land uses, encourage diversity in the community tax base and preserve valuable historical, cultural and natural features in the community through the use of innovative land use controls. In developing the ordinance and regulations for the Town of Danville, particular attention was paid to the following:

- The diverse nature of the various corridor segments, including existing patterns of development, the potential for development of vacant land, and the creative re-use of existing properties.

- Coordinating the development of the ordinance with the Town of Danville Master Plan.
- The potential need for a transitional area adjacent to portions of the proposed district and other land uses.

The proposed ordinance is:

- Comprehensive in nature.
- Easy to read, understand and implement.
- Legally correct and compliant with New Hampshire Law.
- Representative of modern goals & objectives for future land use planning and redevelopment within the Town of Danville.

With the proposed Danville Village District ordinance finalized, the Project Team reviewed Danville's Site Plan Review and Subdivision Regulations to determine if changes should occur to these documents to provide consistency with the proposed Village Ordinance. The changes proposed focused on strengthening the Regulations to support the design elements in the Ordinance. These proposed changes were submitted to the Planning Board for their review and are included in the Appendix.

#### **TASK VI: PREPARE FINAL ZONING ORDINANCE & REGULATION AMENDMENTS**

Following the public hearings and Planning Board input, the final ordinance amendments were prepared. Two public hearings were held on the proposed Danville Village District, December 13, 2007 and January 10, 2008. These meetings were legally posted and advertised following New Hampshire land use law. Based on these meetings, minor amendments to the proposed ordinance were made. At the January 10<sup>th</sup> meeting, the Planning Board voted to place the proposed Danville Village District ordinance on the March 11, 2008 ballot, which passed by a majority vote.

In addition, specific recommendations have been submitted (Appendix) detailing recommendations to Danville's Subdivision and Site Plan Regulations. These findings have been submitted to the community for consideration.

## Appendix

- **Planning Board Minutes:** August 9, 2007, September 27, 2007 – Open Forum, October 11, 2007, October 25, 2007, December 13, 2007 – First Public Hearing on proposed Danville Village District Ordinance, January 10, 2008 Second Public Hearing on proposed Ordinance.
  
- **Carriage Towne News** – Front Page story on proposed Public Forum.
  
- **Legal Notices** – Proposed Danville Village District Ordinance First and Second Open Forum Notice. Press Release.
  
- **Written Public Comments**
  
- **Rockingham County Regional Planning Commission** – Written comments on proposed Village District Ordinance.
  
- **Power Point presentation from December 13, 2007 Public Hearing.**
  
- **Adopted Danville Village Ordinance & Zoning Map.**
  
- **Site Plan & Subdivision Regulation Recommendations. Master Plan supporting statements.**

**Danville Village District**  
**Adopted March 11, 2008**

- 1) Are you in favor of amending the Town of Danville Zoning Ordinance, to add definitions for the front, rear and side lot lines as well as to modify the definition of Frontage. Specifically, this would modify Article II.H and add a new Article II.P, II.Q, and II.R and renumber the existing Articles II.P through II.EE accordingly. The specific wording is as follows.

**II.H FRONTAGE**

The distance along the lot line dividing a lot from either:

- a. A public highway, excepting limited access highways as defined by RSA 230:44 and Class VI Highways; or
- b. A street shown on an approved and recorded subdivision plat.

**II.P LOT LINE, FRONT**

The lot line separating a lot from a street right-of-way from which legal access to the lot may be obtained (i.e., Frontage).

**II.Q LOT LINE, REAR**

The lot line opposite and most distant from the Front Lot Line(s).

**II.R LOT LINE, SIDE**

Any lot line other than the front or rear lot line.

- 2) Are you in favor of amending the Town of Danville Zoning Ordinance to eliminate the existing Retail/Commercial and Service Zone, create a new Danville Village District along the southern portion of Main Street and vicinity, extend the Highway Commercial and Light Industrial Zone where it meets Main Street, and modify the boundaries of several zoning districts so that the zoning district boundaries follow existing lot lines. Specifically: adding a new ARTICLE III.A and renumbering the existing ARTICLES III.A through III.E accordingly; replacing ARTICLE III.B, ARTICLE III.C, ARTICLE IV.B, and ARTICLE IV.C.1.a; and modifying ARTICLE VII.D.8 and ARTICLE VII.D.8.d deleting Article IIID.3. The specific changes are as follows:

**ADD A NEW ARTICLE III.A AND RENUMBER THE EXISTING ARTICLES III.A THROUGH III.E Accordingly.**

**A OFFICIAL ZONING MAP**

The location of the following districts are delineated on the map entitled Official Zoning Map, Town of Danville, and as amended, shall hereinafter be referred to as the Official Zoning Map and shall be made part of this Ordinance. *[RSA 674:20.]*”

## 1. INTERPRETATION OF DISTRICT BOUNDARIES

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as a street, utility line, and watercourse or other water body shall be construed to be the center line thereof.
- b. Boundaries indicated as following approximately parallel to a street, utility line, and watercourse or other water body shall be construed to be parallel to the nearest line thereof, and the number placed on the Zoning Map between the boundary and such line shall be the distance in feet between them as measured at a right angle from such line.
- c. Where a boundary apparently follows a property line, it shall be interpreted as such, even if such boundary should change as the result of survey. Such property line shall be interpreted as one existing at the time of enactment of this Ordinance.
- d. Where a boundary is indicated as intersecting the center line of a street, utility line, and watercourse or other water body, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.
- e. In the case of uncertainty of the location of a district boundary, the Planning Board shall determine the location of said boundary. An aggrieved party may appeal this decision to the Zoning Board of Adjustment.

REPLACE ARTICLE III.B WITH THE FOLLOWING

### B. DANVILLE VILLAGE DISTRICT

The location of said District is delineated and named on the map entitled “Official Zoning Map, Town of Danville.”

AMEND ARTICLE III.C BY ADDING THE FOLLOWING TO THE END OF THE FIRST SENTENCE:

“and those properties so delineated as being zoned Highway Commercial and Light Industrial on the Official Zoning Map.”

Delete Article III.D3.

REPLACE ARTICLE IV.B WITH THE FOLLOWING:

B. DANVILLE VILLAGE DISTRICT

1. District Objectives

- a. Provide the opportunity for the integration of limited commercial, professional and service oriented business uses with those existing residential and civic uses situated along the Main Street corridor.
- b. Recognize residential uses will continue to be an integral part of the Main Street corridor fabric.
- c. Create a framework by which a diverse mixture of residential and nonresidential uses within the District remains sustainable.
- d. Encourage a complementary mix of residential and nonresidential uses intended to support each other while affording employment opportunities and modest expansion of the Town's tax base.
- e. Preserve valuable historical, cultural and natural features, which define the rural character of Danville's Main Street corridor.
  - 1) Existing structures of historical significance, as may be recommended by the Heritage Commission, should be preserved and reused where possible.
- f. Ensure permitted non-residential uses are compatible with continued residential uses in the village district.

2. Permitted Uses

- a. Single unit dwellings and accessory buildings. No more than one principle residential dwelling unit per lot shall be permitted.
- b. Farms, farm uses and customary farm occupations other than commercial piggeries and mink farms.
- c. Customary/Home Occupations, subject to the provisions of Article IV – Section A.2.
- d. Accessory Uses: Extended Family Accessory Living Unit, subject to the provisions of Article IV – Section A.4.

The following uses are permitted subject to Site Plan review and approval by the Planning Board:

- e. Senior Housing, subject to the provisions of Article IV – Section A.5.
- f. Multiple unit dwellings, subject the provision of Article IV - Section A.1(d).
- g. Retail sales establishments.
- h. Professional offices and studios.
- i. Medical and dental offices and related health care facilities.
- j. Banks and other financial institutions.
- k. Personal service establishments.

- l. Restaurants, bakery and cafes.
- m. Funeral homes.
- n. Fraternal membership clubs.
- o. Inns & Bed and Breakfast establishments.
- p. Churches and other places of worship.
- q. Educational and day care facilities for children and adults.
- r. Nursing homes, elderly congregate care and assisted living facilities.
- s. Governmental uses of land and buildings.
- t. Animal hospital, boarding and breeding kennels.

### 3. Restrictions and Special Provisions

- a. Drive-through service windows are prohibited.
- b. Outdoor storage and/or display of nonagricultural goods, products, materials, and equipment shall be prohibited. Outdoor storage and display may be permitted by the Planning Board with non-residential site plan approval if deemed in keeping with the stated District objectives.
- c. The maximum gross first floor area of any single building located on any single parcel shall not exceed three percent (3%) of the gross lot area with the District. In no case shall the first floor area of any single building exceed six thousand five hundred thirty-four (6,534) square feet. The maximum gross floor area of all buildings situated on any single parcel shall not exceed six percent (6%) of the gross lot area within the District.
- d. Two or more permitted uses may be allowed on a single lot or within a single structure. However, in no case shall a nonresidential use occur on the same lot as a Multi-unit Dwelling.
- e. Dimensional Requirements
  - 1) All buildings shall be setback a minimum of fifteen feet (15') from lot lines other than the Front Lot Line; and shall have a setback of thirty feet (30') from the Front Lot Line, except in cases where the average Front Lot Line setback of existing properties within five hundred feet (500') in both directions, along and on the same side of the street is less. In such cases the required minimum Front Lot Line setback may be taken as that average distance.
  - 2) No building height shall exceed 2.5 stories or thirty-five feet (35').
  - 3) Minimum lot area shall be two (2) acres.
  - 4) Minimum lot frontage shall be two hundred feet (200').
- f. Within fifty feet (50') of a right-of-way, all parking shall be located to the side and/or rear of all existing or proposed buildings.
- g. A change of use to existing principle or accessory structures shall be allowed and shall also comply with all of the provisions of Article VII.S- Fire Protection, as applicable. A change of use may require Site Plan Review in accordance with Article VII.T.
- h. No materials defined as hazardous under 49 U.S.C 5103 will be used or stored on the premise.

- i. Applicants shall demonstrate that Historic Structures and features are maintained and preserved to the extent possible and reasonable, as determined by the Planning Board in consultation with the Heritage Commission.

4. Special Use Permits for Nonconforming Structures and Lots

Pursuant to the authority granted by RSA 674:21, Innovative Land Use Controls, the Planning Board shall be authorized to permit a change of use to property that is nonconforming as dimensional requirements, provided the following criteria are met:

- a. That the proposed use, in the opinion of the Planning Board, can adequately and safely be accommodated on the property.
- b. That adequate landscaping, buffering, and fencing is provided as necessary to minimize impacts on adjoining properties.
- c. That adequate and safe access can be provided to the property.

REPLACING ARTICLE IV.C.1.a WITH THE FOLLOWING

- a. Any use such as: Retail sales establishments, Professional offices and studios, Hospitals, Medical and dental offices and related health care facilities, Banks and other financial institutions, Personal service establishments, Restaurants with or without drive-through windows, bakery and cafes, Funeral homes, Fraternal membership clubs, Inns & Bed and Breakfast establishments, Governmental uses of land and buildings, Automotive filling – service stations, Automotive repair shops, and Animal hospital and Boarding and Breeding kennels.”

DELETING ARTICLES IV.C.2.c and IV.C.2.d IN THEIR ENTIRETY AND RENUMBERING ARTICLES IV.C.2.e and IV.C.2.f ACCORDINGLY

MODIFYING ARTICLE VII.D.8 BY REPLACING THE WORDS “Commercial/Retail and Service zone” WITH “Danville Village District” (2 instances) AND MODIFYING ARTICLE VII.D.8.d BY REPLACING THE WORDS “Commercial/Retail and Service zone” WITH “Danville Village District” (2 instances)

*FOUGERE PLANNING & DEVELOPMENT Inc.*

*Mark J. Fougere, AICP*

253 Jennison Road Milford, New Hampshire 03055

phone: 603-315-1288 fax: 603-249-9314

email: fougereplanning@comcast.net

April 10, 2008

As part of our contract with the Town of Danville in developing a mixed use district for Main Street, the Project Team was also tasked with reviewing the community's site plan and subdivision regulations to recommend appropriate amendments that would support the proposed village district ordinance. These recommend changes are outlined below.

In addition, the Project Team was to review the Danville 2006 Master Plan and, if necessary, recommend changes to this document that would be necessary in order to support the creation of a mixed use district. A review of the Master Plan was completed and it is our professional opinion that sufficient documentation presently exists in the Plan to support the Town's efforts to adopt the proposed Danville Village District ordinance. Key components from the Master Plan that support this conclusion are:

1) Community Goals

**The Planning Board seeks to protect Danville's rural residential character.**

The protection of the quality of the town's residential areas is a central theme in the survey results and will continue to be a central feature of the Master Plan. The quality of life in Danville's residential areas should be protected from incompatible uses on adjoining land. The Master Plan and associated regulations will be directed toward maintaining Danville's character as a residential town with a rural atmosphere, balanced by limited commercial and industrial land uses.

**The Planning Board seeks to actively control the location, design, and operation of commercial and industrial land uses within appropriately zoned areas.**

Survey results indicate a real interest in controlling commercial development. It is the Planning Board's recommendation that such control be applied to industrial uses as well. Such a goal suggests that the town take a variety of steps including improved zoning, site plan review regulations and sign control.

## 2) Transportation

The town has a zoning ordinance (Zoning Article VII:I) which regulates the access of driveways onto public roads and Land Control Subdivision Regulations (Section V – General Requirements: B-H) for proper street continuation and projection. Proper regulation of access points will help future traffic problems.

## 3) Future Land Use - Recommendations

The Future Land Use section of the Master Plan reflects the desired long-range development pattern for Danville. It is a plan designed to encourage compatible development in each unique area of Danville. Land capability, the ability of land to absorb and filter waste on-site, is the primary factor used to guide development. Other important factors include existing development patterns, roads, zoning, existing and anticipated municipal services, as well as community policies

Zoning changes should be researched to find incompatible zoning districts and incorporate the individual areas mentioned in the above section.

# **Recommended Amendments Danville Site Plan Review Regulations**

## 1) Section 21 Driveway/Vehicle and Pedestrian Access

- E. Current Regulation limits the width of a one- way driveway to not more than 12 feet. Such a narrow width would generally be inadequate for commercial vehicles given the need to accommodate turning movements at a driveway entrance. Corresponding, we recommend modifying the text of this Section to increase the maximum width of a one-way drive to not less than 18 feet so as to be consistent with the minimum isle width requirement of 18 feet contained in Section 23 A of these Regulations. In addition, we recommend that the text of this paragraph be expanded to clarify the maximum drive width dimension specified therein, are exclusive of pavement flares constructed at the intersection of driveways and streets. Lastly, we recommend that the text of this paragraph be expanded to specify that driveways intersecting with public streets shall be equipped with striping and signage consistent with recommendations contained in A Manual on Uniform Traffic Control Devices (MUTCD).

- I. We recommend this Section be expanded to specify that all sidewalks constructed for principle building or site access and/or to be situated within any public right-of-way must be constructed in accordance with all applicable provisions of the American's with Disability Act (ADA).
- J. We recommend a new paragraph (J) be added which would read as follows:  
All non-residential and multi-family sites shall be afforded fire lanes and emergency vehicle access sufficient to fulfill the requirements of the Danville Fire Department as applicable.

## 2) Section 22 Parking

- A. We recommend expanding the text of paragraph A, where the computation of required parking spaces results in a fractional number, the number of required spaces shall be rounded up to the nearest integer when the computed fraction equals  $\frac{1}{2}$  (0.5) or more.
- A1. We recommend adding a requirement that a minimum of two off street parking spaces shall provided for each dwelling unit. The current Regulations specify this requirement for multi-family housing. However, in anticipation of the currently proposed Village District Ordinance, it may be possible to have mixed one and two family residential uses and non-residential uses on a single parcel. In addition, we recommend expanding the text of this paragraph to specify a minimum of .05 parking spaces shall be provided for each occupant of a Nursing Home, Elderly Congregate Care Facility and/or Assisted Living Facility. Lastly, we recommend that the text of this paragraph be expanded to specify a minimum of two parking spaces shall be provided for each staff member, on the largest shift, employed by an Animal Hospital, and/or a Boarding or Breeding Kennel.
- C. We recommend that the text of this paragraph be amended to specify of the minimum number of handicapped parking spaces required as any location be that number required for compliance with ADA as opposed to the NH Code of Administrative Rules. Federal law will always supersede state law.

## 3) Section 23 Parking Lot Design

- B. We recommend that the text of this paragraph be revised to specify: 1. All parking spaces shall be striped with white or yellow traffic paint (4 inch minimum line width). 2. All parking surfaces, isles, and drives shall be paved with a minimum thickness of three inches of hot bituminous pavement (2 inch binder course overlaid with a 1 inch thick wearing course). 3. All parking pavement shall be placed on a compacted gravel surface consisting of a minimum of four inches of crushed gravel placed over a minimum

thickness of eight inches of gravel. The purpose of these changes is to strengthen and clarify parking lot construction specifications.

- C. We recommend that the text of this paragraph pertaining to the required dimensions of handicapped accessible parking spaces revised to simple state the dimensions, striping and signage associated with the construction of handicap parking spaces shall conform to the ADA.

#### 4) Section 27 Lighting

In order to clarify and broaden the Boards authority over site lighting (a concern that was raised at the Public Forum), we recommend deleting the first two paragraphs of this Section and replacing them with the following:

All non-residential and multi-family residential site plans presented to the Planning Board for approval shall include a lighting plan which provides for a method and level of lighting appropriate for the proposed use or uses as determined by the Planning Board. All such lighting plans shall, as a minimum, identify the location, number, height, type, and intensity of all exterior lighting fixtures to be installed. An illumination design shall be included.

Unless otherwise approved by the Planning Board, all pole mounted lighting fixtures shall be fed electricity by the use of underground electrical lines installed in accordance with applicable electrical code.

Proposed exterior lighting fixtures shall provide for a level of illumination appropriate for the proposed use or uses. Illumination patterns proposed shall be at least the minimum required to insure an adequate level of lighting is provided for user safety and security.

However, care shall be taken to avoid lighting patterns and intensities which “over light” a site, creating nuisance or glare at abutting properties, public streets and the neighborhood in general. All lighting plans shall be subject to review and approval by the Planning Board. No changes or modifications n approved lighting plans may be proposed without the specific approval of the Board.

Illumination levels and placement of light sources will be shown. Said levels shall be consistent with the provisions of the Illumination Engineering Society’s (IES) Lighting Handbook and will prevent glare and spill over. IES 90 degree full cut off luminaires shall be required to reduce lighting impacts and night sky light pollution.

## 5) Section 28 Storm Drainage

In order to update this Section to meet the most current engineering practice relative to drainage, we recommend deleting this Section and replacing them with the following:

Storm drainage systems shall be designed using the storm return frequency as follows:

- a. Multi-family residential, commercial and industrial 25 year frequency
- b. Flood protection facilities 50 year frequency

The peak rate of discharge of storm water runoff from the development under post-development conditions shall not exceed that of the predevelopment conditions unless it can be demonstrated that no off site adverse impact will result or appropriate flowage easements have been secured.

Drainage calculations submitted shall where appropriate include flow analysis showing the effect of site development on the existing drainage facilities outside of the site boundaries. Where the Board anticipates that additional runoff incident to the development will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the site plan until adequate provision is made, at the developer's expense, for the accommodation of downstream drainage improvements.

All calculations used for the design of the storm drainage system shall be by currently recognized best engineering methods and practices; and shall be stamped by a Licensed Professional Engineer.

Calculations shall be for both pre-development and post-development conditions and shall include times of concentration, runoff coefficients or curve number, maximum rate of runoff, total amount of runoff, storm sewer and drainage ditch sizing, culvert sizing, retention/detention facility sizing, and other information as may be required by the Board or Town Engineer.

All storm sewers shall be designed to have a minimum flow velocity of 2-feet per second and a maximum flow velocity of 12 feet per second based on calculated design flow and corresponding to the applicable return frequency design storm.

All open ditches and swales shall be designed to have a maximum flow velocity of 10 feet per second. All open ditches and swales shall be designed in accordance with Design of Stable Channels With Flexible Linings, Hydraulic Engineering Circular No. 15, published by the U.S. Department of Transportation, October 1975.

Suitable methods and calculations shall be used to design erosion control methods for use with all storm drainage systems. Such methods shall include but not be limited to: head

walls or end sections for all inlets and outlets, bedded rip rap for drainage ditches that exceed a flow velocity of 2.5 feet per second, slope mattresses and revegetation.

Minimum pipe size shall be 12 inches in diameter for privately maintained storm drainage systems and 15 inches in diameter for publicly maintained storm drainage systems. The minimum depth of cover from the road or ground surface to the crown of the pipe shall be not less than 3 feet.

All storm drains shall be constructed with reinforced concrete or high-density polyethylene pipe unless otherwise approved by the Planning Board.

All stormwater drainage systems shall be designed and constructed so as to provide permanent stormwater treatment prior to discharge to existing waterways, wetlands or public drainage systems. Minimum standards for stormwater treatment shall conform to those required by the NHDES Site Specific Program regardless of project size.

#### 6) Section 30 Landscaping

In order to clarify and strengthen Danville's landscaping requirements, we offer the following:

- C. We recommend that the text of first paragraph be amended to read as follows: Landscape Treatment. Development requiring Site Plan review and approval by the Planning Board shall provide landscaping in accordance with this Section as follows:

- C1 & 2. We recommend that these paragraphs be deleted and replaced with the following:

Including street trees as required below, a minimum of one deciduous or ornamental tree, with a minimum caliper diameter of 2.5 inches, per 30 feet of building perimeter shall be planted within the developed portion of any site.

A minimum of one deciduous or evergreen shrub, with a minimum height of 18 inches, per one proposed parking spaces shall be planted within the developed portion of any site. Shrubs shall be located so as to maximize the aesthetic quality of the site.

#### 7) Section 30.1 General Appearance Criteria

We recommend that the first paragraph be amended so that the end of the first sentence reads as follows: .."the Planning Board will use the following criteria in its review of the architectural design of proposed non-residential and multi-family structures." This amendment will clarify that these regulations apply to all non-residential and multi-

family development projects proposed in Danville. These regulations are otherwise very thorough and no additional changes are recommended.

8) Section 31 Patron Rest Rooms.

As this provision is covered in the Building Code, we recommend that this Section be deleted from the Site Plan Review Regulations.

9) We recommend that a new Section 31 “Hours of Operation” be added to the Site Plan Review Regulation and should read as follows

Hours of Operation

“The hours of operation of the proposed development, including but not limited to operational times, loading and unloading, dumpster activity, lighting operations, etc., may be regulated by the Planning Board if it is determined that the proposed use will have a detrimental impact upon abutting properties.”

This issue was raised as a matter of concern by a number of people at the Open Forum.

10) Section 36. Wheelchair Access

We recommend that this Section of the Site Plan Review Regulations be deleted and replaced with the following:

All pedestrian access facilities, parking facilities, and other applicable site element shall be designed and constructed so as to conform with applicable provisions of the American’s Disabilities Act, as amended.

11) Section 41 Waivers and Substitutions

A.2. We recommend that this Section be amended as follows: Delete subsections a – e as written and replace with the following:

- a. Strict conformity with the regulations would pose an unnecessary hardship to the applicant; and
- b. Granting the requested waiver would not be contrary to the spirit or intent of these regulations.

This amendment is being proposed in order for this Waiver and Substitution Section to be consistent with findings noted in a recent court decision, Philip Auger v. Town of Strafford. These two standards are consistent with RSA 674:36, II (n).

12) Section 45 Bonding

- B. In reviewing Section B, it appears that the requirement to bond 100% of all site work is excessive and is contrary to purpose of bonding as outlined in paragraph A, which notes “...shall be used to stabilize the site, ensure site safety and to minimize any adverse impacts...”. We recommend that the Board revisit this criteria and amend this requirement to insure that noted bonding amounts are reasonable and defensible.

13) Section 50 Reconsideration of Approval

Based on our reading of Section 50 titled “Reconsideration of Approval”, it patently unclear whether the intent on this Section actually pertains to true “reconsideration” of a previous action of the Board to approve a site plan review application or to “revoke” a previously approved site plan for cause. In the text of Section 50 as written, RSA 676:4-a is cited. That Statute pertains to revocation. Correspondingly, we assume the topic of this Section relates to the matter of revocation. If our assumption is correct, we recommend that the text of this Section be amended to more closely incorporate the language of RSA 676:4-a I pertaining to cause. However, if it is the intent of this Section to address the matter of reconsideration of a previous Board action, we recommend the Board review the 2007 Supremes Court decision in the matter of 74 Cox Street, LLC v. City of Nashua.