



PEASE DEVELOPMENT AUTHORITY

ZONING ORDINANCE

SITE PLAN REGULATIONS

SUBDIVISION REGULATIONS

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CHAPTER 300. PEASE DEVELOPMENT AUTHORITY ZONING REQUIREMENTS

STATUTORY AUTHORITY: RSA 12-G:13, II

PART 301. PURPOSE

301.01. The purpose of the zoning regulations is to promote the public health, safety and general welfare, promote the safe operation of air transportation, conserve the value of property within the jurisdiction of the Pease Development Authority, assure the most efficient use of existing natural and manmade resources, provide adequate light, air and open space, encourage the appropriate and wise use of land and promote high quality economic development and employment.

PART 302. DEFINITIONS

302.01. "Abutter" means any person, to include property owner, lessee or tenant, whose property is within five hundred (500) feet of the boundaries of the lot under consideration; the Towns of Newington and Greenland and the City of Portsmouth. 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 or her land will be directly affected by the proposal under consideration.

302.02. "Accessory building or use" means a building or use which is customarily subordinate or incidental to the principal use or building on a lot.

302.03. "Administrative officer" means the Building Inspector or other official of the Pease Development Authority or, in the applicable case, any official or board of the municipality, when referred by the Board, having responsibility for issuing permits or certificates of occupancy, or for enforcing the provisions of this rule.

removal through measures including, but not limited to, bioretention, bioswales, tree planters, gravel wetlands and/or infiltration/filtration systems (e.g. porous pavements, subsurface infiltration, sand filters, infiltration trenches.)

302.06. "Aerospace" means of or relating to travel in space beyond the earth's atmosphere, to include the design, construction and operation of vehicles for travel in space beyond the earth's atmosphere.

302.07. "Airport" means property that is maintained for the landing, refueling and takeoff of aircraft and for the receiving and discharge of passengers and cargo traveling by air, to include aviation-related facilities, structures and property.

302.08. "Airport District" means property conveyed, granted or otherwise transferred to the Pease Development Authority by the federal government or any agency thereof, 1) pursuant to Section 13(g) of the Surplus Property Act of 1944 (50 U.S.C. App. Section 1622(g) as amended, or 2) as otherwise declared or designated by the Authority as the "airport district" in accordance with the procedures prescribed in RSA 12-G:13, II.

302.09. "Airport apron" means the pavement area used or intended to be used for the parking and movement of aircraft.

302.10. "Alteration" means any change, addition or modification in construction or occupancy of an existing structure.

302.11. "Aquifer" means a geologic formation, group of formations or part of a formation in which porous and permeable conditions exist and thus is capable of yielding large quantities of groundwater usable for public or private water supply.

302.12 "Aquifer recharge area" means the land surface area from which infiltration of precipitation through surface soil materials into an aquifer occurs. Recharge may also occur from surface waters, including lakes, streams and wetlands.

302.13. "Aviation-related" means any activity, use, facility, structure, service, property or property right used or intended to be used for any operational purpose related to, in support of, or complementary to the flight of aircraft to or from the airport, to include convenience concessions serving the public.

302.14. "Board" means the Board of Directors of the Pease Development Authority.

302.15. "Buffer" means an area within a lot, generally adjacent to and parallel with the lot line either consisting of existing natural vegetation or created by the use of trees, shrubs, fences and/or berms and designed to limit the view of and/or sound from the lot to adjoining lots or roadways.

302.16. "Building coverage" means the aggregate or maximum horizontal cross section area of all buildings on the lot, including accessory buildings but excluding cornices, eaves, or gutters

projecting not more than 30 inches. Structures less than 18” above ground level shall not be included in calculating building or lot coverage.

302.17. "Building Inspector" means the Pease Development Authority Engineer or, in the appropriate case, the building inspection official authorized by the Pease Development Authority Board to conduct and certify inspections.

302.18. "Building footprint" means the building coverage.

302.19. "Commercial use" means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

302.20. "Comprehensive Plan" or "Master Plan" means the Pease Development Plan as described in the Pease Air Force Base Comprehensive Redevelopment Plan prepared by the Bechtel Corporation and adopted by the Pease Redevelopment Commission and subsequently adopted as modified by the Pease Development Authority.

302.21. "Construction trailer" means a structure or structures, to include a mobile home, tractor trailer or similar structure, which is used in conjunction with construction activities and which is used or constructed in such a manner as to permit daily occupancy and/or the storage of equipment and materials.

302.22. "Environmental Protection Agency" means the Federal agency responsible for implementing the Federal Water Pollution Control Act, (3 U.S.C. § 1251 et seq.) also known as the "Clean Water Act".

302.23. "Excavation" means the removal, movement or replacement of earth, to include soil, dirt, sod, loam, sand, gravel or stone, above or below grade, for any purpose, to include site grading and building construction. In the appropriate case, excavation also means a land area which is used or has been used for the commercial taking of earth, including all slopes.

302.24. "Front yard" means the open area located on the same lot with a building or structure that extends across the entire width of the lot and is situated between the front lot line and the nearest point of any building or structure. In the case of a corner lot, the front yard is the yard bordering the principal street. Front yard dimensions are to be measured from the street right of way.

302.25. "Frontage" means the horizontal distance measured along the lot line, which lot line abuts a street right of way.

302.26. "Governmental facilities" means buildings, structures and other facilities intended to provide functions or services, other than housing, normally provided by governmental entities, such as wastewater treatment facilities, police stations, fire stations, water distribution systems, and offices for the conduct of governmental functions or services.

302.27. "Gross floor area" means the sum of the areas of the several floors of a building, as measured from the exterior faces of the walls, but excluding the areas of fire escapes, unroofed porches or terraces, and areas such as basements and attics exclusively devoted to uses accessory to the operation of the building.

302.28. "Height" means the vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, gambrel or other peaked roofs, measured from the lot grade, defined as the average finished ground level of the land surrounding the building.

302.29. "Illicit connection" means an illicit, unauthorized or illegal connection that drains into or is connected to the Pease Development Authority Separate Storm Sewer System, and could include any of the following:

1. Any pipe, drain, open channel or other conveyances that have the potential to allow an illicit discharge to enter the Separate Storm Sewer System including, but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system. This includes any connections to the Separate Storm Sewer System from indoor drains and sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency

Or

2. Any pipe, drain, open channel or conveyance connected from a residential, commercial or industrial land use, to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized federal, state or local enforcement agency.

302.30. "Illicit discharge" means any direct or indirect non-storm water discharge to the Pease Development Authority Separate Storm Sewer System, excepting discharges as identified in Section 313-A.02. (b).

302.31. "Impact fee" means a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Pease Development Authority, including but not limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; stormwater drainage and flood control facilities; and public road systems and rights of way.

302.32. "Impervious surface" means any surface that prevents or significantly impedes the infiltration of water into the underlying soil. This can include, but is not limited to: roads, driveways, structures, artificial turf, and compacted gravel or soil.

302.33. "Industrial" means the occupancy or use of any building(s) or structure(s) for assembling, fabricating, finishing, manufacturing, retrofitting, remanufacturing, warehousing, packaging, distribution, or processing operations and related offices. Industrial also includes the servicing or repair of industrial uses.

302.34. "Industrial use dependent upon the airport" means industrial uses that involve aircraft, aircraft parts or aircraft services; or utilize air transportation to obtain goods or services, transport finished products or packaging, or provide services; and which require access to the runway.

302.35. "Infiltration" means the act of conveying the surface water into the ground, to permit the groundwater to be recharged resulting in the reduction of stormwater runoff from a project site.

302.36. "Light Industry" or "light manufacturing" means a use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales and distribution of such products, and excluding industrial processes which utilize extracted or raw materials, flammable or explosive materials or which potentially involve hazardous or commonly recognized offensive conditions.

302.37. "Lot" means a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and for the provision of required yards and other open space and having its principal frontage on a public street or right of way.

302.38. "Mitigation area" means property, to include wetlands and uplands, used or reserved for the purpose of avoiding, minimizing, rectifying, reducing over time, or compensating for unavoidable environmental impacts or offsetting environmental losses arising from development of the same or another parcel of property.

302.39. "National Pollutant Discharge Elimination System (NPDES) program" means the water quality program established as part of the Clean Water Act, implemented by the EPA, to authorize the discharge of pollutants into surface waters of the United States.

302.40. "Nonconforming use" or "nonconforming structure" means a building, structure or use of land in existence as of the date of enactment of this Rule which does not conform to the regulation of the zone in which it is situated.

302.41. "Non-stormwater discharge" means a surface discharge to the PDA separate storm sewer system not composed entirely of stormwater.

302.42. "Official map" means the officially adopted map of the property under the jurisdiction of the Pease Development Authority showing the location of the exterior lines of all existing and proposed streets, as filed with the registry of deeds of Rockingham County.

302.43. "Open space" means land or water area free of all structures, parking, drives and other uses which preclude attractive landscaping in such area. Open space may be landscaped with lawn, trees, shrubs or other plantings and may include walks and terraces, all of which shall be maintained thereafter in a slightly and well-kept condition. Open space may also include existing woodlands, wetlands, meadows or other natural vegetation areas.

302.44. "Outdoor storage" means the keeping, in an unroofed area, of any goods, material, products, merchandise, junk, or vehicles in the same place for more than 24 hours.

302.45. "Pease Development Authority Separate Storm Sewer System (System)" means owned and operated facilities by which storm water is collected including but not limited to roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, piped storm drains, pumping facility retention or detention basins, reservoir or other drainage structure that discharges to the waters of the United States. It does not include any facility owned by another party, including facilities owned by the United States Government or the City of Portsmouth.

302.46. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.

302.47. "Professional office" means an office for the practice of medicine, dentistry, law, accounting, architecture, teaching or other activity in which specialized services to clients are performed by persons possessing a degree from a recognized institution of higher learning involving four or more years of concentrated study related to the occupation involved.

302.48. "Public utility facility" means a communications, electric, gas, cable, water, sewer, or other utility pipe, conduit, transmission line, transformer, reducer, distribution apparatus or other unoccupied structure necessary for the furnishing of utility service.

302.49. "Rear yard" means the open area located on the same lot with a building that extends the full width of the lot along the rear lot line and is situated between the rear lot line and the nearest point of the principal building or buildings.

302.50. "Recreational Facilities" when permitted as a customary accessory use shall include playing fields, tennis and basketball courts and similar outside sport court facilities, pedestrian and bicycle paths.

302.51. "Right of way" means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric or communications transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.

302.52. "Roadway" means a street or other public or private way open to vehicular ingress and egress and reserved or dedicated for street traffic.

302.53. "Runway protection zone" means the trapezoidally-shaped area centered about the extended runway center line at either end of the runway and beginning 200 feet beyond the end of the area usable for the takeoff and landing of aircraft where, due to the higher potential for the occurrence of aircraft accidents, land use is necessarily restricted such that reasonable economic use of the land may be prohibited.

302.54. "Setback" means the required minimum horizontal distance between the principal building and the nearest front, side or rear lot line.

302.55. "Side yard" means the open area located on the same lot with a building that extends from the front yard to the rear yard and is situated between the side line of the lot and the nearest point of the principal building or buildings.

302.56. "Sign" means any name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business. A sign shall include writing, representation or other figure of similar character within a building only when illuminated and located in a window.

302.57. "Sign, attached" means a sign which is attached to a building wall and which extends eighteen (18) inches or less from the face of such wall.

302.58. "Sign, flashing" means a sign, illumination of which is not kept constant in intensity at all times when in use and which exhibits changes in light, color, light direction, and/or animation. Signs which indicate the time and temperature shall be considered flashing signs.

302.59. "Sign, free standing" means a sign which is not attached or affixed to a structure or building and which is supported by a pole(s) or other supporting members.

302.60. "Sign, incidental" means a sign, generally informational that has a purpose secondary to the use of the lot on which it is located, to include signs such as "no parking," "entrance," "loading only," etc., and similar directives.

302.61. "Sign, internally illuminated" means a sign which has characters, letters, figures, designs or outlines illuminated by electric lighting or luminous tubes as part of the sign.

302.62. "Sign, projecting" means a sign which is attached to a building wall and which extends more than eighteen (18) inches from the face of such wall.

302.63. "Sign, surface area of" means the entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced signs, only one (1) display space shall be measured in computing total surface area where the sign faces are parallel or where the interior angle formed by the faces is ninety (90) degrees or less.

302.64. "Sign, temporary mobile" means a sign, customarily located on a trailer or similar wheeled apparatus whether self-propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground.

302.65. "Site review agreement" means the legal agreement entered into between the

applicant/developer and the Pease Development Authority wherein the applicant/developer, upon site plan approval, agrees to implement development in accordance with the approved site plan, to include any required roadwork, utility or other infrastructure improvements, and provides a performance bond, irrevocable letter of credit or other form of security as a performance guarantee for the satisfactory completion of all construction and/or improvements.

302.66. "Street" means a thoroughfare or roadway which is: 1) an existing paved thoroughfare or roadway; 2) is shown on the official street map approved by the Board; or 3) is shown on a subdivision plat approved by the Board and constructed to specifications or for which security has been posted to guarantee construction of all improvements required by the Board.

302.67. "Subdivision" means the division of a lot or parcel of land into two or more lots or parcels or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or property subdivided.

302.68. "Taxilane" means a designated access lane reserved for the movement of aircraft that provides access to and from a taxiway and airplane parking position, terminal, hangar or other airport apron areas.

302.69. "Taxiway" means a designated access lane reserved for the movement of aircraft to and from the airport runway. Taxiways include the taxiway parallel to the runway and connecting transverse taxiways between the runway and parallel taxiway.

302.70. "Transportation terminal" means a facility or station serving as one end or junction of one or more means of public conveyance, to include rail, bus, limousine, taxi or other commercial motor carrier, and all ancillary structures, yards and other appurtenances incidental thereto.

302.71. "Underground storage facility" means an underground system of tanks, pipes, pumps, vaults, fixed containers, and appurtenant structures, singly or in any combination which are used or designed to be used for the storage, transmission or dispensing of oil or any hazardous substance, and which are within the size, capacity, and other specifications prescribed by rules adopted by the Division of Waste Management, NH Department of Environmental Services pursuant to RSA 146-C:9, VI. In this instance, "hazardous substance" means material defined as a regulated substance under 42 USC 6991(2)(A) in addition to any material designated as a hazardous substance pursuant to RSA 146-C:9, VI-a. Underground storage facilities shall not include storage facilities housed entirely in a basement or other below grade area of a building or structure.

302.72. "Variance" means a waiver from one or more terms of the zoning rule granted by the Board to the property owner, to include a lessee or sublessee, for a specific parcel of property.

302.73. "Warehouse" means a building used primarily for the storage of goods and materials.

302.74. "Warehousing and distribution" means a use engaged in the storage, wholesale and distribution of manufactured or assembled products, supplies or equipment.

PART 303. ZONING DISTRICTS AND PERMITTED USES

303.01 Zoning Map

(a) A Pease Development Authority Zoning Map depicting the locations and boundaries of all zones and districts is hereby made a part of this zoning rule, and may be reissued by the Board from time to time to incorporate such amendments as may be adopted by the Board.

(b) A copy of the Pease Development Authority Zoning Map is attached to this zoning rule as Exhibit 1. Official copies of said map shall be on file in the offices of the Pease Development Authority.

303.02 Airport Zone

(a) Description and Purpose. The Airport Zone is primarily intended to provide for uses associated with the operation of an airport, to include aviation-related facilities, structures and activities. The area subject to the Airport Zone consists of approximately 813 acres and is bounded on the north by the aircraft parking limit and Arboretum Drive; on the west by the building restriction line running 750' from center line of and parallel to the runway; on the south by the Natural Resource Protection Zone; and on the east by the Airport Industrial Zone (aircraft parking apron) up to the south edge of the Taxiway Juliet pavement; and then turning and being bordered on the south by the Airport Industrial Zone to a point approximately 390 feet west of the centerline of NH Avenue; on the east from said point along a line approximately 625 feet and then turning and following a line approximately 390 feet to the center line of NH Avenue, then following NH Avenue to the intersection with Exeter Street, then following Exeter Street approximately 590 feet to a point, then turning and following a line approximately 694 feet to the NH Air National Guard cantonment boundary; then following the NH Air National Guard cantonment boundary back to the aircraft parking limit line and the point of beginning; the Airport Zone also includes the North Apron.

(b) Permitted Uses.

- (1) Airport facilities, to include runway, aprons, taxiways, control towers, navigational and communications facilities, airfield lighting and signs, and associated structures.
- (2) Runway protection zone.
- (3) Airport passenger terminal, with associated ticket sales, restaurant/lounge and food services, retail sales and services, car rental services, other incidental services and associated short-term and long-term parking garages and lots.
- (4) Aircraft servicing, manufacturing and retrofitting facilities.

- (5) Aircraft parts manufacturing and retrofitting, aircraft parts and components storage.
- (6) Aircraft hangars, servicing and repair facilities.
- (7) Airport administration and maintenance offices and facilities.
- (8) Air cargo/freight terminals, operations and activities.
- (9) Customary accessory uses incidental to air transportation.
- (10) General aviation services and facilities, including aircraft tie-down and parking areas, support and maintenance shops, concessions, aviation fuel storage and dispensing facilities.
- (11) Transportation terminals, including bus terminals, rail terminals, commuter van, taxi and limousine services and incidental parking garages and lots.
- (12) Industrial activities and uses dependent upon the airport for transport or resources.
- (13) Aviation research and testing laboratories and activities dependent upon the airport for transport or resources.
- (14) Crash fire station, police station, garage and other airport maintenance, emergency and snow response facilities.
- (15) Aircraft sales and leasing facilities and services.
- (16) Aerospace and aviation-related training facilities.
- (17) Vehicular parking garages and lots.
- (18) Customary accessory uses incidental to permitted uses, to include but not be limited to off-street parking and loading, signs, outdoor storage, offices and employee day care and recreational facilities.

(c) Restrictions on Aircraft Operations and Related Uses and Activities

- (1) Aircraft Ground Engine Run-ups. Except when emergency situations or safety considerations require otherwise Aircraft Operations shall be subject to the following restrictions:
 - a) Maintenance Run-ups
 - (1) Aircraft ground engine run-ups above idle power conducted as part of maintenance operations shall be conducted only in designated noise

mitigation areas at the Airport and in accordance with procedures for use of such areas as established by the PDA as airport operator.

b) Pre-Flight Run-ups

(1) Aircraft ground engine run-ups above idle power conducted as part of pre-flight procedures shall be conducted only in designated noise mitigation areas at the airport and in accordance with procedures for use of such areas as established by the PDA as airport operator.

(2) Before 7:00 A.M. and after 9:00 P.M., aircraft ground engine run-ups above idle power conducted as part of pre-flight procedures shall be conducted no earlier than 15 minutes prior to scheduled takeoff.

303.03 Airport Industrial Zone

(a) Description and Purpose. The Airport Industrial Zone is primarily intended to provide for industrial uses necessitating close proximity to an airport and aviation-related facilities, structures and activities servicing industrial users. The area subject to the Airport Industrial Zone consists of the following parcels comprising approximately 333 acres:

- (1) In the area geographically situated in the City of Portsmouth, bounded on the north and west by the Airport Zone; on the south by the Natural Resource Protection Zone (Grafton Drive); and on the east by the Industrial Zone (Aviation Avenue).
- (2) In the area geographically situated in the Town of Newington, bounded on the north by the Newington Town Forest; on the east by the Industrial Zone; on the south by NH Air National Guard cantonment area to the North Apron, and turning and following the North Apron boundary to its intersection with the aircraft parking limit; and on the west by the Airport Zone.

(b) Permitted Uses

- (1) Aircraft parking aprons and taxiways for industrial users.
- (2) Aircraft hangars, servicing and repair facilities.
- (3) Airport administration and maintenance offices and facilities.
- (4) Air cargo/freight terminals, operations and activities.
- (5) General aviation services and facilities, including aircraft tiedown and parking areas, support and maintenance shops, concessions, aviation fuel storage and dispensing facilities.

- (6) Aircraft servicing, manufacturing and retrofitting facilities.
- (7) Aerospace and aviation-related training facilities.
- (8) Aviation research and testing laboratories and activities.
- (9) Aircraft sales and leasing facilities and services.
- (10) Aircraft parts manufacturing and retrofitting; aircraft parts and components storage.
- (11) Customary accessory uses incidental to permitted uses, to include but not be limited to off-street parking and loading, signs, outdoor storage, offices and employee day care and recreational facilities.
- (12) Vehicular parking garages and lots.
- (13) Customary accessory uses incidental to air transportation.
- (14) Other industrial activities and uses dependent upon the airport for transport or resources.
- (15) Recreational uses, including playing fields, tennis and basketball courts and similar outside sport court facilities, pedestrian and bike paths; provided such uses are maintained on a non-profit basis for the benefit of Pease International Tradeport tenants and/or the Towns of Newington and Greenland and the City of Portsmouth.

303.04 Industrial Zone

(a) Description and Purpose. The Industrial Zone is intended primarily for industrial uses which do not require direct access to the airport. The area subject to the Industrial Zone consists of the following parcels comprising approximately 432 acres:

- (1) In the area geographically situated in the City of Portsmouth, bounded on the north by the Business and Commercial Zone and Airport Zone (approximately 1,080 feet south of the intersection of Manchester Square and New Hampshire Avenue then southerly to Stratham Street and extending to Aviation Avenue; on the west by the Airport Industrial Zone (Aviation Avenue); on the south by the Natural Resource Protection Zone and Business/Commercial Zone (Grafton Drive); and on the east by the Business/Commercial Zone (Corporate Drive to International Drive, then northerly along International Drive to approximately 1,020 feet from the intersection of International Drive and Manchester Square).
- (2) In the area geographically situated in the Town of Newington, bounded on the north by the boundary of the PDA land at its border with land of NHDOT and then Arboretum Drive, and then along Arboretum Drive to the Newington Town Forest;

on the west by the Newington Town Forest, the Airport Industrial Zone, and the NH Air National Guard cantonment area to the intersection with Pease Boulevard; on the south by Pease Boulevard; and on the east by Spaulding Turnpike.

(b) Permitted Uses

- (1) Uses permitted in the Airport Industrial Zone.
- (2) Business offices, data processing facilities, professional offices, banks and financial institutions.
- (3) Research and development laboratories and related facilities and activities, including prototype production facilities and/or the related assembly of high technology equipment and/or components.
- (4) Warehousing and transportation-related activities and operations for all transportation modes, including rail, for nonflammable and/or nonhazardous materials.
- (5) Light industry and manufacturing, including but not limited to communications, electronic and data processing equipment manufacturing and assembly.
- (6) Customary accessory uses incidental to permitted uses, to include but not be limited to off-street parking and loading, signs, outdoor storage, offices and employee day care and recreational facilities.
- (7) Industrial uses.
- (8) Recreational uses, including playing fields, tennis and basketball courts and similar outside sport court facilities, pedestrian and bike paths; provided such uses are maintained on a non-profit basis for the benefit of Pease International Tradeport tenants and/or the Towns of Newington and Greenland and the City of Portsmouth.

303.05 Airport Business and Commercial Zone

(a) Description and Purpose. The Airport Business and Commercial Zone is intended primarily for uses involving business, commercial and trade-related enterprise. The area subject to the Airport Business and Commercial Zone consists of approximately 503.5 acres and is bounded on the north by the Industrial Zone (Pease Boulevard to New Hampshire Avenue) and the NH Air National Guard cantonment area; on the west by the Airport and Industrial Zones, on the south by the Natural Resource Protection Zone; and on the east by the Natural Resource Protection Zone and Spaulding Turnpike.

(b) Permitted Uses

- (1) Offices, banking and financial services and activities, public utility, professional and business offices, research and development offices and data processing facilities.
- (2) Transportation terminals, including bus terminals, rail terminals, commuter vans, taxi and limousine services and incidental parking garages and lots.
- (3) Hotels and related accessory uses.
- (4) Colleges, educational and training facilities.
- (5) Vehicular parking garages and lots.
- (6) Car rental agencies.
- (7) Consumer services including barber and beauty shops, laundry and dry cleaning establishments for pickup and delivery only, repair shops for shoes and household appliances and similar service establishments, provided no such use exceeds 10,000 square feet, nor such contiguous uses via attached buildings exceed 25,000 square feet.
- (8) Restaurants, bakeries, newsstands, convenience stores, including sale of drugs, food, hardware/ housewares, gifts, stationery and flowers and similar convenience and retail facilities, provided no such use exceeds 10,000 square feet, nor such contiguous uses via attached buildings exceed 25,000 square feet.
- (9) Trade-related exhibition/conference centers, offices, and support activities.
- (10) Governmental facilities.
- (11) Hospitals and out-patient health care facilities.
- (12) Child care facilities, to include day care, kindergarten and nursery schools.
- (13) Customary accessory uses incidental to permitted uses to include but not be limited to off-street parking and loading, signs, outdoor storage, offices and employee day-care and recreational facilities.
- (14) Light industry and manufacturing, including but not limited to communications, electronic and data processing equipment manufacture and assembly.
- (15) Research and development laboratories and related facilities and activities.
- (16) Motor vehicle service stations, excluding auto body repair and painting, provided:
 - a) All repairs and service work shall take place within an enclosed building.

- b) No inoperative, unregistered or uninspected vehicles are to remain on the site for more than a two (2) week period unless enclosed within a building. No vehicle sales shall be permitted upon the premises.
 - c) Screening, consisting of a solid fence, wall or evergreen hedge not less than six (6) feet in height shall be erected and properly maintained on the side and rear property lines.
 - d) All pump islands shall be set back at least twenty (20) feet from the front property line.
 - e) There shall be no more than two (2) forty (40) foot wide curb cuts or access or egress points on each abutting street.
 - f) Notwithstanding Section 304.04, minimum lot areas shall be 20,000 square feet, front yard shall be 50', side and rear yards 40'.
- (17) Recreational uses, including playing fields, tennis and basketball courts and similar outside sport court facilities, pedestrian and bike paths; provided such uses are maintained on a non-profit basis for the benefit of Pease International Tradeport tenants and/or the Towns of Newington and Greenland and the City of Portsmouth.
- (18) Health Clubs

303.06 Natural Resource Protection Zone

(a) Description and Purpose. The Natural Resource Protection Zone is intended primarily for uses relating to airport buffer and security purposes and for the protection of existing natural resources. It is intended to serve as a natural buffer between aviation-related and other uses occurring on property under the jurisdiction of the Pease Development Authority and surrounding properties. The area subject to the Natural Resource Protection Zone consists of approximately 698 acres.

- (1) The Natural Resource Protection Zone includes the land bounded by the Business Commercial Zone beginning near the wastewater treatment plant, then the Industrial, Airport Industrial, and Airport Zones ending at Arboretum Drive and Short Street and the perimeter of the Pease Development Authority land back to the point of beginning.
- (2) The Natural Resource Protection Zone also includes a northeastern parcel bounded by the perimeter of the Pease Development Authority land and the Industrial Zone.

(b) Permitted Uses

- (1) Airport-related equipment and structures limited to communication and navigational aids and related activities, and only buildings which are subordinate and accessory to communications or navigational aids. No building shall exceed 1,000 square feet.
- (2) Runway protection zones.
- (3) Stormwater management facilities, water wells, water treatment and pumping facilities and equipment and related activities.
- (4) Tree farms and forestry, wildlife preservation, recreational uses not involving motorized vehicles; provided such uses do not interfere with airport safety and security.
- (5) Golf Course.
- (6) Mitigation areas.
- (7) Open Space.
- (8) Public utility facilities.
- (9) Railroad lines and related railway facilities and activities.
- (10) Access roads.
- (11) Recreational uses, including playing fields, tennis and basketball courts and similar outside sport court facilities, pedestrian and bike paths; provided such uses are maintained on a non-profit basis for the benefit of Pease International Tradeport tenants and/or the Towns of Newington and Greenland and the City of Portsmouth.

PART 303-A USES PERMITTED BY SPECIAL EXCEPTION

303-A.01 Special Exception Uses Permitted in the Airport Zone

- (a) Aircraft Operations and Ground Engine Run-ups not otherwise permitted. *[Reserved]*.
(To be proposed as part of overall package of zoning amendments and other programs to address airport noise concerns).
- (b) Open lot storage, provided the following additional criteria are met:
 - (1) No hazardous or toxic materials are stored on site or used to process or treat the materials.
 - (2) The use is consistent with preservation of the Pease Aquifer.

- (3) The use will not detract from the ability of abutting properties to conduct business.
 - (4) The use will not exceed eighteen (18) months in duration without the filing and approval of a new request for a Special Exception.
 - (5) A bond or other security satisfactory to PDA counsel is provided to guarantee the restoration of the site at the end of the storage period.
- (c) Uses of buildings or structures planned for demolition, removal or reconstruction that are compatible with permitted uses and provided the use shall not extend beyond the time such demolition, removal or reconstruction is planned to be undertaken.
- (d) Motor vehicle service stations (excluding auto body repair and painting), provided the following additional criteria are met:
- (1) All repairs and service work shall take place within an enclosed building.
 - (2) No inoperative, unregistered or uninspected vehicles are to remain on the site for more than a two (2) week period unless enclosed within a building. No vehicle sales shall be permitted upon the premises.
 - (3) Screening, consisting of a solid fence, wall or evergreen hedge not less than six (6) feet in height shall be erected and properly maintained on the side and rear property lines.
 - (4) All pump islands shall be set back at least twenty (20) feet from the front property line.
 - (5) There shall be no more than two (2) forty (40) foot wide curb cuts or access or egress points on each abutting street.
 - (6) Notwithstanding Section 304.04, minimum lot areas shall be 20,000 square feet, front yard shall be 50', side and rear yards 40'.
- (e) Vehicle maintenance facility and/or car wash in support of permitted use.
- (f) Radio, television, communication and data transmission services and facilities including antennae and satellite dishes.
- (g) Public utility facilities provided the following additional criteria are met:
- (1) any exposed equipment, apparatus, appurtenance or structure is effectively screened and/or landscaped;

- (2) land area, structures and buildings are identified by suitable markers and signs where there is the potential for safety hazards;
- (3) the design of any required structure housing the facility is compatible with adjoining properties and any design standards established by the Board;
- (4) the facility is essential to service the area in which it is located; and
- (5) no business office nor any storage yard or storage building is operated in connection with such facility.

303-A.02 Special Exception Uses Permitted in the Airport Industrial Zone.

- (a) Open lot storage, provided it meets the additional criteria specified in subsection 303-A.01(b) above.
- (b) Uses of buildings or structures planned for demolition, removal or reconstruction that are compatible with permitted uses and provided the use shall not extend beyond the time such demolition, removal or reconstruction is planned to be undertaken.
- (c) Motor vehicle service station (excluding auto body repair and painting), provided it meets the additional criteria specified in subsection 303-A.01(d) above.
- (d) Vehicle maintenance facility and/or car wash in support of permitted use.
- (e) Radio, television, communication and data transmission services and facilities including antennae and satellite dishes.
- (f) Testing laboratories and facilities.
- (g) Public utility facility, provided it meets the additional criteria specified in 303-A.01(g) above.
- (h) Light industrial and research and development uses not dependent upon the airport and of limited duration not to exceed five (5) years.
- (i) Performing arts centers and associated activities, facilities and accessory uses including celebrations, receptions, food services for patrons, gift and souvenir sales, arts and crafts demonstrations and administrative offices, provided the following additional criteria are met:
 - (1) The facility is not located within 1,000 feet of any residential use in existence at the time of application.
 - (2) Adequate municipal sewerage is available or it can be demonstrated that an on-site waste disposal system can be located on the site in a manner which will be environmentally safe and have no adverse aesthetic impacts.

- (3) The facility and access to the facility are designed and located in such a way as to not result in undue conflicts with other corporate, commercial, industrial or aviation activities at Pease during normal business hours.
- (4) The facility is designed in such a way as to take advantage of, enhance and promote the enjoyment and use of open space and other natural features at Pease.
- (5) An adequate parking plan is provided that accommodates parking sufficient for peak capacity performances. Parking plans may include the use of on-site parking, off-site parking and common parking facilities at Pease, remote parking areas and shuttle services, or any combination thereof.
- (6) An environmental and economic impact statement acceptable to the PDA Board is submitted which addresses anticipated impacts associated with the proposed facility. Impacts studied shall include, but not be limited to, off-site and on-site impacts on surface waters, groundwaters, wetlands, surface drainage, wildlife and vegetation, economy of the Portsmouth-Newington area, employment and financial impacts on PDA, City of Portsmouth or Town of Newington relating to the provision of municipal services to the facility.
- (7) A traffic and air quality impact study acceptable to the PDA Board and meeting the requirements of Section 314.02(a)(6) is submitted. If as a result of the study it is determined that traffic or air quality mitigation measures are required, a traffic and air quality mitigation plan acceptable to the PDA shall be submitted.
- (8) Sound from the facility will not unreasonably disturb abutters and, where reasonably determined to be necessary by PDA, noise mitigation facilities are provided.
- (9) Facility operators will provide or otherwise arrange for all traffic control, emergency response and security personnel reasonably necessary for facility events.

303-A.03 Special Exception Uses Permitted in the Industrial Zone

- (a) Open lot storage, provided it meets the additional criteria specified in subsection 303-A.01(b) above.
- (b) Motor vehicle service station (excluding auto body repair and painting), provided it meets the additional criteria specified in subsection 303-A.01(d) above.
- (c) Vehicle maintenance and/or car wash facility in support of permitted use.
- (d) Uses of buildings or structures planned for demolition, removal or reconstruction that are compatible with permitted uses and provided the use shall not extend beyond the time such demolition, removal or reconstruction is planned to be undertaken.

- (e) Radio, television, communication and data transmission services and facilities including antennae and satellite dishes.
- (f) Testing laboratories and facilities.
- (g) Public utility facility, provided it meets the additional criteria specified in 303-A.01(g) above.
- (h) Performing arts center and associated activities, facilities and accessory uses including celebrations, receptions, food services for patrons, gift and souvenir sales, arts and crafts demonstrations and administrative offices, provided it meets the additional criteria specified in subsection 303-A.02(i) above.
- (i) Radio or television studio.

303-A.04 Special Exceptions Permitted in the Business/Commercial Zone

- (a) Uses of buildings or structures planned for demolition, removal or reconstruction that are compatible with permitted uses and provided the use shall not extend beyond the time such demolition, removal or reconstruction is planned to be undertaken.
- (b) Motor vehicle service station, provided it meets the additional criteria as specified in subsection 303-A.01(d) above.
- (c) Radio, television, communication and data transmission services and facilities including antennae and satellite dishes.
- (d) Heliport as accessory use.
- (e) Testing laboratories and facilities.
- (f) Public utility facility, provided it meets the additional criteria as specified in subsection 303-A.01(g) above.
- (g) Performing arts centers, and associated activities, facilities and accessory uses including celebrations, receptions, food services for patrons, gift and souvenir sales, arts and craft demonstrations and administrative offices, provided it meets the additional criteria as specified in subsection 303-A.02(i) above.
- (h) Radio or television studio.

303-A.05 Special Exception Uses Permitted in the Natural Resource Protection Zone

- (a) Radio, television, communication and data transmission services and facilities including antennae and satellite dishes.

(b) Public utility facilities, provided it meets the additional criteria as specified in subsection 303-A.01(g) above.

PART 303-B OVERLAY DISTRICTS

303-B.01 Relationship to Underlying Zoning Districts

Overlay districts apply special rules to manage land use in specific areas that may be portions of a single zoning district or that may overlap two or more zoning districts. The rules for overlay districts supplement the regulations contained in other sections of this Zoning Ordinance. Except as specifically provided otherwise in the regulations for an overlay district, all regulations of the underlying zoning district shall apply. Where there is a conflict between the regulations of an overlay district and those of the underlying district, the overlay district regulations shall control.

303-B.02 Establishment of Overlay Districts

(a) The following overlay districts are established:

- (1) Pease Park and Ride Overlay District

303-B.03 Overlay District Locations

(a) The Pease Park and Ride Overlay District is identified on the Zoning Map.

303-B.04 Pease Park and Ride Overlay District

(a) Purpose. The purpose of the Pease Park and Ride Overlay District is to permit the use of land within the district for ground transportation and vehicular parking facilities.

(b) Permitted Uses

- (1) Ground transportation terminals, including bus terminals and commuter van, taxi, limousine, and valet services.
- (2) Vehicular parking garages and lots.

(c) Restrictions. No structure shall be erected in the Pease Park and Ride Overlay District that interferes with the aerial approaches to the runway at the Portsmouth International Airport at Pease or that creates an airport hazard.

PART 304. DIMENSIONAL REQUIREMENTS

304.01 Airport Zone

(a) Lot dimensional requirements shall not be applicable to the Airport Zone and shall be subject to approval by the Board.

- (b) Building height shall not exceed FAA criteria.
- (c) Lots fronting on taxiways or taxilanes shall comply with all FAA regulations and criteria for dimensional requirements for taxiway and taxilane design.

304.02 Airport Industrial Zone

- (a) Lots fronting on roadways.
 - (1) Minimum lot size shall be 5 acres.
 - (2) Minimum lot frontage shall be 100 feet.
 - (3) Minimum front yard setback shall be 70 feet.
 - (4) Minimum side yard setbacks shall be 50 feet.
 - (5) Minimum rear yard setback shall be 50 feet.
 - (6) Building height shall not exceed FAA criteria.
 - (7) At least 25% of the upland area on each lot shall be retained as open space. Notwithstanding this requirement, on any lot containing a contiguous wetland of 2 acre or more, 15% of the wetland area may be used to meet the open space requirement.

Examples of Calculations for Reference Only:

Total Lot Size	Total Upland Area	Open Space Required Incl. Wetland Buffer	Upland Open Space	Wetland Open Space
10 Acres	10 Acres	2.50 Acres	2.50 Acres	0.00 Acres
10 Acres	9 Acres	2.25 Acres	2.10 Acres	0.15 Acres
10 Acres	6 Acres	1.50 Acres	0.90 Acres	0.60 Acres

- (b) Airport apron lots.
 - (1) Lot dimensional requirements shall not be applicable to lots situated on the airport apron, and shall be subject to approval by the Board.
 - (2) Lots fronting on taxiways or taxilanes shall comply with all FAA criteria for dimensional standards for taxiway and taxilane design.

- (3) Building height shall not exceed FAA criteria.

304.03 Industrial Zone

- (a) Minimum lot size shall be 10 acres.
- (b) Minimum lot frontage shall be 200 feet.
- (c) Minimum front yard setback shall be 70 feet.
- (d) Minimum side yard setbacks shall be 50 feet.
- (e) Minimum rear yard setback shall be 50 feet.
- (f) Building height shall not exceed FAA criteria.
- (g) At least 25% of the upland area on each lot shall be retained as open space. Notwithstanding this requirement, on any lot containing a contiguous wetland of 2 acre or more, 15% of the wetland area may be used to meet the open space requirement.

[See below - Examples of Calculations for Reference Only]

Examples of Calculations for Reference Only:

Total Lot Size	Total Upland Area	Open Space Required Incl. Wetland Buffer	Upland Open Space	Wetland Open Space
10 Acres	10 Acres	2.50 Acres	2.50 Acres	0.00 Acres
10 Acres	9 Acres	2.25 Acres	2.10 Acres	0.15 Acres
10 Acres	6 Acres	1.50 Acres	0.90 Acres	0.60 Acres

304.04 Airport Business and Commercial Zone

- (a) Minimum lot size shall be 5 acres.
- (b) Minimum lot frontage shall be 200 feet.
- (c) Minimum front yard setback shall be 70 feet.
- (d) Minimum side yard setbacks shall be 30 feet.

- (e) Minimum rear yard setback shall be 50 feet.
- (f) Building height shall not exceed FAA criteria.
- (g) At least 25% of the upland area on each lot shall be retained as open space. Notwithstanding this requirement, on any lot containing a contiguous wetland of 2 acre or more, 15% of the wetland area may be used to meet the open space requirement.

Examples of Calculations for Reference Only:

Total Lot Size	Total Upland Area	Open Space Required Incl. Wetland Buffer	Upland Open Space	Wetland Open Space
10 Acres	10 Acres	2.50 Acres	2.50 Acres	0.00 Acres
10 Acres	9 Acres	2.25 Acres	2.10 Acres	0.15 Acres
10 Acres	6 Acres	1.50 Acres	0.90 Acres	0.60 Acres

304.05 Airport Natural Resource Protection Zone

- (a) Lot dimensional requirements shall not be applicable to the Airport Natural Resource Protection Zone and shall be subject to approval by the Board.
- (b) Structural and natural vegetation heights shall not exceed FAA regulations or criteria or otherwise interfere with airport operations.

304.06 Nonconforming Buildings, Structures and Lots

- (a) Any building, structure or lot made nonconforming as to yard, building height, building coverage, open space or lot area by the transfer of land formerly encompassed by Pease Air Force Base from federal ownership to State, municipal or private ownership may be maintained and repaired, except as limited by (g) below.
- (b) Any new construction, alterations or additions to existing buildings shall comply with the provisions of these rules.
- (c) Any subsequent subdivision of lands formerly encompassed by Pease Air Force Base into two or more lots shall comply with the lot dimensional requirements for the zone in which the lots are located.
- (d) A nonconforming structure or building may not be moved to a location where it would not conform in its new location to the Dimensional Requirements for that zone.

(e) A nonconforming structure damaged by fire or other causes to such extent that the restoration to its condition before being damaged will cost more than fifty (50) percent of the cost to produce a new and entire structure shall not be repaired or rebuilt except in conformity with this Rule. If such damage is less than fifty (50) percent, the restoration of such nonconforming structure shall be completed in one (1) year.

(f) Nothing in this Rule shall prevent the strengthening or restoring to safe condition of any part of any building or structure declared unsafe by the Building Inspector.

(g) Any property formerly encompassed by Pease Air Force Base which is sold, leased or otherwise conveyed by the federal government to any person other than the State of New Hampshire or one of its political subdivisions shall be in full compliance with all applicable municipal land use regulations, building codes, electrical codes, plumbing codes and related codes prior to being occupied for any use by any person.

PART 304-A PEASE WETLANDS PROTECTION

304-A.01 Purpose and Intent

The purpose of this article is to protect the public health, safety and general welfare as well as the wetland's ecological integrity and function by controlling and guiding the use of land areas which have been found to be wetlands or that are adjacent to wetlands. It is intended that this article shall:

(a) Prohibit development of structures and land uses in wetlands and adjacent buffer areas described in this ordinance which will contribute to pollution of surface and groundwater by sewage or toxic substances or sedimentation;

(b) Prevent destruction of or significant changes to, natural wetlands which provide flood protection, provide filtration of water flowing into ponds and streams, augment stream flow during dry periods, or are connected to the ground or surface water supply;

(c) Protect wildlife habitats, maintain ecological balances, and enhance ecological values such as those cited in RSA 482-A:1;

(d) Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;

(e) Prevent unnecessary or excessive expense to the Pease Development Authority in providing or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands;

(f) Prevent damage to structures and properties caused by inappropriate development of wetlands;

(g) Fulfill the requirement for a Wetlands Management Plan required by the provisions of the transfer of land from the United States Air Force.

304-A.02 Wetlands Defined

(a) "Wetlands" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to swamps, streams, ponds, vernal pools, marshes, bogs, tidal wetlands and similar areas. Man-made storm water treatment areas as shown on site plans approved by the Pease Development Authority after January 1, 1992 shall not be construed as wetlands; nor shall roadside drainage ditches whose principal purpose is to facilitate the drainage of surface water from the adjacent roadway.

(b) Delineation Requirements: The precise location of a wetland boundary in any particular case must be determined by on-site inspection of soils, vegetation, and hydrology by a New Hampshire Certified wetland scientist using the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January 1987) and Field Indicators for Identifying Hydric Soils in New Hampshire (Version 3) published by the New Hampshire Department of Environmental Services or other agency with applicable jurisdiction.

(c) Wetlands shown on proposed development plans shall have been delineated no earlier than three years before the date of any application.

304-A.03 District Boundaries

The requirements of this article are applicable to the entire Pease International Tradeport and include all jurisdictional wetlands over one-quarter acre in size as defined in Section 304A.02 (a) above.

304-A.04 Permitted and Prohibited Land Uses in Wetlands

(a) Existing Legislation

All wetlands at Pease International Tradeport are protected by State and Federal laws and regulations. All development at Pease must meet the requirements of NH RSA 482-A administered by the NH Department of Environmental Services (DES) and Section 404 of the Clean Water Act administered by the US Army Corps of Engineers. These laws require a permit for dredge or fill or other work in wetlands.

(b) PDA Approval for Submission of Applications

Before a proponent of a project makes application to DES or Army Corps of Engineers, the proponent must first obtain approval for the submission from the PDA Board of Directors. The

Board shall consider the request at one of its regularly scheduled meetings. The PDA Board of Directors shall deny the request, approve, or approve with conditions.

304-A.05 Minimum Lot Size Requirements

Unless a lot contains an upland area of at least two (2) contiguous acres, areas designated as jurisdictional wetlands may be used to fulfill no more than 40% of the minimum lot size required by the Zoning Ordinance.

304-A.06 Wetland Buffer Provisions

(a) Buffers Established

- (1) Buffers shall be provided around all jurisdictional wetlands as recommended in a study entitled A WETLAND INVENTORY OF THE PEASE INTERNATIONAL TRADEPORT under the WETLANDS MANAGEMENT SERVICES CONTRACT OF THE DEVELOPMENT AUTHORITY, @ Portsmouth, New Hampshire, January 26, 2005, prepared for the Pease Development Authority by Gove Environmental Services (GES Project #2004-09) and shown on a plan entitled A PEASE INTERNATIONAL WETLAND OVERVIEW WITH RECOMMENDED BUFFERS@ (AGove Report@). Except that all wetlands as defined in 304-A.02(a) shall have a minimum twenty-five (25) foot buffer.
- (2) Additionally, unless there is not already a buffer defined, there shall be a twenty-five (25) foot buffer measured from the top of the bank of the waterway known as Hodgson Brook including but not limited to Wetlands 26 and 31 as defined in the Gove Report.

304-A.07 Permitted and Prohibited Land Uses in Wetland Buffers

(a) Permitted uses within the wetland buffer zone are those that will not generally require the erection or construction of any building or impermeable surface; that will not inhibit the ability of vegetation to filter pollution; that will not result in site alterations; and that otherwise are permitted by the Pease Development Authority. Examples are as follows:

- (1) Forestry and tree farming using best management practices in order to protect streams from damage and prevent sedimentation.
- (2) Wildlife habitat enhancement and management as endorsed by a wetland scientist and approved by the Board of Directors.
- (3) Parks and recreation uses consistent with the purpose and intent of this requirement, to include golf course tees, fairways and greens; provided that best management practices are used in the construction and maintenance of such uses and that any such construction is monitored by a wetland scientist.

- (4) Conservation areas and nature trails, to include construction of bicycle paths, pedestrian paths, sidewalks and footbridges; provided that such are in the public right-of-way and that best management practices are used in the construction and maintenance of such uses.
- (5) Open spaces as permitted or required by the Zoning Requirements or Site Plan Regulations.
- (6) Reconstruction of any building or structure located within the buffer zone, which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent may be restored or reconstructed, provided that such restoration or reconstruction commences within twelve months and that it not increase the footprint area of the building located in the buffer zone.
- (7) Maintenance or in-kind reconstruction of existing roads, utilities and sidewalks including public rights-of way and private accesses and services;
- (8) Public utility facilities provided that:
 - a) The facility is unmanned and has no storage component;
 - b) The facility is essential to service the area in which it is located;
 - c) Impacts to the buffer are minimized.
- (9) Drainage ways to include paths of normal storm water runoff, the construction of detention ponds, drainage swales, ditches and other storm water treatment structures, snow storage and playing fields provided that at least 50% of the depth of the buffer zone remains undisturbed and provided all state and federal permits have been obtained.

Exception: Snow storage areas in use as of the date of adoption of this ordinance are permitted to remain in use provided that all debris in snow storage area is cleared from the site and properly disposed of at the end of each snow season.
- (10) Picnic areas.
- (11) Security fencing.
- (12) Roadways, ramps, guard rails, fences, slopes, swales, water courses or other infrastructure to be constructed by the New Hampshire Department of Transportation in conjunction with the Spaulding Turnpike Improvements, Newington-Dover Project 11238.
- (13) Where land within the buffer zone has been previously disturbed for the construction of an impervious surface, that land may be redeveloped provided that any new impervious surface does not extend further into the buffer than the contiguous boundary of the previously disturbed area. The previous disturbance shall have

occurred subsequent to 1956 (the commencement of the development of Pease Air Force Base).

(b) Exemption for Existing Structures:

(1) Notwithstanding other provisions of this ordinance, the construction of additions and/or extensions to buildings constructed at the Tradeport and approved subject to the Site Review process subsequent to January 1, 1992, will be permitted within the buffer provided that:

a) The proposed construction conforms with all other Pease Development Authority land use regulations and state statutes.

b) The footprint of any proposed new construction does not exceed 25% of the area of the footprint of the existing building prior to the effective date of this ordinance and that any such additions comply with the following requirements:

i. That no construction is closer to a wetland than the existing structure; and

ii. That construction of the addition will occur in an area that was previously disturbed;

304-A.08 Conditional Use Permitting

(a) Any use in a wetland buffer that is not permitted by Section 304A.06(a) or 304A.06(b) shall require a Conditional Use Permit. A Conditional Use Permit shall be granted only after proper public notice and public hearing.

(b) Conditional Use Approval shall be granted provided that all other provisions of this ordinance are met and that the proposal meets all of the criteria set forth in 304A.08(f).

(c) The reviewing Board shall evaluate an application in accordance with The Highway Methodology Workbook Supplement - Wetland Functions and Values: A Descriptive Approach NAEPP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.

(d) The burden of proof that the criteria are met shall be the responsibility of the applicant.

(e) Economic considerations alone are not sufficient reasons for granting a conditional use permit.

(f) Criteria for approval:

- (1) The land is reasonably suited to the use;
- (2) There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use;
- (3) There will be no adverse impact on the wetland functional values of the site or surrounding properties;
- (4) Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals; and,
- (5) Potential impacts have been avoided to the maximum extent practicable and unavoidable impacts have been minimized.

(g) A Conditional Use Permit shall expire one year after the date of approval of the reviewing Board, unless a building permit is issued. The PDA Board may grant an extension of up to one (1) additional year.

304-A.09 Conditional Use Permitting Process

- (a) Applications Administered by the Board
 - (1) For parcels located within the Airport Zone and portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, applications for a conditional use permit shall be solely administered by the PDA Board in accordance with the provisions of this part.
 - a) Following approval of a proposal, in concept form, by the full PDA Board, a completed application for Conditional Use Permit shall be submitted to the PDA Building Inspector who shall forward the application to the PDA Land Planning and Capital Improvements Committee.
 - b) The reviewing Committee may require the findings of an independent NH certified wetland scientist and may assess the applicant a fee to cover the cost for studies or review of the submission.
 - c) Notice to abutters and the public shall be provided in accordance with the requirements of Sections 404.03(b) and 404.03(c).
 - d) The Land Planning and Capital Improvements Committee shall conduct a review of the application, to include a public hearing, and make a recommendation to the Board within 45 days of referral.
 - e) The Board shall review the recommendation of the Land Planning and Capital Improvements Committee and render a final decision on the Conditional Use Permit 30 days of the Committee recommendation.

- f) Time limits may be waived subject to the consent of the applicant.
- g) In the case of denial, the grounds for such denial shall be stated in writing.

(b) Applications Referred to Local Municipalities

- (1) For parcels located within the Industrial Zone, Business Commercial Zone, Natural Resource Protection Zone and those portions of the Airport Industrial Zone not acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, applications for a conditional use permit shall be referred by the Authority to the planning board of the municipality in which the project is located for review and recommendation in accordance with the provisions of this part.
 - a) Following approval of a proposal, in concept form, by the full PDA Board, a completed application for Conditional Use Permit shall be submitted to the PDA Building Inspector who shall forward the application to the local Planning Board.
 - b) The reviewing Board may require the findings of an independent NH certified wetland scientist and may assess the applicant a fee to cover the cost for studies or review of the submission.
 - c) The local planning board, in its discretion, may refer the application to its conservation commission.
 - d) If the application is referred to the conservation commission, the conservation commission shall report back to its planning board within 45 days of referral.
 - e) The Planning Board shall forward its written recommendation on the application to the PDA Board within 60 days of its receipt of the application.
 - f) Time limits may be waived subject to the consent of the applicant.
 - g) At least one public hearing shall be held by the Planning Board on an application for a conditional use permit. Notice to abutters and the public shall be provided in accordance with the requirements of Sections 404.03(b) and 404.03(c).
 - h) A recommendation of the applicable planning board shall be deemed a final decision of the Board upon the expiration of fourteen (14) days from the date of notice unless the applicant/developer or a member of the Board requests a hearing by the Board.

- i) Where a hearing has been requested, the Board shall conduct a hearing and render a final decision on the Conditional Use Permit within thirty (30) days.
- j) At the discretion of the Board, the time period for rendering a final decision may be extended an additional thirty (30) days or such additional time as may be consented to by the applicant.
- k) The Board may approve, conditionally approve or deny the application notwithstanding the recommendation of the applicable municipal planning board. In the case of denial of any application by the Board or where the Board elects not to follow the recommendation of the applicable municipal planning board, the grounds for such action shall be stated in writing.
- l) The Pease Development Authority cannot take any action on an application for Conditional Use Permit, which is contrary to the recommendation of the applicable Planning Board, without conducting a public hearing and giving certified mail notice to the Planning Board and the Conservation Commission of the affected municipality.

304-A.10 Performance Standards

(a) Storm Water Management

All construction activities and uses of buildings, structures and land within wetlands and wetland buffers, including without limitation all temporary and permanent erosion and sediment controls, shall be carried out so as to minimize the volume and rate of storm water runoff, the amount of erosion, and the export of sediment from the site. All such activities shall be conducted in accordance with Best Management Practices for storm water, including, but not limited to, the following:

(1) New Hampshire Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design, NHDES, 2008 or as amended; and

(2) New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction, NHDES, 2008 or as amended.

(b) Vegetation Management

The use of fertilizers other than low phosphate and slow release nitrogen fertilizers is prohibited in the wetland buffer except for applications for outdoor uses such as playing fields and golf courses.

The use of pesticides or herbicides is prohibited in a wetland or wetland buffer except for applications by a public agency for public health purposes or applications for outdoor uses such as playing fields and golf courses.

PART 305. GENERAL PROVISIONS AND PERFORMANCE STANDARDS

305.01 Nonconforming Uses

(a) Any property being used or intended to be used for a purpose which is a nonconforming use as of the effective date of this rule may continue to be so used, as long as it remains otherwise lawful, subject to the following provisions.

(b) If any nonconforming use ceases for any reason for a period of more than 180 days as of the effective date of this rule or is not resumed within 180 days of the effective date of this rule, any subsequent use shall conform to the uses specified by this Zoning Rule for the zone in which such land or structure is located.

(c) Any nonconforming building, structure or use which has been superseded by a conforming building, structure or use shall thereafter conform to the regulations for the zone in which it is located, and the nonconforming building, structure or use shall not be thereafter resumed.

(d) A nonconforming use shall not be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of this Rule.

(e) As of the effective date of this Rule, all residential uses of buildings at Pease shall be deemed abandoned and shall not thereafter be resumed.

305.02 Accessory Buildings and Uses

(a) No accessory building, structure or use (other than off-street parking as permitted in Subsection 305.02(b)) shall be located within the required front yard area nor shall be located nearer to the side or rear lot line than 75% of the height of such structure or 10 feet, whichever figure is greater.

(b) In the Airport Business and Commercial Zone, the Industrial Zone and for any non-apron lot in the Airport Industrial Zone, off-street parking spaces, maneuvering space and traffic aisles shall not be located within 50 feet of the front property line.

305.03 Landscaping and Screening

(a) Landscaping

(1) Appropriate landscaping shall be provided in accordance with an approved landscaping plan.

- (2) Landscaping treatment shall consist of natural vegetation or features, ground cover, shrubs and trees as appropriate.
 - (3) Landscaping plans shall meet the requirements of Section 405.03 of the Pease Development Authority Site Plan regulations.
- (b) Screening
- (1) Appropriate buffers shall be provided and maintained to screen the following uses from adjoining properties:
 - a) Any off-street parking or loading area.
 - b) All outdoor areas or facilities for the storage of fuel, solid waste, materials or products.
 - c) Any commercial parking lot.
 - d) Any principal use not conducted wholly within a building.
 - e) As otherwise required by the Board.

305.04 Construction Trailers

- (a) Requirements.
- (1) Construction trailers may be located on a site following the issuance of a Building Permit allowing their placement. The location of the construction trailers shall be approved by the Building Inspector. Construction trailers shall be removed from the site, and where appropriate, the grounds shall be restored to their original condition prior to the issuance of a Certificate of Occupancy by the Building Inspector.
 - (2) Where a construction trailer or trailers are proposed to remain on a site following the issuance of a Certificate of Occupancy, the Building Inspector shall act to ensure that the following conditions are met prior to the issuance of a Certificate of Occupancy:
 - a) Location of the construction trailer is in an approved location;
 - b) A bond of \$2,000 per trailer is either posted or contained in the Site Review Agreement to ensure the removal of the construction trailers, and where appropriate, the restoration of the grounds; and,
 - c) The Building Inspector shall ensure that the bond or the Site Review Agreement remain enforceable over the period that the construction trailer is on the site.

- (3) The bond for the construction trailers shall be released when the Building Inspector is satisfied that the trailers are removed, and where appropriate, the grounds have been restored.

305.05 Performance Standards

- (a) Buildings and uses permitted in all zones shall conform to the following standards:
 - (1) FIRE AND EXPLOSION. No fire or explosive hazard shall exist such as to produce dangerous exposure to adjacent property.
 - (2) ODOR. No objectionable odor shall be detectable beyond the property line and the emission of odors, regardless of type, shall not be such as to be detrimental to the value and use of adjacent property.
 - (3) GASES. No noxious, toxic or corrosive fumes or gases shall be emitted beyond the amounts allowed and defined within the regulations and standards of the Division of Air Resources of the New Hampshire Department of Environmental Services.
 - (4) DUST AND SMOKE. Visible and particulate emissions into the atmosphere shall not exceed the limits set by, and shall meet the regulations of the Division of Air Resources of the New Hampshire Department of Environmental Resources. Visible and particulate emissions shall not create fog or other restrictions to visibility that may interfere with aircraft operations.
 - (5) HEAT AND GLARE. No heat or glare shall exist to the extent that such would be detrimental to adjacent properties or to the traveling public.
 - (6) EXTERIOR LIGHTS.
 - a) The source of exterior lighting shall not be arranged in such a manner as to be detrimental to adjacent properties or create a hazard on public ways.
 - b) A pulsating, flashing, rotating, oscillating, or other type of lighting intended as an attention-getting device shall be expressly prohibited, except for aviation-related purposes.
 - c) Flood lights, spot lights, or other lighting device shall be arranged or shielded so as not to interfere with the safe operation of vehicles or aircraft.
 - d) Any light which constitutes a “misleading light” as defined by the FAA is expressly prohibited.
 - (7) NOISE.

- a) Non-aircraft and non-aircraft engine testing-related noise. Noise shall be controlled so as not to be excessive due to intermittence, beat, frequency, shrillness or volume.
 - b) Aircraft and aircraft engine testing-related noise. *[Reserved]*
- (8) HARMFUL INTERFERENCE. As defined in the rules and regulations of the Federal Communications Commission or as required by the FAA, any harmful interference is expressly prohibited.
- (9) VIBRATION. No inherent and recurrently generating vibration shall be perceptible without instruments at the property line.
- (10) WASTE DISPOSAL.
- a) Liquid and solid waste disposal shall comply with all pertinent laws and regulations.
 - b) All industrial operations shall be subject to the requirements of an industrial pretreatment program to ensure that all liquid wastes meet any federal, state or other requirements prior to discharge to a publicly-owned treatment works.
- (11) STORAGE. No raw or partially processed or finished material, machinery and equipment shall be open-air stored so as to be detrimental to adjacent properties.
- (12) SEWER. Combined sewer and stormwater discharge volumes shall not cause the existing Pease sewage treatment plant to exceed 90% of its rated capacity.
- (13) AQUIFER. All development and land uses shall be accomplished in a manner which ensures maximum protection of the exiting aquifer and aquifer recharge areas or any other water source.
- (14) STORM DRAINAGE. Any grading, paving, or other construction activity, including without limitation, all temporary or permanent erosion and sediment controls, or the construction or operation of storm drainage systems shall not result in erosion or sedimentation of streams, or damage to adjoining properties and roads, and shall conform to, unless an alternative method or technology is specifically authorized by NHDES or PDA, the following:
- a) New Hampshire Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design, NHDES, 2008 or as amended; and
 - b) New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction, NHDES, 2008 or as amended.

PART 306. SIGNS

306.01 General Provisions

- (a) No sign shall be erected without a sign permit issued by the Building Inspector.
- (b) No permit shall be issued for an individual sign unless and until a signage plan for the lot on which the sign(s) will be erected has been approved by the Building Inspector.
- (c) Application for a sign permit shall be accompanied by the applicable fees, as established by the Board from time to time.
- (d) Signs shall not exceed a maximum aggregate area of two (2) square feet of sign area for each linear foot of street frontage up to a maximum of 200 square feet.

306.02 Master Signage Plan *[Reserved]*

306.03 Lot Signage Plan

- (a) For every lot on which the applicant proposes to erect one or more signs requiring a permit, a signage plan shall be submitted, which shall contain the following:
 - (1) A plot plan of the lot, at such scale as the Building Inspector may reasonably require.
 - (2) Location of buildings, parking lots, driveways, open space and landscaped areas on the lot.
 - (3) Computation of maximum total sign area, the maximum area for each individual sign, and the height of each sign.
 - (4) Location on the plot plan of each present and proposed sign, except for incidental signs which need not be shown.

306.04 Illumination and Motion of Signs

- (a) Moving or flashing signs and all signs with traveling lights or of an animated type are prohibited except as provided in (e) below.
- (b) Non-aviation-related beacons and flashing lights shall be prohibited.

(c) Sources of illumination of all exterior signs shall not be visible above a line three (3) feet in elevation above any lot line. A sign or its illuminator shall not by reason of its location, shape or color interfere with public traffic or be confused with or obstruct the view or effectiveness of any official traffic signal or traffic marking.

(d) Signs shall be prohibited within thirty (30) feet of an intersection.

(e) Projecting signs which are designed to indicate to the public temperature and time shall be permitted in the Business and Commercial zone provided that the legend on such projecting signs shall relate only to time, temperature and identification of the sign's owner or building to which it is attached. Such signs may not be larger than thirty-six (36) square feet.

306.05 Temporary Signs

(a) Temporary signs may be used for identification pending the arrival of a permanent sign; provided that such signs may be allowed only until a permanent sign is erected or for 60 days, whichever is the shortest period.

(b) A permit for the erection of a temporary sign shall be obtained from the Building Inspector.

(c) Temporary mobile signs shall not be permitted.

306.06 Design, Construction and Maintenance

(a) All signs shall comply with applicable provisions of the latest edition of the Uniform Building Code and the Electrical Code, as amended.

(b) Except for banners, flags, temporary signs and window signs, all signs shall be permanently attached to the ground, a building or other structure by direct attachment to a rigid wall, frame or structure.

(c) All signs and sign structures shall be properly maintained and kept in a neat and proper state of maintenance and appearance.

PART 307. VEHICLE PARKING AND LOADING

307.01 Parking Requirements

(a) Location:

(1) On-street parking shall not be permitted, nor shall parking facilities be permitted to obstruct property, roadways or rights of way.

- (2) Off-street parking facilities shall be provided on the same lot with the principal use they are required to serve unless otherwise approved by the Board.
- (3) In all zones, parking space on each lot shall be adequate to prevent vehicles from backing onto a roadway or right of way.
- (4) Parking spaces located within four feet of abutting structures, sidewalks, or streets shall have substantial bumpers designed to protect such structures, sidewalks, or streets.

(b) Size and surfacing:

- (1) Each parking space shall be not less than eight and one half (8.5) feet in width and shall have a minimum area of one hundred sixty (160) square feet, exclusive of drives or aisles.
- (2) Parking areas and access drives shall be surfaced with a durable asphalt or concrete material and shall be graded and drained to dispose of all surface water accumulation.
- (3) All parking spaces shall be so marked by use of painted lines or other permanent striping materials.

(c) Required minimum number of parking spaces

<u>Use</u>	<u>Minimum No. of Spaces Required</u>
Aviation facility (hangar, terminal)	As determined by Board
Banks and business offices (lots less than 10 acres)	1 per 200 s.f. gross floor area
Business offices (lots ten or more acres)	3 per every 4 employees
Child care facility	1 per 5 children at max. capacity
Health Clubs	1 per 200 s.f. gross floor area plus 3/court and 2/swim lane
Hospital	1 per bed
Hotels	1 per room plus 1 per 2 employees
Industrial, light industrial, manufacturing, wholesale	2 per 3 employees on largest shift plus 1 per company-owned-vehicle

Offices	1 per 2 employees
Professional offices	3 per professional plus 1 per other employee
Restaurants, eating, drinking establishments	1 per 3 seats or 1 per 100 s.f. gross floor area plus 1 per employee, whichever is largest
Retail/commercial	1 per 400 s.f.
Education, training facilities	1 per staff on duty plus 1 per 4 students
Transportation terminal	As determined by the Board

(d) Rules of interpretation:

- (1) Where individual seats are not provided, each eighteen (18) inches of benches or other similar seating shall be considered as one (1) seat.
- (2) In the case of mixed uses, the parking spaces required shall be the sum of the requirements for the various individual uses, computed separately. Parking spaces for one use shall not be considered as providing the required parking for any other use. Where the computation of required parking results in a fractional number, the fraction of one-half or more shall be counted as one space.
- (3) For any permitted use not covered by (c) above, the closest similar use shall govern.

(e) Compact Car Parking Spaces. In parking areas with twenty or more parking spaces, up to thirty percent (30%) of the minimum number of required parking spaces or of the total spaces, whichever is greater, may be allocated for compact cars if designed to the following standards:

- (1) a compact car space shall not be less than 7.5 feet in width and 15 feet in length;
- (2) compact car spaces shall be laid out in a group and appropriately identified as intended for exclusive use by compact cars;
- (3) all aisle dimensions shall not be reduced from the requirements specified for all parking areas.

(f) Handicapped parking spaces.

- (1) Specifically designated parking spaces for the physically handicapped shall be

located as the parking spaces closest to the designated accessible primary entrance(s). Where possible, spaces shall be located so that handicapped persons do not have to cross roadways.

- (2) Handicapped parking spaces shall comply in number and size with either the local building code or the Code for the State of New Hampshire Architectural Barrier Free Design, whichever is more restrictive.
 - (3) Handicapped parking spaces shall be identified and reserved by an appropriately marked sign erected on a post or building at each space.
- (g) Reductions in Parking Requirements for Designated High Occupancy Vehicle Parking.
- (1) One designated van pool parking space may be substituted for six (6) required employee parking spaces, up to a fifteen percent (15%) reduction in parking requirements.
 - (2) One designated car pool parking space may be substituted for three (3) required employee parking spaces, up to a fifteen percent (15%) reduction in parking requirements.
- (h) Reductions in Parking Requirements for Reduced Demand
- (1) Notwithstanding other provisions of this ordinance, the parking requirements set forth elsewhere in this ordinance may be waived in exchange for permanent measures taken by the developer/applicant to reduce reliance on single occupancy motor vehicles. The extent of the parking requirement reduction shall, at the discretion of the recommending Planning Board during the site review process, as described in Part 404.01 and 404.02 , be based upon written evidence provided by the developer/applicant with the site review application.

307.02 Off-Street Loading

- (a) All principal buildings, including additions to existing principal buildings, in the Airport, Airport Industrial, Industrial and Airport Business and Commercial Zones shall be provided with off-street loading spaces in accordance with the following specifications:
- (1) Loading berths shall be located in the side or rear yards only.
 - (2) No off-street loading space shall be a part of any area used to satisfy off-street parking requirements.
 - (3) The first required loading berth shall be not less than twenty (20) feet in depth and all additional required berths shall be forty-five (45) feet in depth, except in the case of

operators of large fleets of small sized delivery trucks, when the Board may permit additional required berths to be only twenty (20) feet deep.

- (4) All loading berths shall have a minimum width of twelve (12) feet and a minimum vertical clearance of fourteen (14) feet.
- (5) In the case of mixed uses, the loading berths required shall be the sum of the requirements for the various individual uses computed separately. Loading berths for one use shall not be considered as providing the required loading berths for any other use.

(b) Off-street loading spaces shall be provided according to the following ratios:

Use	Gross Floor Area	Required Spaces*
Industrial	Up to 10,000 sf	0
	10,001 - 40,000 sf	1
	40,001 - 100,000 sf	2
	100,001 - 200,000 sf	3
	Each additional 200,000 sf	1
Office/ Professional Space	Up to 10,000 sf	0
	10,001 - 100,000 sf	1
	100,001 - 350,000 sf	2
	Each additional 350,000 sf	1
Retail	Up to 10,000 sf	0
	10,001 - 25,000 sf	1
	25,001 - 60,000 sf	2
	60,001 - 120,000 sf	3
	Each additional 100,000 sf	1
Other Non-Residential	Up to 10,000 sf	0
	10,001 - 40,000 sf	1
	Each Additional 60,000 sf	1

*or as otherwise recommended during Site Plan Review as provided in Parts 404.01 and 404.02.

PART 308. UNDERGROUND AND ABOVE GROUND STORAGE FACILITIES

308.01 Underground Storage Facilities

- (a) Underground storage facilities in existence as of the effective date of this rule may be continued.
- (b) Underground storage facilities no longer in use as of the effective date of this rule shall be permanently closed in accordance with the requirements of RSA Chapter 146-C and any rules enacted thereunder.

- (c) No new underground storage facilities shall be permitted, except as is required for a motor vehicle service station.
- (d) Underground storage facilities shall be operated, maintained and inspected in accordance with the requirements of RSA Chapter 146-C and any rules enacted thereunder.
- (e) All inspection results for underground storage facilities shall be reported to the Building Inspector within 10 days of inspection.

308.02 Above Ground Storage Facilities

- (a) Above ground storage facilities shall conform to the requirements of NFPA 30, Flammable and Combustible Liquids Code and other applicable requirements for storage facilities.
- (b) At a minimum, above ground storage facilities shall be diked with an impervious retention basin capable of containing 1.3 times the rated holding capacity of the facility and shall be either double-lined or vaulted.
- (c) Above ground storage facilities shall not exceed a capacity of 2,000 gallons per facility.

308.03 Aviation-related Bulk Fuel Storage Facilities

- (a) Specific dimensional requirements for aviation-related above ground bulk fuel storage facilities shall be as determined by the Board.

PART 309. EXCAVATIONS

309.01 Permit Requirements

- (a) Prior to the removal, movement or replacement of 100 cubic yards or more of earth, to include soil, sod, dirt, loam, sand, gravel or stone, from or upon any lot, an excavation permit issued by the Building Inspector shall be required.
- (b) Permits may specify conditions pertaining to:
 - (1) The finished level and grading.
 - (2) The control of temporary and permanent drainage to prevent erosion and sedimentation.
 - (3) The construction of necessary fencing or other barriers to protect against hazards.
- (c) Where applicable, excavations shall comply with the requirements of RSA Chapter 485-A:17.

(d) Excavations involving the commercial taking of earth shall comply with the requirements of RSA Chapter 155-E.

309.02 Site Protection

(a) All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the lot and disposed of in accordance with State law.

(b) Material or temporary soil deposits shall not be placed within four feet of shrubs or ten feet of trees designated to be retained. Where necessary, protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the lot.

309.03 Reclamation

(a) Topsoil moved during the course of construction or other excavation shall be replaced on all regraded surfaces to the depth of not less than four inches of even cover to all disturbed areas and shall be stabilized by seeding and/or plantings.

(b) All slopes, except exposed ledge, shall be graded to natural repose for the type of soil composition, and shall not exceed a site ratio of 2:1. Changes of slope shall not be abrupt but shall blend with the surrounding terrain.

(c) The topography of the land shall be left so that water drainage leaves the property at the original, natural points and in the natural proportions of flow.

(d) No standing bodies of water constituting a hazard to health and safety shall be permitted to remain after excavation.

(e) Areas accessible from a public way from which trees have been removed, shall be replanted with trees.

PART 310. INDUSTRIAL SEWAGE PRE-TREATMENT STANDARDS [Reserved]

PART 311. DESIGN STANDARDS [Reserved]

PART 312. PLANNED INDUSTRIAL/COMMERCIAL DEVELOPMENT [Reserved]

PART 313. AQUIFER PROTECTION DISTRICT [Reserved]

PART 313-A ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

313-A.01 Purpose and Intent

The intent is to protect public health, safety and general welfare of the PDA Tenants and the environment by prohibiting illicit connections and discharges to PDA's separate storm sewer system.

313-A.02 Prohibition of Illicit Discharges

(a) No person shall discharge or cause to be discharged into the PDA System any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater

(b) The following items are not considered as Illicit Discharges:

- (1) Stormwater
- (2) Discharges allowed by NPDES permit NH0090000 or any subsequent NPDES permit issued to PDA for the Tradeport
- (3) Firefighting activities, including training
- (4) Water line flushing
- (5) Ground water infiltration
- (6) Discharges from potable water sources including landscape irrigation and lawn watering
- (7) Foundation & footing drains including crawl space pumps
- (8) Air conditioning condensation
- (9) Diverted/pumped stream flows, springs & riparian habitats and wetlands and rising groundwater
- (10) Dechlorinated swimming pool discharges
- (11) Discharge from street sweeping
- (12) Dye testing if PDA is made aware prior to the test

313-A.03 Prohibition of Illicit Connections

(a) The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the PDA System or allows such a connection to continue.

313-A.04 IDDE Responsibility for Administration

(a) Enforcement

(1) Within Airport Zone and Airport Industrial Zone

For sites and locations within the airport zone or the airport industrial zone, and in addition to any right or other power PDA may have pursuant to written agreements with lessees, developers or others, PDA may undertake such enforcement against lessees, developers and others as is authorized under and consistent with the provisions of RSA 12-G:13, VI.

(2) Outside Airport Zone and Airport Industrial Zone

- a) Outside of the airport zone and airport industrial zone, and subject to the provisions of RSA 12-G:13, V(c), any deviation or noncompliance with these land use controls shall be subject to the enforcement provisions and process of the municipality having jurisdiction over the site or location pursuant to RSA 12-G:13, V(b).
- b) For the area of the Tradeport outside of the airport zone and airport industrial zone within the geographical limits of the City of Portsmouth, and subject to the provisions of RSA 12-G:13, V(c) and solely for the purposes of enforcing these Land Use Controls, the PDA adopts by reference the city's enforcement provisions and penalties applicable to the enforcement of city ordinances.
- c) For the area of the Tradeport outside of the airport zone and airport industrial zone within the geographical limits of the Town of Newington, and subject to the provisions of RSA 12-G:13, V(c) and solely for the purposes of enforcing these Land Use Controls, the PDA adopts by reference the town's enforcement provisions and penalties applicable to the enforcement of town ordinances

PART 314. SPECIAL EXCEPTIONS

314.01 General Provisions

- (a) Requests for a Special Exception shall be filed with the Pease Development Authority Building Inspector on forms prescribed by the Board.
- (b) An Application for Special Exception shall set forth the specific use proposed and reasons why a Special Exception should be granted.
- (c) A use permissible only through the granting of a Special Exception shall be not approved or recommended for approval unless it meets the following criteria:
 - (1) No adverse effect or diminution in values of surrounding properties would be suffered.
 - (2) The use does not create a traffic or other health or safety hazard.

- (3) The proposed site is an appropriate location for the use and provides safe and proper access and egress for the use;
 - (4) The use meets any additional standards provided in this Zoning Regulation for the zone in which it is situated.
- (d) Reasonable conditions necessary to meet one or more of the standards in subsection (c) above may be attached to the approval of a Special Exception.

314.02 Application Requirements

(a) Only completed applications for a Special Exception shall be considered for approval. To be deemed complete, applications for a Special Exception shall contain:

- (1) A completed application form;
 - (2) A scale drawing of the proposed use sufficient to provide details necessary to demonstrate compliance with the standards for approval of a Special Exception;
 - (3) Applicable fee;
 - (4) Names and addresses of abutters;
 - (5) Information that may be required to demonstrate compliance with any additional standard(s) established for the specific use or zone.
 - (6) Where a proposed special exception use is anticipated to generate in excess of 1,000 vehicle trip ends per day or is anticipated to generate a ten percent (10%) or greater increase in traffic at one or more surrounding intersections with a level of service D or worse the applicant shall be required to submit a traffic and air quality impact study addressing anticipated impacts, to be reviewed by traffic and air quality engineers approved by PDA and paid for by the applicant. If as a result of the study it is determined that traffic or air quality mitigation measures are required, a traffic and air quality mitigation plan acceptable to the PDA shall be submitted.
- (b) It shall be the responsibility of the applicant to provide technical information and expertise sufficient for evaluation of the proposed use, and to appear and present the proposal at any public hearing or meeting conducted on the application.

314.03 Applications Administered by the Board

(a) For parcels located within the Airport Zone and portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act of 1944, requests for a Special Exception shall be administered solely by the Pease Development Authority in accordance with this section.

- (b) Complete applications for a Special Exception shall be referred by the Building Inspector to the Pease Development Authority Zoning Adjustment and Appeals Committee for consideration and recommendation to the Board.
- (c) Notice to abutters and the public shall be provided in accordance with the requirements of Site Plan Review Regulation Section 404.03(b) for any public hearing on an application for Special Exception.
- (d) The Zoning Adjustment and Appeals Committee shall conduct a review of the application, to include a public hearing, and make a recommendation to the Board within forty-five (45) days of referral.
- (e) An application for a Special Exception shall be reviewed by the Board at a public hearing within thirty (30) days of the Committee recommendation.
- (f) At the discretion of the Board, the time period for rendering a final decision may be extended an additional thirty (30) days, or such additional time as may be consented to by the applicant.
- (g) In the case of denial of any request for a Special Exception, the ground(s) for such denial shall be stated on the record and shall be provided to the applicant in writing.

314.04 Special Exceptions Referred to Local Municipalities for Review and Recommendation

- (a) For parcels located within the Industrial Zone, Business and Commercial Zone, Natural Resource Protection Zone and those portions of the Airport Industrial Zone not acquired by Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, completed applications for a Special Exception shall be referred by the Authority to the Zoning Board of Adjustment of the municipality in which the parcel is located for review and recommendation in accordance with the provisions of this Section.
- (b) The applicable Zoning Board of Adjustment shall, in its review and recommendation, apply the substantive provisions of this zoning regulation.
- (c) At least one public hearing shall be held on the application during the municipal review process.
- (d) Notice to abutters and the public shall be required for any public hearing on an application for Special Exception in accordance with the requirements of Section 314.03(c).
- (e) Recommendation to the Board regarding requests for a Special Exception shall be made by the applicable zoning board of adjustment within sixty (60) days of referral. Notice of the recommendation shall be provided to the applicant and the Board within 48 hours of the decision.

(f) The recommendation of the applicable zoning board of adjustment shall be deemed a final decision of the Board upon the expiration of fourteen (14) days from the date of notice, unless the applicant or a member of the Board requests a hearing by the Board.

(g) Where a hearing has been requested, the Board shall conduct a public hearing and render a final decision on the request for a Special Exception within thirty (30) days.

(h) At the discretion of the Board the time period for rendering a final decision may be extended an additional thirty (30) days, or such additional time as may be consented to by the applicant.

(i) The Board may approve, conditionally approve or deny the application notwithstanding the recommendation of the applicable zoning board of adjustment. In the case of denial of any application by the Board or where the Board elects not to follow the recommendation of the applicable zoning board of adjustment, the ground(s) for such action shall be stated on the record and provided to the applicant and to the applicable zoning board of adjustment in writing.

314.05 Uses Permitted by Special Exception

(a) Uses permitted only by Special Exception granted in accordance with the provisions of this Section, and the zones in which such Special Exception uses are permitted are as follows:

USE	<u>ZONES</u>				
	A	AI	I	BC	NR
1. Open lot storage	X	X	X		
2. Uses of buildings or structures planned for demolition, removal or reconstruction that are compatible with permitted uses and provided the use shall not extend beyond the time such demolition, removal or reconstruction is planned to be undertaken.	X	X	X	X	
3. Motor vehicle service station (excluding auto body repairs and painting)	X	X	X	X	
4. Vehicle Maintenance facility/carwash in support of permitted use	X	X	X		

5. Radio, television, communication and data transmission services and facilities including antennae and satellite dishes	X	X	X	X	X
6. Heliport as accessory use			X		
7. Testing laboratories and facilities	X	X	X		
8. Public utility Facilities	X	X	X	X	X
9. Aircraft operations and ground engine run-ups not otherwise permitted	X				

Legend: **A = Airport**
 AI = Airport Industrial
 I = Industrial
 B/C = Business/Commercial
 NR = Natural Resource

ZONES

<u>USE</u>	<u>A</u>	<u>AI</u>	<u>I</u>	<u>BC</u>	<u>NR</u>
10. Light industrial and research and development uses not dependent upon the airport and of limited duration not to exceed five (5) years.	X				
11. Performing arts centers and associated activities, facilities and accessory uses including celebrations, receptions, food services for patrons, gift and souvenir sales, arts and craft demonstrations and administrative offices	X	X	X		
12. Radio or television studios		X	X		

Legend: **A = Airport**
 AI = Airport Industrial
 I = Industrial

B/C = Business/Commercial
NR = Natural Resource

PART 315. ENFORCEMENT OF ZONING PROVISIONS

315.01 General Provisions and Jurisdiction

- (a) The Pease Development Authority shall have exclusive jurisdiction in adopting and establishing zoning regulations and any other land use controls for the property at Pease Air Force Base transferred, conveyed or otherwise granted to the Authority by the federal government or any agency thereof.
- (b) Zoning regulations and any other land use controls adopted by the Pease Development Authority and any amendment thereto shall remain applicable and enforceable after the sale, lease, assignment or other transfer of any or all such property to any person by the Authority.
- (c) Regulatory power over zoning and other land use controls for property under the jurisdiction of the Pease Development Authority, excluding the Airport District, shall revert exclusively to the applicable municipalities no later than January 1, 2050, or sooner at the election of the Authority.
- (d) In all instances, the Pease Development Authority shall retain the power to make the final decision regarding applicability, interpretation and enforcement of its zoning regulations and any other land use controls.
- (e) In order to adopt, amend, interpret or override any zoning provision or other land use control, five (5) affirmative votes of the Board members shall be required.
- (f) All references to time limits shall be interpreted to mean calendar days.
- (g) Buildings, structures or land owned by or leased to the Pease Development Authority for its own use, any department or agency of the State of New Hampshire, or any department or agency of the federal governmental shall be exempt from the provisions of Chapter 300.

315.02 Building Permit

- (a) No construction, reconstruction, improvement or alteration of a building or structure or change of use of a building, structure or lot shall be commenced without a building permit issued by the Pease Development Authority Building Inspector.
- (b) No building permit may be issued unless all necessary site plan, variance or subdivision approvals have been obtained by the owner/developer.
- (c) Applications for building permits shall be made by the owner/developer on forms prescribed by the Board and filed with the Pease Development Authority Building Inspector.

(d) Fees for building permits shall be imposed in accordance with a fee schedule adopted by the Board.

(e) If no substantial progress of construction has been made within six (6) months following the issuance of a permit, the permit shall lapse. The Building Inspector may renew the permit upon repayment of the permit fee.

315.03 Certificate of Occupancy

(a) No premises on which buildings or other structures are constructed, reconstructed, improved or altered shall be occupied, and no premises shall be used, until a certificate of occupancy has been issued by the Building Inspector.

(b) No certificate of occupancy shall be issued for any premises unless the intended use complies with the provisions of this rule or any variance as approved by the Board and with all applicable health, fire, safety and Building Code requirements.

(c) An application for certificate of occupancy shall be made by the owner/developer on forms prescribed by the Board.\

(d) A certificate of occupancy shall not be granted until all required approvals and Building Code inspections have been completed.

(e) A record of the original application, required plans, permits, inspections and certificates of occupancy for each project shall be maintained on file in the offices of the Pease Development Authority Building Inspector.

PART 316. BUILDING CODES

316.01 Adoption of Building Codes

(a) The building construction codes adopted by the local enforcement official having jurisdiction are hereby adopted by reference, and all buildings or structures shall conform to the requirements of the latest edition of the code, as amended from time to time.

316.02 Electrical, Fire and Safety Codes

(a) The following electrical, fire and safety codes issued by the National Fire Protection Association (NFPA) are hereby adopted by reference, and all buildings and structures shall conform to the requirements of the latest edition of the following codes, as amended from time to time:

- (1) NFPA 101, Life Safety Code, 1988.

- (2) NFPA 10, Portable Fire Extinguishers, 1990.
- (3) NFPA 13, Installation of Sprinkler Systems, 1990.
- (4) NFPA 17, Dry Chemical Extinguishing Systems, 1990.
- (5) NFPA 17A, Wet Chemical Extinguishing Systems, 1990.
- (6) NFPA 30, Flammable & Combustible Liquids Code, 1990.
- (7) NFPA 31, Installation of Oil Burning Equipment, 1987.
- (8) NFPA 54, National Fuel Gas Code, 1988.
- (9) NFPA 58, Storage & Handling of Liquefied Petroleum Gases, 1989.
- (10) NFPA 70, National Electrical Code, 1990.
- (11) NFPA 72, Installation, Maintenance & Use of Protective Signaling Systems, 1990.
- (12) NFPA 99, Health Care Facilities, 1990.

316.03 Miscellaneous Codes and Requirements

(a) All uses, buildings and structures shall comply with the following codes and regulatory requirements, as amended from time to time.

- (1) Architectural Barrier Free Design Code for New Hampshire, RSA 275-C:10 and applicable administrative rules.
- (2) Americans with Disabilities Act of 1990, P.L. 101-336 and applicable federal regulations.
- (3) State and federal regulations on the Storage and Handling of Hazardous Materials.

(b) All uses, buildings and structures shall comply with any specific requirements, conditions and/or covenants which may be contained in any deed or other transfer document.

PART 317. VARIANCES FROM ZONING PROVISIONS

317.01 General Provisions

- (a) Requests for a variance from the provisions of this zoning rule shall be filed with the Pease Development Authority Building Inspector on forms prescribed by the Board.
- (b) Applications for zoning variance approval shall set forth the specific provision of the rule or regulation involved and reasons why a variance should be granted.
- (c) A variance shall not be approved or recommended for approval unless it is in harmony with the general purpose and intent of these regulations and meets the following criteria:
 - (1) No adverse effect or diminution in values of surrounding properties would be suffered.
 - (2) Granting the variance would be of benefit to the public interest.
 - (3) Denial of the variance would result in unnecessary hardship to the person seeking it.
 - (4) Granting the variance would be substantial justice.
 - (5) The proposed use would not be contrary to the spirit of this zoning rule.
- (d) Reasonable conditions necessary to meet one or more of the standards in subsection (c) above may be attached to approval of a variance.

317.02 Zoning Variances Administered By the Board

- (a) For parcels located within the Airport Zone and portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act of 1944, requests for a variance from the provisions of this zoning regulation shall be administered solely by the Pease Development Authority in accordance with this section.
- (b) A Zoning Adjustment and Appeals Committee of the Board established pursuant to Section 3.9 of the Pease Development Authority By-laws shall be created to consider and make recommendations to the Board regarding the following for parcels referred to in Subsection (a):
 - (1) Requests for variances from the terms of this zoning rule.
 - (2) Appeals from the decisions and orders of the Building Inspector.
- (c) Completed applications for a zoning variance shall be referred by the Pease Development Authority Building Inspector to the Zoning Adjustment and Appeals Committee for consideration and recommendation to the Board.

- (d) The Zoning Adjustment and Appeals Committee shall conduct a review of the application for a variance, to include a public hearing, and make a recommendation to the Board within forty-five (45) days of referral.
- (e) The Board shall review the recommendation of the Zoning Adjustment and Appeals Committee and render a final decision on the variance request within thirty (30) days of the Committee recommendation.
- (f) At the discretion of the Board, the time period for rendering a final decision may be extended an additional thirty (30) days, or such additional time as may be consented to by the applicant.
- (g) In the case of denial of any request for a variance, the ground(s) for such denial shall be stated in writing.

317.03 Zoning Variances Referred to Local Municipalities for Administration

- (a) For parcels located within the Industrial Zone, Business and Commercial Zone, Natural Resource Protection Zone or portions of the Airport Industrial Zone not acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, requests for a variance from the provisions of this zoning rule shall be referred to the zoning board of adjustment for the municipality in which the parcel is situated for administration in accordance with the provisions of this section.
- (b) Applications for a variance for parcels referred to in Subsection (a) shall be filed with the Pease Development Authority Building Inspector on forms prescribed by the Board and referred to the applicable zoning board of adjustment.
- (c) The zoning board of adjustment to which the application for a variance has been referred shall, in its review of the request, apply the substantive provisions of this Chapter.
- (d) Recommendations to the Board regarding requests for a zoning variance shall be made by the applicable zoning board of adjustment within sixty (60) days of referral. Notice of the recommendation shall be provided to the applicant and the Board within 48 hours of the decision.
- (e) The recommendation of the applicable zoning board of adjustment shall be forwarded to the Board along with a written report detailing the reasons for any recommendation for denial or approval with conditions.
- (f) A recommendation of the applicable zoning board of adjustment shall be deemed a final decision of the Board upon the expiration of fourteen (14) days from the date of notice, unless the applicant/developer or a member of the Board requests a hearing by the Board.
- (g) Where a hearing has been requested, the Board shall conduct a hearing and render a final decision on the variance request within thirty (30) days.

(h) At the discretion of the Board the time period for rendering a final decision may be extended an additional thirty (30) days, or such additional time as may be consented to by the applicant.

(i) The Board may approve, conditionally approve or deny the application notwithstanding the recommendation of the applicable zoning board of adjustment. In the case of denial of any application by the Board or where the Board elects not to follow the recommendation of the applicable zoning board of adjustment, the ground(s) for such action shall be stated in writing.

PART 318. APPEALS FROM ADMINISTRATIVE DECISIONS OF THE BUILDING INSPECTOR

318.01 Requirements for Appeal

(a) Applicants aggrieved by a decision or order of the Building Inspector may file an appeal pursuant to this Section.

(b) Appeals from the decisions and orders of the Building Inspector shall be filed with the Building Inspector on forms prescribed by the Board.

(c) Applications seeking appeal shall refer to the specific provision(s) of the building code or regulation involved and shall set forth the interpretation claimed and the reasons why the request of appeal should be granted.

(d) Applications for appeal shall be filed within 14 days of the decision or order from which the appeal is taken.

(e) Appeals may be granted by the Board to vary the application of any provision of the building code to any particular case when, in its opinion, the enforcement of the building code would do manifest injustice and would be contrary to the spirit and purpose of the Building Code and the public interest.

318.02 Appeals Administered by the Board

(a) For property located within the Airport Zone and within those portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act of 1944, applications for appeal from orders and decisions of the Building Inspector shall be referred to the Zoning Adjustment and Appeals Committee of the Board established pursuant to Section 317.02(a) for consideration and recommendation to the Board.

(b) The Zoning Adjustment and Appeals Committee shall conduct a review of the application for an appeal, to include a public hearing, and make a recommendation to the Board within thirty (30) days of referral.

- (c) The Board shall review the recommendation of the Zoning Adjustment and Appeals Committee and render a final decision on the request for appeal in thirty (30) days.
- (d) At the discretion of the Board the time period for rendering a final decision may be extended an additional thirty (30) days, or such additional time as may be consented to by the applicant.
- (e) In the case of denial of any request for appeal, the ground(s) for such denial shall be stated in writing.

318.03 Appeals Referred to Local Municipalities for Administration

- (a) For property located within the Industrial Zone, Business and Commercial Zone, Natural Resource Protection Zone and portions of the Airport Industrial Zone not acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, applications for appeal from the orders and decisions of the Building Inspector shall be referred by the Pease Development Authority to the zoning board of adjustment, or building code board of appeals, as appropriate, for the municipality in which the parcel is located, for administration in accordance with the provisions of this Section.
- (b) The zoning board of adjustment or building code board of appeals to which the application for appeal has been referred shall, in its review of the application, apply the substantive provisions of this Chapter.
- (c) Recommendations regarding requests for appeal shall be made by the applicable zoning board of adjustment or building code board of appeals, as appropriate, within thirty (30) days of referral, and notice of the recommendation shall be provided to the applicant and the Board within 48 hours of the decision.
- (d) The recommendation of the applicable zoning board of adjustment or building code board of appeals, as appropriate, shall be forwarded to the Board along with a written report detailing the reasons for any recommendation for denial.
- (e) A recommendation of the applicable zoning board of adjustment or building code board of appeals, as appropriate, shall be deemed a final decision of the Board upon the expiration of fourteen (14) days from the date of notice, unless the applicant or a member of the Board requests a hearing by the Board.
- (f) Where a hearing has been requested, the Board shall conduct a hearing and render a final decision on the application for appeal within thirty (30) days of the request for a hearing.
- (g) At the discretion of the Board the time period for rendering a final decision may be extended an additional thirty (30) days, or such additional time as may be consented to by the applicant.
- (h) The Board may grant or deny the application notwithstanding the recommendation of the applicable zoning board of adjustment or building code board of appeals, as appropriate. In the case

of denial of any application by the Board, or where the Board elects not to follow the recommendation of the applicable zoning board of adjustment or building code board of appeals, as appropriate, the ground(s) for such action shall be stated in writing.

PART 319. REHEARING AND APPEAL

319.01. Within twenty (20) days after any order or decision of the Board, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing, specifying in the request for rehearing the grounds therefor.

319.02. A request for rehearing shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable.

319.03. The Board shall within 10 days either grant or deny the application, or suspend the order or decision complained of pending further consideration, upon such terms and conditions as the Board may prescribe. The Board may grant such rehearing if in its opinion good reason therefor is stated in the request.

319.04. If a request for rehearing is granted by the Board, the rehearing shall be held within 30 days.

319.05. For property not located within the Airport Zone or portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act of 1944, any person aggrieved by an order or decision of the Board may appeal to the superior court in accordance with the provisions of RSA Chapter 677.

PART 320. EFFECTIVE DATE

320.01. These rules become effective immediately upon the conveyance, granting or other transfer of property to the Pease Development Authority by the federal government or any agency thereof, pursuant to public benefit transfer or sale.

CHAPTER 400. SITE PLAN REVIEW REGULATIONS
STATUTORY AUTHORITY: RSA 12-G:13, II

PART 401. PURPOSE

401.01 The purposes of Site Plan review are:

- (a) To protect the public health, safety and welfare.
- (b) To ensure that sound site utilization principles are followed.
- (c) To provide for orderly, harmonious and aesthetically pleasing development of property under the jurisdiction of the Pease Development Authority.
- (d) To avoid development which may result in negative environmental impacts.

PART 402. DEFINITIONS

402.01. Definitions contained in Pease Development Authority Rules, Chapter 300 Zoning Requirements, Part 302, Definitions, are adopted and incorporated herein by reference.

PART 403. APPLICATION REQUIREMENTS

403.01 General Provisions

- (a) The approval by the Board of site plans is required as a condition for the issuance of a building permit for any development requiring site plan review.
- (b) Applications for site plan review shall be subject to the minimum requirements and the procedures set forth herein.
- (c) Only completed applications for site plan review shall be considered for approval. To be deemed complete, applications for site plan review shall contain:
 - (1) A completed application on forms prescribed by the Board.
 - (2) Copies of Site Plan drawings meeting the requirements of these Land Use Controls as follows: One full size and one half size paper sets, plus the number and size sets required by the local municipality reviewing the application.
 - (3) Applicable fee(s) for site plan review as required by Section 404.04.
 - (4) Names and addresses of the applicant and all abutters.

- (d) Applications for site plan review and approval shall be filed with the Pease Development Authority Building Inspector.
- (e) All Applicants/Developers shall obtain all permits and approvals required under applicable federal, state and local laws for construction and post-construction stormwater management.
- (f) A checklist of items to be submitted with each application for site plan review shall be provided to the applicant by the Building Inspector.
- (g) Requirements for site plan approval shall be in addition to any specific review and approval requirements, conditions, and/or covenants which may be contained in any deed or other transfer document.
- (h) It shall be the responsibility of the applicant to provide technical information and expertise sufficient for evaluation of the proposal, and to appear and present the site plan at any public hearing or meeting conducted on the proposal.
- (i) All references to time limits herein shall be interpreted to mean calendar days.
- (j) Buildings, structures or land owned by or leased to the Pease Development Authority for its own use, any department or agency of the State of New Hampshire or any department or agency of the federal government shall be exempt from the provisions of Chapter 400.

403.02 Development Requiring Site Plan Review

- (a) Site plan review and public hearing in accordance with the provisions of this rule shall be required for all development except the following:
 - (1) Conversions or reuse of existing structures which involve no change in use, building additions or changes in the site.
 - (2) Alterations or improvements in nonconforming buildings or structures or substandard buildings or structures for the purpose of achieving conformity or compliance with zoning regulations or Building Code requirements.
 - (3) Projects limited to demolition.

403.03 Waiver of Site Plan Regulations

- (a) The Board may waive any portion of these regulations for site plan review and

approval when, in its opinion, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of these regulations.

403.04 Site Plan Submission Requirements

- (1) Site plans shall be drawn to scale. Acceptable scales shall be 1"=20', 1" = 30', 1" = 40', or 1"=50'.
- (2) Sheet size shall be 22" x 34" maximum or as otherwise required for recording by the Rockingham County Registry of Deeds.
- (3) Copies of Site Plan drawings meeting the requirements of these Land Use Controls as follows: One full size and one half size paper sets, plus the number and size sets required by the local municipality reviewing the application.
- (4) Date, title, north point, scale, map, lot, zone(s), revision block, legend, definition of uses and square footage of each area shall be displayed on each site plan.
- (5) Name, license number and seal of the New Hampshire licensed Land Surveyor or Civil Engineer, plus name and address of applicant/developer shall appear on each site plan.
- (6) On a separate paper, applicant shall provide the correct names and mailing addresses of the applicant(s) and all abutters.
- (7) Site plans shall include the following existing and proposed features as appropriate:
 - a) Sketch of site showing existing natural features including water courses and water bodies, trees and other vegetation, topographic features, any other features which should be considered in the site design process.
 - b) Plan view of all buildings with their use, size, location and first floor elevation indicated.
 - c) The location, width, curbing and paving of access ways and egress ways and streets within the site.

- d) The location of off-street parking and loading spaces with a layout of the parking indicated.
 - e) The size and proposed location of water mains and sanitary sewage facilities with all necessary engineering data.
 - f) The size and location of all other public service connections including gas lines, power lines, telephone lines, and fire alarm connections and locations.
 - g) The type and location of solid waste disposal facilities.
 - h) The location, elevation, and layout of catch basins and other surface drainage features, and a sheet showing proposed stormwater management and erosion control features
 - i) Existing and proposed contours and finished grade elevations as well as the type, extent, and allocation of existing and proposed landscaping and open space areas to be retained.
 - j) The location, size and the design of proposed signs and other advertising or instructional devices.
 - k) The location and type of lighting for outdoor facilities.
 - l) Lines of existing abutting streets.
 - m) Surveyed property lines showing their bearings and distances and showing monument locations.
 - n) If a subdivision, then lines and names of all proposed streets, lanes, ways or easements intended to be dedicated for public use.
 - o) All easements and rights of way.
 - p) A typical elevation view of building(s) indicating their height and bulk, when requested.
- (8) Application requirements may include any other exhibits or data required by the Board in order to evaluate adequately the proposed development, including but not limited to:
- a) Calculations relating to stormwater runoff.

- b) Information on composition and quantity of wastewater to be generated.
 - c) Information on air, water or land pollutants to be discharged.
 - d) Estimates of traffic generation.
 - e) Estimates of noise generation.
 - f) Inventory of hazardous materials anticipated for on-site storage and/or use.
- (9) A traffic impact analysis may be required as deemed necessary by the Board due to the proposal's size, location or traffic generating characteristics. In such cases, the applicant shall fund the cost of modeling the projected traffic increases in accordance with the transportation model to be derived from the Pease Development Authority surface transportation master plan.

PART 404. SITE PLAN REVIEW AND APPROVAL

404.01 Applications Administered By the Board

- (a) For parcels located within the Airport Zone and portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, applications for site plan review and approval shall be administered solely by the Authority in accordance with the provisions of this Part.
- (b) Upon the submission of a complete application for site plan review involving a parcel referred to in Subsection (a), the Building Inspector shall refer the application to the Pease Development Authority Technical Review Committee for technical review and recommendation prior to consideration of the application by the Board.
- (c) At least one public hearing shall be held on the application during the technical review process.
- (d) Notice to abutters and the public shall be required for any public hearing on a site plan application in accordance with the requirements of Section 404.03.
- (e) Technical review of site plan applications may also be provided by the Building Inspector and any other Pease Development Authority staff or consultant as deemed appropriate.

- (f) During the technical review process, additional technical assistance may be requested from experts in any field, as deemed appropriate.
- (g) Upon completion of technical review, a recommendation shall be forwarded to the Board, along with a report detailing the reasons for any recommendation for denial or for the imposition of conditions. Recommendations may consist of:
 - (1) Approval recommended.
 - (2) Approval recommended with conditions (specified).
 - (3) Denial recommended.
- (h) Technical review shall be completed within 45 days of the request for technical review from the Building Inspector. The Board may in its discretion grant an extension of time not to exceed 45 days.
- (i) Site review applications shall be reviewed by the Board at a public hearing within thirty (30) days of completion of the technical review and recommendation process. The Board shall approve or deny a site plan application within ninety (90) calendar days of submission of a complete application, subject to any extension or waiver of time limits consented to by the applicant.
- (j) An original on mylar and nine (9) sets of plans and associated exhibits and reports, as modified during the technical review process, shall be submitted to the Board by the applicant.
- (k) In the case of denial of any application submitted to the Board, the ground(s) for such denial shall be adequately stated in writing.

404.02 Applications Referred to Local Municipalities for Administration

- (a) For parcels located within the Industrial Zone, Business and Commercial Zone, Natural Resource Protection Zone and those portions of the Airport Industrial Zone not acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, completed applications for site review and approval shall be referred by the Authority to the planning board of the municipality in which the parcel is located for review and recommendation in accordance with the provisions of this Part.
- (b) The applicable planning board shall, in its review and recommendation, apply the substantive provisions of this chapter.
- (c) At least one public hearing shall be held on the application during the municipal

review process.

(d) Notice to abutters and the public shall be required for any public hearing on a site plan application in accordance with the requirements of Section 404.03.

(e) The Pease Development Authority Building Inspector and/or any other staff of the Authority, as it may deem appropriate, shall participate in a non-voting capacity in the review of site plans referred to the applicable municipal planning board.

(f) The applicable municipal planning board shall review an application for site plan approval and forward a recommendation to the Board within sixty (60) days of referral, unless the Board grants an extension of time not to exceed another sixty (60) days. Notice of the recommendation shall be provided to the applicant and the Board within 48 hours of the decision.

(g) The recommendation of the planning board shall be forwarded to the Board along with a written report detailing the reasons for any recommendation for denial or for the imposition of conditions. Recommendations may consist of:

- (1) Approval recommended.
- (2) Approval recommended with conditions (specified).
- (3) Denial recommended.

(h) A recommendation of the applicable planning board shall be deemed a final decision of the Board upon the expiration of the fourteen (14) days from the date of notice, unless the applicant/developer or a member of the Board requests a hearing by the Board.

(i) Where a hearing has been requested, the Board shall conduct a hearing and render a final decision on the site plan within thirty (30) days.

(j) At the discretion of the Board, the time period for rendering a final decision may be extended an additional thirty (30) days or such additional time as may be consented to by the applicant.

(k) The Board may approve, conditionally approve or deny the application notwithstanding the recommendation of the applicable municipal planning board. In the case of denial of any application by the Board or where the Board elects not to follow the recommendation of the applicable municipal planning board, the ground(s) for such action shall be stated in writing.

(a) Public Hearings

- (1) At least one public hearing on an application for site plan approval shall be required during the technical or planning board review process and during the Board approval process.
- (2) Public hearings shall not be required for denials of applications based upon failure of the applicant to supply information as required herein, including abutters' identification; or failure to meet reasonable deadlines established by the Pease Development Authority or failure to pay costs of notice or other fees required by the Pease Development Authority or the municipality.

(b) Notice Requirements

- (1) The applicant and all abutters shall be notified by certified mail of the date, time and place at which a public hearing or other public meeting shall be held on an application for site plan approval.
- (2) Notice shall be mailed at least ten (10) days prior to any public hearing or meeting.
- (3) Notice to the general public shall also be given at the same time by posting at the Town Hall of Newington, City Hall of Portsmouth and offices of the Pease Development Authority. Notice shall also be printed in a local newspaper of general circulation at least 24 hours, including Sundays and legal holidays, prior to the hearing for which notice is provided.
- (4) Notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal.
- (5) If notice of public hearing has been included in any prior notice, additional notice of the hearing is not required, nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

(c) Costs of Notice

- (1) All costs of notice, whether mailed, posted or published, shall be paid in advance to the Pease Development Authority by the applicant.
- (2) Failure to pay costs of notice shall constitute valid grounds to terminate

further consideration and to deny or recommend disapproval of the application without a public hearing.

404.04 Application and Review Fees

- (a) Fees shall be imposed in accordance with a fee schedule adopted by the Board.
- (b) In addition to the application and notice fees, the Board, at its discretion, may impose additional fees to cover the costs of special investigations, review of documents and special studies.

404.05 Impact Fees *[Reserved]*

PART 405. **SITE PLANNING STANDARDS**

405.01 General Provisions

- (a) Site planning standards specified herein shall guide the review, recommendation and approval of site plans where applicable and as appropriate.
- (b) Site plans shall conform to standards identified herein.
- (c) To the maximum extent practicable, development should be located to preserve the natural features of the site and to avoid areas of environmental sensitivity.

405.02 Vehicular and Pedestrian Circulation

- (a) Roadway, accessway and parking systems shall be designed to permit the safe, efficient and orderly movement of vehicles and pedestrians; to meet the needs of present and future users; to have a simple and logical pattern; to respect natural features and topography; and to present an attractive streetscape.
- (b) Parking spaces shall be arranged so that vehicles will not back onto a public street.
- (c) Parking spaces located within four feet of an abutting structure, sidewalk, or street shall be designed with suitable bumper stops.
- (d) Aisle widths shall conform to the following minimum dimensions:

[See chart below]

<u>Parking Angle</u>	<u>Aisle Width (1 way traffic)</u>	<u>Aisle Width (2 way traffic)</u>
0°	14'	24'
45°	16'	24'
60°	18'	24'
90°	24'	24'

- (e) Accessways shall be located no closer than fifty (50) feet to the curb line of an intersecting street.
- (f) Any two accessways from a single lot shall be no closer than fifty (50) feet to each other at the front property line.
- (g) Granite curbing shall be installed where accessways meet public streets.
- (h) Traffic control signals and signs, turning lanes, pavement widening and other improvements to public streets shall be provided by the developer upon determination by the Board that the specific improvements are necessary for safe handling of traffic generated by the proposed development.
- (i) Accessways shall, where practical, have an all-season safe sight distance of four hundred feet in both directions along the public street.
- (j) All development shall provide for a system of pedestrian access that connects the major building entrances/exits, parking areas, and sidewalks within and adjacent to the property.
 - (1) Pedestrian pathways shall be easily accessible to all users and shall comply at a minimum with ICC/ANSI 117.1, latest edition.
 - (2) Sidewalks conforming to this Part shall be provided in the public right of way along the entire parcel frontage. Sidewalks within the right of way shall be of Portland Cement Concrete or other hard surface approved by the Board.
 - (3) Sidewalks within the lot lines of the site shall be surfaced with Portland Cement Concrete or other hard surface approved by the Board.
 - (4) Sidewalks shall be at least five (5) feet wide.
- (k) Where possible, the site plan should orient development to the street to facilitate transit vehicle, pedestrian and bicycle access. Parking and accessways should be designed to accommodate bus turnouts, passenger shelter/loading areas, large vehicle turnarounds,

designated van/car pool parking, bicycle storage areas and other facilities for transportation alternatives to single occupancy vehicle use

- (l) The site plan shall accommodate use by bicycles (including bike racks.) Bicycle facilities shall be designed in accordance with AASHTO guide for the Development of Bicycle Facilities, as amended.

405.03 Screening and Landscaping

(a) Landscaping Plan

- (1) A landscaping plan shall be submitted as part of the site plan application. The plan shall identify existing and proposed landscaping elements and show location and planting and/or construction details. Where existing plantings are to be retained, proposed methods of protecting such plantings during construction shall be included where applicable.
- (2) Landscaping shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.
- (3) Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences, paving materials and street furniture.
- (4) All parking lots constructed or redeveloped at Pease shall meet the following requirements:
 - a) Screening: All parking lots containing more than 25 parking spaces shall be appropriately screened from adjacent properties and roadways with landscape berms and/or plantings in order to minimize the aesthetic impact of the parking lot.
 - b) Landscaped Islands: All parking rows containing more than 10 spaces shall have landscaped islands the size of a parking space at both ends of the row.
 - c) Length of Rows: No parking lot shall contain more than 18 parking spaces in a row without the inclusion of a landscaped island of the same size as the parking spaces in that row.
 - d) Multiple Parking Aisles: There must be a 12' wide landscaped strip between every second row of double stacked parking.

e) Where called for, curbing shall be raised granite and shall border all landscape islands except that the curbing may be interrupted to allow for infiltration of stormwater.

(b) Screening

- (1) Screening shall be provided for all development of land in order to minimize adverse visual impacts.
- (2) Structures visible from a public street shall be partially screened with flowering or evergreen shrubs.
- (3) Solid waste collection equipment, pump stations, outdoor storage and other outdoor uses visible from a public street shall be screened with a solid fence and/or evergreen shrubs.

(c) Walls and Fences

- (1) Walls and fences shall be erected where required for privacy, screening, separation, security, erosion control, or to serve other necessary and reasonable functions.
- (2) The design and materials used shall be functional and compatible with existing and proposed site architecture.
- (3) No fence or wall shall be so constructed or installed as to constitute a hazard to traffic or safety.

(d) Exceptions

- (1) Lots existing entirely or primarily on the airport apron shall not be required to comply with all standards for landscaping and screening, but may, in the discretion of the Board, have certain landscaping and/or screening requirements imposed as appropriate to the use or site.

405.04 Water System

- (a) The water supply system shall be adequate to satisfy the anticipated demands of users and to provide for adequate fire protection.
- (b) The water supply system shall be designed to carry peak-hour flows and be capable of delivering anticipated peak hourly demands.

- (c) Structures shall be located within five hundred (500) feet of a fire hydrant (distance measured as usable, not as straight line).
- (d) Fire hydrants shall be served by a minimum 8" main.
- (e) Fire hydrant flow tests shall yield flow determined adequate for the project.
- (f) Size, flow rate, and pressure of water mains serving the project shall be adequate.
- (g) Estimated water demand of project shall not exceed 10% of available remaining residual supply, as determined by:
 - (1) Capacity of water supply system at time of proposal.
 - (2) Average demand for municipal water in preceding July.
 - (3) Residual supply remaining [(1) minus (2) above].

405.05

Sewage System

- (a) The Pease sewage treatment plant or any other wastewater treatment system servicing the site shall be capable of providing adequate treatment for the volume and composition of sewage to be generated.
- (b) Sewer lines on site shall be designed to handle estimated sewage generation at maximum development allowed.
- (c) Existing sewer mains or lines into which the proposed development will connect shall be capable of transporting estimated sewage to be generated with minimal effect on the system. If existing mains or lines are inadequate, the applicant shall upgrade such mains or lines at no cost to the Pease Development Authority, provided the Pease Development Authority approves such alteration of public facilities.
- (d) All development shall utilize water conservation devices to include but not be limited to:
 - (1) Flow restrictors on all sinks, showers and tubs.
 - (2) Three-gallon or less flush toilets.
 - (3) Spring-loaded faucets on all lavatories.

405.06 Fire Protection Systems

- (a) Existing fire alarm circuitry shall be capable of adequately handling any proposed alarm boxes.
- (b) Locations, quantities, and types of smoke or heat detectors and other fire protection or prevention devices or systems shall meet the requirements of the Fire Safety Code and any additional requirements that may be established by the Board as necessary to ensure public safety.

405.07 Stormwater Management

- (a) All stormwater runoff in contact with developed areas shall be treated by the use of advanced stormwater treatment to minimize off-site discharge of pollutants to ground and surface waters by minimizing the volume and rate of stormwater runoff, the amount of erosion and the export of sediment from the site.
- (b) The quantity of impervious surface shall be minimized to the greatest extent practical.
- (c) For any development proposing to add impervious surface for the purpose of vehicle parking and/or traffic circulation at a site that does not conform to the requirements of Part 405.07(a), all new impervious area, as well as at least an equal amount of existing impervious area shall be provided with advanced stormwater treatment.
- (d) Off-site disposal and transport of stormwater runoff shall be capable of being adequately handled by existing facilities. If such facilities are inadequate, the applicant may be required to upgrade such facilities, at no cost to the Pease Development Authority.
- (e) All stormwater catch basins shall have deep sumps (four feet) and shall have hoods on outlet pipes.

405.08 Natural Features

- (a) To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity and to minimize negative impacts and alteration of natural features.
- (b) The following specific areas shall be preserved as undeveloped open space, to the extent consistent with the reasonable utilization of land and in accordance with applicable state or federal regulations:
 - (1) Wetlands, as defined in Section 404, Federal Water Pollution Control Act Amendments of 1972.

- (2) Trees which are uncommon for this area, in size or species.
- (3) Water bodies and water courses.
- (4) Unusual topographic features and scenic views.

405.09 Lighting

- (a) Lighting for safety shall be provided at intersections, along walkways, at entryways, between buildings, and in parking areas and passenger loading or shelter areas.
- (b) Maximum height of lighting standards shall not exceed 25 feet.
- (c) The height and shielding of lighting standards shall provide proper lighting without hazard to motorists or aircraft or nuisance to adjoining properties, and the design of lighting standards shall be of a type appropriate to the development and surrounding area.

405.10 Utilities

- (a) For parcels serviced or to be serviced by underground utilities, all electric, telephone, cable and other communication lines shall be installed underground per specifications of the applicable public utility company within such easements as are required for transmission lines, transformer units and other required utility structures.
- (b) Overhead electric, telephone, cable or other communication distribution lines and/or service connections may be permitted by the Board as an exception, in areas deemed remote or where the visual landscape is not otherwise disturbed.
- (c) Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines and shall follow rear lot lines where possible.
- (d) Year-round screening shall be required of any utility apparatus appearing above-ground, other than utility poles.

405.11 Low Impact Development

- (a) Applicants shall incorporate Low Impact Development (LID) design practices and techniques in all aspects of the site=s development.

PART 406. CONDITIONAL APPROVAL OF SITE PLANS

406.01 Stipulated Conditions

- (a) Prior to the granting of site plan approval, any or all of the following conditions may be required by the Board as a condition precedent to the approval of a site plan:
 - (1) The extent to which and the manner in which existing or proposed streets shall be graded and improved.
 - (2) The extent to which and the manner in which existing or proposed water, sewer and other utility mains, piping, connections or other facilities shall be installed.
- (b) Conditional approval may be granted before the improvements and installations have been completed.
- (c) Recommendation for site plan approval made by the Technical Advisory Committee of the Board or by the municipal planning board, as appropriate, may also specify conditions referenced in subsection (a) above.

406.02 Guarantees of Performance

- (a) Prior to final approval of a site plan, and in lieu of the completion of street work or utility installations stipulated in any conditional approval, the Board shall, upon the granting of conditional approval, accept a performance bond, irrevocable letter of credit or other type or types of security in an amount deemed sufficient by the Board to cover the cost of all required improvements, both on-site and off-site, including those related to roadways, accessways, utilities and landscaping.
- (b) The Board may specify a period for completion of the improvements and utilities to be expressed in the bond or other security.
- (c) The Board shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.
- (d) The security instrument shall be kept on file by the Pease Development Authority.

PART 407. PROCEDURES FOLLOWING SITE REVIEW APPROVAL

407.01 Approval Time Period

(a) Upon the granting of site plan approval by the Board, applicants have one year to obtain a building permit. If application for a building permit is not made in the required time period, site plan approval shall lapse. The Board may, for good cause shown, extend such period by as much as one year if requested and acted upon prior to the expiration date.

(b) An applicant may request, in writing, additional one-year extensions. Requests for extensions shall be evaluated by the Building Inspector who at his/her discretion shall either forward the request to the Board for action, or first require technical review to make a recommendation to the Board. The Building Inspector or the Board may, if deemed necessary, require a public hearing(s) conducted during technical review, Board review, or both.

(c) A time extension may be granted if determined that no change has taken place that would affect the currently approved site plan in regard to, but not limited to:

- (1) Traffic flow, volume, or congestion;
- (2) Pedestrian safety;
- (3) Drainage;
- (4) Water availability;
- (5) Sewer Capacity
- (6) Design standards;
- (7) Landscape elements
- (8) Zoning compliance.

407.02 Site Review Agreement

(a) A Site Review Agreement shall be drafted for all approved development. Terms and conditions of the Site Review Agreement shall indicate any stipulation or condition which may be necessary to secure the public health, safety, and welfare and insure compliance with all of the requirements of the site plan and zoning rules of the Pease Development Authority, to include building and life safety codes, and may require the posting of a performance and/or guaranty bond or other security to insure that all site development and construction is completed according to the Plan approved.

(b) Site review agreements shall include the following conditions:

- (1) All construction undertaken pursuant to this site plan approval shall be in compliance with federal and state laws.
- (2) Applicants/Developers shall provide PDA with a digital copy of any annual reports submitted to a federal, state or local governmental authority pursuant to any federal or state law, including without limitation, the NH Alteration

of Terrain Permit program, related to construction undertaken pursuant to this Site Review Agreement.

407.03 Amendments to Approved Site Plans

(a) Following approval of a site plan, an applicant may request, in writing, approval of minor amendments. Requests for amendments shall be evaluated by the Building Inspector and if deemed a minor amendment having no or only inconsequential impact to the site, it shall not require additional site plan review and approval. In his discretion, the Building Inspector may require review by the Board of a request for amendments.

407.04 Applicant/Developer Substitution

(a) The Pease Development Authority shall be advised of any assignment of development rights or any substitution of or change of identity of the applicant or developer responsible for the submission of the site plan, following the granting of site plan approval.

(b) Any assignment of development rights or any applicant/ developer substitution following site plan approval shall require the execution of a new Site Plan Agreement and the posting of a new guarantee of performance.

407.05 Rehearing Requests

(a) Within 20 days after any decision of the Board regarding the approval or conditional approval or denial of a site plan application, the applicant/developer or any abutter directly affected thereby may apply for a rehearing in respect to the matter decided.

(b) Requests for rehearing shall be processed in accordance with the requirements of Part 319 of Chapter 300 of the Pease Development Authority Zoning Requirements Rule.

407.06 Appeal of Decisions for Property not located within the Airport District

(a) For property not located within the Airport Zone or portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act of 1944, any person aggrieved by an order or decision of the Board may appeal to the superior court in accordance with the provisions of N.H. RSA Chapter 677.

PART 408. PROJECT INSPECTIONN AND COMPLETION

408.01 Final Inspection Notification

- (a) The applicant shall notify the PDA Building Inspector when the project is ready for final inspection and request a release of any posted security. The notification shall be accompanied by a letter signed and stamped by a Professional Engineer stating that construction of the site work has been completed in conformance with the approved plans.

408.02 As-Built Plan

Upon completion of the project, the applicant/developer shall submit an as-built plan of the development on Mylar and in digital format (AutoCAD.dwg) to the PDA. The as-built plan shall include all surface and subsurface features, easements, licenses, rights-of-way, and maintenance agreements. As-builts shall be prepared and stamped by a New Hampshire licensed land surveyor. The PDA may at its discretion, waive the requirement for an as-built plan for minor projects.

408.03 Release of Security

Upon receipt of request for release of security, the PDA Building Inspector will inspect the site to determine conformance with the site plan approval. For conforming work, the Building Inspector will coordinate the security release. If work is found to be not in conformance, the applicant will be provided with a list of outstanding items and an estimated cost to complete the items. PDA will coordinate a security reduction to the estimated amount. Only one security reduction is permitted.

The PDA Building Inspector may release the security only after receipt of the as-built plan, the engineer's certification, a final inspection by the PDA Building Inspector, the issuance of a Certificate of Occupancy by the applicable municipal building inspector and completion of all required conditions of the approved site plans and site review agreement.

PART 409. PRELIMINARY CONSULTATION AND REVIEW

409.01 Informal Review by Building Inspector

- (a) Persons desiring to pursue development requiring site plan review and approval are encouraged to seek informal review and consultation from the Pease Development Authority Building Inspector prior to the filing of an application for site plan review.

- (b) Any preliminary review and consultation shall be non-binding. No fees shall be required.

409.02 Informal Review by the Board

- (a) Persons seeking preliminary consultation and review of building or development

proposals by the Board may apply for such consultation and review on forms prescribed by the Board.

- (b) Application for Board preliminary consultation and review shall include:
 - (1) Name(s) and address(es) of applicant(s).
 - (2) Location of the proposal.
 - (3) Description of proposed building or development.
 - (4) Rough sketch of the site showing approximate location of lot lines, approximate lot measurements, existing and proposed streets, location and dimensions of existing and proposed structures and paved areas.
- (c) Board preliminary consultation and review shall be limited to a review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements which might occur during formal consideration. Any preliminary review and consultation shall be nonbinding.
- (d) No fees shall be required for requests for preliminary consultation and review.
- (e) Notice to abutters or the public shall not be required for preliminary consultation and review.
- (f) Requests for preliminary consultation and review shall be made fifteen (15) days prior to a regularly scheduled meeting of the Board.
- (g) Time limits for formal consideration of site plan review applications shall not apply to requests for preliminary consultation and review.

PART 410. EFFECTIVE DATE

410.01 These rules shall take effect immediately upon the conveyance, granting or other transfer of property to the Pease Development Authority by the federal government or any agency thereof, pursuant to public benefit transfer or sale.

CHAPTER 500. PEASE DEVELOPMENT AUTHORITY SUBDIVISION REGULATIONS
STATUTORY AUTHORITY: RSA 12-G:13, II

PART 501. PURPOSE AND DEFINITIONS

501.01 Purpose

- (a) The purposes of subdivision regulations are:
- (1) To promote the utilization of sound development standards.
 - (2) To ensure orderly and harmonious development of property under the jurisdiction of the Pease Development Authority.
 - (3) To ensure the use of established engineering standards and construction practices for the installation of utility services and in the grading and construction of streets.
 - (4) To avoid development which may result in negative environmental impacts.
 - (5) To ensure proper location and dimension of streets, rights of way, open spaces and lands serving public purposes.

501.02 Definitions

- (a) Definitions contained in Chapter 300 Pease Development Authority Zoning Requirements, Part 302, Definitions are adopted and incorporated herein by reference.

PART 502. SUBDIVISION APPLICATION REQUIREMENTS

502.01 General Provisions

- (a) Applicants are encouraged to seek pre-application review of proposals for subdivision prior to submission of a formal application.
- (b) The approval by the Board of a subdivision application is required as a condition for the issuance of a building permit for any development involving the subdivision of property, except as otherwise provided herein.
- (c) Applications for subdivision approval shall be subject to the minimum requirements

and procedures set forth herein.

(d) Applications for subdivision approval shall be filed with the Pease Development Authority Building Inspector on forms prescribed by the Board and shall be accompanied by exhibits meeting the requirements of Section 502.03 for preliminary or final plats as appropriate.

(e) Only completed applications sufficient to invoke jurisdiction by the Board shall be formally considered and processed. To be deemed complete, applications shall contain:

- (1) A completed application on forms prescribed by the Board.
- (2) Copies of the Subdivision Plan meeting the requirements of these Land Use Controls as follows: One full size and one half size paper sets, plus the number and size sets required by the local municipality reviewing the application.
- (3) Applicable fees as provided in Section 504.02.
- (4) Names and addresses of the owner/applicant, developer and all abutters.

(f) Applicants shall be required to obtain and submit satisfactory evidence of approval(s) for any required state or federal permits prior to final subdivision approval unless otherwise waived.

(g) A checklist of items to be submitted with each application for subdivision approval shall be provided to the applicant by the Building Inspector.

(h) Requirements for subdivision approval shall be in addition to any specific review and approval requirements, conditions, and/or covenants which may be contained in any deed or other transfer document for the property under consideration.

(i) It shall be the responsibility of the applicant to provide technical information and expertise sufficient for evaluation of the proposal, and to appear and present the subdivision application at any public hearing or meeting conducted on the proposal.

(j) Buildings, structures or land owned by or leased to the Pease Development Authority for its own use, any department or agency of the State of New Hampshire or any department or agency of the federal government shall be exempt from the provisions of Chapter 500.

502.02 Pre-application Review

(a) Prospective subdivision applicants may seek pre-application review of subdivision

proposals and plats. Pre-application review may include but not be limited to conferences with Pease Development Authority staff, staff research relating to the proposals and consultation meetings with the Board prior to formal submission of an application. Pre-application review may also include referral to the applicable municipality for preliminary consultation in accordance with this section.

(b) A professionally prepared plan is not required for preliminary consultation prior to application. Prospective applicants should submit a rough sketch of the proposal which shows the following:

- (1) Location of the proposal.
- (2) Approximate location of proposed lot lines.
- (3) Approximate lot measurements and area.
- (4) Streets on which lots have frontage.

(c) Pre-application review shall be separate and apart from formal consideration of a completed application for subdivision approval.

(d) Board consideration and consultation regarding subdivision proposals shall be nonbinding and 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 formal consideration. Proposals may be discussed in conceptual form only and in general terms, to include desirability of types of development and proposals under the Pease Development Plan. Board consultation with prospective applicants shall not require formal notice pursuant to Section 504.01 but may occur only at formal meetings of the Board.

(e) The Board or a subcommittee of the Board designated pursuant to Pease Development Authority By-law 3.9 may engage in nonbinding discussions with a prospective applicant concerning specific design and engineering details beyond the conceptual and general discussions provided for in subsection (d) above, provided that formal notice to abutters and the general public is issued in accordance with the requirements of Section 504.01.

502.03 Requirements for Preliminary and Final Plats

(a) Plats shall be prepared and certified by a professional engineer or land surveyor licensed in New Hampshire. The following items shall be included:

- (1) Name and address of record owner, applicant, any option holders, and name,

license number and seal of the land surveyor and civil or sanitary engineer if applicable.

- (2) Names and addresses of all adjoining property owners within 200 feet and locations of buildings within 100 feet of the parcel.
- (3) North point, date, and bar scale.
- (4) Proposed subdivision name if applicable and any new address numbers within the subdivision.
- (5) Zoning classification(s) and, where applicable, tax map reference.
- (6) The scale of the layout shall not be smaller than one hundred (100) feet to an inch. The plat shall also include a location map at a scale of 1" = 1,000' showing the property being subdivided and its relation to the surrounding area within a radius of 2,000'. Said location map shall delineate all existing streets and other major physical features that may either affect or be affected by the proposed development.
- (7) The location and approximate dimensions and bearings of all existing and proposed property lines, the areas of all proposed lots, and any adjacent parcels in the same ownership or leasehold. Where lots are being subdivided from the unsubdivided Pease lot, which property lines are, in general compromised of the outermost boundaries of the parcels acquired by the Pease Development Authority pursuant to the Surplus Property Act, plats need not include the dimensions and bearings of the existing Pease property lines.
- (8) Dimensions and area of all lots and any and all property to be dedicated or reserved for public purpose. Dimensions shall include radii and length of all arcs and calculated bearings for all straight lines. For lands dedicated or reserved for public purpose, the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- (9) Location, name, and present widths of all adjacent streets, with a designation as to whether public or private and approximate location of existing utilities. Curbs and sidewalks shall be shown.
- (10) Location of significant physical features, including bodies of water, watercourses, wetlands, railroads, existing and proposed easements, important vegetation, stone walls and soils types that may influence the design of the subdivision.

- (11) Proposed locations and profiles of all proposed streets and utilities, including water mains, storm and sanitary sewer mains, catchbasins and culverts, together with typical cross sections. Profiles shall be drawn to a horizontal scale of 1" = 50' and a vertical scale of 1" = 5', showing existing centerline grade, existing left and right sideline grades, and proposed centerline grade. Include designs of any bridges or culverts which may be required.
 - (12) Topographical plan showing contours at two-foot intervals. Contours shall be shown in dotted lines for existing natural surface and in solid lines for proposed final grades, together with the final grade elevations shown in figures at all lot corners. If existing grades are not to be changed, then the contours in these areas shall be solid lines.
- (b) Final plats shall be drawn on mylar by a professional engineer or land surveyor licensed in New Hampshire. Final plats shall include in final form all data and information required in subsection (a) in addition to the following:
- (1) Dates of any revisions.
 - (2) Location of all permanent monuments. Applicants shall be required to install concrete or stone monuments at least 36 inches in length and 4 inches square with suitable center point at each street intersection on the right-of-way line, and iron pin monuments 3/4 inch in diameter and 24 inches long at all points on boundary lines of lots where there is a change in direction, and at all corners.
 - (3) Dates and permit numbers of all necessary permits from governmental agencies as required by federal or state law.
 - (4) Any other information in satisfaction of any conditions imposed prior to final approval.
- (c) Upon submission of final plats, a corresponding digital file in DXF format shall also be submitted.

PART 503. PROCEDURE FOR REVIEW AND APPROVAL OF SUBDIVISION PLATS

503.01 General Provisions

- (a) At least one public hearing on an application for subdivision approval shall be required during the technical or planning board review process and during the Board approval process.

- (b) Public hearings shall not be required for:
 - (1) Minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters shall be given prior to approval of the application in accordance with Section 504.01 and any abutter may be heard on the application upon request, or
 - (2) Disapprovals of application based on failure of the applicant to supply information required by these regulations; or failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board.
- (c) Where the property to be subdivided is owned by or leased to the Pease Development Authority for its own use, any department or agency of the State of New Hampshire or any department or agency of the federal government it shall be exempt from the provisions of this rule.
- (d) The leasing or subleasing of a parcel of property which does not involve ground leases or subleases in excess of five years shall not be deemed a subdivision of land requiring approval in accordance with this Rule.

503.02 Parcels Administered by the Board

- (a) For parcels located within the Airport Zone and portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act, applications for subdivision approval shall be administered solely by the Authority in accordance with the provisions of this Part.
- (b) When an application for subdivision of property is filed, it shall be referred to the Pease Development Authority Technical Review Committee for review and recommendation prior to consideration of the application by the Board.
- (c) Notice to abutters and the public shall be required for any public hearing on a subdivision application in accordance with the requirements of Section 504.01.
- (d) Technical review of subdivision applications may also be provided by the Building Inspector and any other Pease Development Authority staff or consultant as deemed appropriate.
- (e) During the review process and as deemed appropriate, additional technical assistance may be requested from experts in any field. Costs of additional technical assistance are to be borne by the applicant.

(f) Upon completion of technical review, a recommendation shall be forwarded to the Board, along with a written report detailing the reasons for any recommendation for denial or conditions.

(g) Technical review shall be completed within ninety (90) calendar days of the submission of a complete application.

(h) Subdivision applications shall be reviewed by the Board at a public hearing within thirty (30) days of completion of the technical review and recommendation process. The Board shall approve or deny a subdivision application within sixty (60) calendar days of completion of technical review. The Board may in its discretion extend the time limit for an additional sixty (60) days or such additional time as may be consented to by the applicant.

(i) Approval of a preliminary plat shall expire after one (1) year unless a final plat is submitted to the Board or the Board in its discretion grants an extension of time.

(j) Upon approval of a preliminary plat, the applicant shall submit one (1) mylar copy of the final plat meeting the requirements of Section 502.03 within one (1) year of preliminary plat approval. If conditions are attached to the approval of the preliminary plat, the applicant shall meet the conditions prior to submission of the final plat.

(k) Conditional approval of a plat or application, which approval shall become final without further public hearing, may be granted by the Board upon certification to the Board by the Pease Development Authority Building Inspector or other designee of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

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

All other conditions shall require a hearing and notice as provided in Section 504.03.

(l) Upon submission of a final plat meeting the requirements of Section 502.03, the Board shall approve or deny the final plat. Where the Board denies a subdivision application, the ground(s) for such denial shall be stated in writing.

503.03 Parcels Referred to Municipal Planning Board

- (a) Completed applications for subdivision approval involving projects not located within the Airport Zone or those portions of the Airport Industrial Zone acquired by the Pease Development Authority pursuant to Section 13(g) of the Surplus Property Act shall be referred by the Pease Development Authority Building Inspector to the planning board of the municipality in which the parcel is located for review and recommendation in accordance with the provisions of this rule.
- (b) The applicable planning board shall, in its review and recommendation, apply the substantive provisions of this Chapter.
- (c) Notice to abutters and the public shall be required for any public hearing on a subdivision application in accordance with the requirements of Section 504.01.
- (d) The Pease Development Authority Building Inspector and/or any other staff of the Authority, as it may deem appropriate, may participate in a non-voting capacity in the review of subdivision applications referred to the applicable municipal planning board.
- (e) The applicable municipal planning board shall review an application for subdivision approval and forward a recommendation to the Board within ninety (90) days of referral, unless the Board grants an extension of time not to exceed another ninety (90) days. Notice of the recommendation shall be provided to the applicant and the Board within 48 hours of the decision.
- (f) The recommendation of the applicable planning board shall be forwarded to the Board along with a written report detailing the reasons for any recommendation for denial or for the imposition of conditions.
- (g) A recommendation of the applicable planning board shall be deemed a final decision of the Board upon the expiration of fourteen (14) days from the date of notice, unless the applicant/developer or a member of the Board requests a hearing by the Board.
- (h) Where a hearing has been requested, the Board shall conduct a hearing within thirty (30) days and render a final decision on the subdivision application. The Board may approve, conditionally approve or deny the application notwithstanding the recommendation of the applicable municipal planning board. In the case of denial of any application by the Board or where the Board elects not to follow the recommendation of the applicable municipal planning board, the ground(s) for such action shall be stated in writing.
- (i) At the discretion of the Board, the time period for rendering a final decision may be extended an additional thirty (30) days or such additional time as may be consented to by the applicant.

PART 504. NOTICE AND FEES

504.01 Notice Requirements

- (a) Applicants and abutters shall be notified by certified mail of the date, time and place for any public hearing or meeting on the application. Notice shall be mailed at least ten (10) days prior to any hearing or meeting.
- (b) Notice to the general public shall be given at the same time by posting at the Town Hall of Newington, City Hall of Portsmouth and office of the Pease Development Authority and by publication in a local newspaper of general circulation. Notice shall be issued 24 hours, including Sundays and legal holidays, prior to the meeting or hearing for which notice is being provided.
- (c) Notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and location of the proposal.
- (d) Additional notice shall not be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session were made known at the prior hearing.
- (e) All costs of notice shall be paid to the Pease Development Authority in advance by the applicant. Failure to pay such costs shall be valid grounds for the Board to terminate further consideration or to disapprove the plat without a public hearing.

504.02 Application and Review Fees

- (a) Fees shall be required by the Pease Development Authority for the review of subdivision applications in accordance with a fee schedule adopted by the Board.
- (b) In addition to application and notice fees, additional fees may be imposed to cover the costs of special investigations, review of documents and special studies required by either the Board or the applicable municipality during the review of a subdivision application.

504.03 Impact Fees *[Reserved]*

PART 505. PROCEDURE FOLLOWING APPROVAL

505.01 Recording of Approved Plats

- (a) No plat shall be filed or recorded in the Rockingham County Registry of Deeds unless it is prepared and certified by a New Hampshire licensed professional engineer or land surveyor and until it has been approved by the Board and such approval has been endorsed in writing on the plat.

(b) For approved subdivision applications involving property not located within the Airport District, the endorsements of the Board and the applicable municipal planning board shall be required prior to recording.

(c) Every plat approved by the Board shall be deemed to be an amendment of or addition to or a detail of the Official Map of the Pease Development Authority. Approval of a plat shall not be deemed to constitute or result in an acceptance by the Board of the dedication of any street or other public ground or open space shown upon the plat.

(d) Every plat approved by the Board and where required properly recorded in the Rockingham County Registry of Deeds shall be exempt from all subsequent changes in subdivision and zoning regulations adopted by the Board except those regulations which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of four (4) years after the date of recording, as pursuant to the provisions of N.H. RSA 674:39.

(e) Upon the granting of final subdivision approval by the Board, and after obtaining requisite signatures of the Board and any applicable municipal planning board, the final plat shall be retained by the PDA and filed by the PDA with the Rockingham County Registry of Deeds within twenty (20) working days, provided that all appropriate fees have been paid by the applicant.

505.02 Approval Time Period *[Reserved]*

505.03 Improvements and Installation Performance Bond

(a) Prior to issuance of a building permit, there shall be filed with the Board by the applicant a bond or other approved security in an amount sufficient to cover 100% of the cost of the preparation, installation and completion of streets, extension of public water and sewer lines and other site improvements as specified in Part 506 and securing the completion of such improvements within the period of time fixed by the Board.

(b) Prior to issuance of a building permit, there shall be filed with the Board a surety bond or other approved security covering maintenance of streets and other improvements for a period of two (2) years from the date of completion, in an amount not to exceed twenty-five percent (25%) of said cost of improvements. If repair or unusual maintenance is needed or additional improvement required, then such costs as are necessary shall be drawn against said surety.

(c) For subdivisions involving property not located within the Airport District, the applicable municipal planning board shall recommend a bond or surety amount sufficient to cover the costs of improvements and/or maintenance.

505.04 Waiver of Subdivision Regulations

(a) Relief of Hardship

- (1) When the Board finds that unnecessary hardship may result from strict compliance with one or more of the provisions of these regulations, the Board may waive the provisions(s) so that substantial justice may be done, that relief of hardship may be granted to the subdivider, and the public interest secured; provided such waiver will not have the effect of nullifying the spirit and intent of the Pease Development Plan and these regulations.
- (2) In reviewing a request for a waiver, the Board may consider factors such as the shape and topography of the land, the proposed use of alternative energy sources such as solar and wind energy, innovative building designs, and the use of on-site materials and natural features.
- (3) In granting a waiver from one or more provisions of these subdivision regulations, the Board may require such conditions as will in its judgment secure the objectives of the regulations.

(b) Minor Field Modifications

- (1) If at any time before or during the construction of the required improvements the subdivider demonstrates to the satisfaction of the Pease Development Authority or its designee that unforeseen conditions make it necessary or preferable to modify the design of the requirement or improvement, the Board or its designee may authorize modifications, provided that the modifications do not amount to a waiver or substantial alteration of the function of any improvements required by the Board.

505.05 Applicant/Developer Substitution

- (a) The Pease Development Authority shall be advised of any assignment of development rights or any substitution of or change of identity of the applicant or developer responsible for the submission of the subdivision plat, following the granting of subdivision approval.
- (b) Any assignment of development rights or any applicant/developer substitution following subdivision approval shall require the posting of a new guarantee of performance.

505.06 Appeal of Decisions for Property not Located Within the Airport District

- (a) For property not located within the Airport District, any person aggrieved by an order or decision of the Board may appeal to the superior court in accordance with the provisions of N.H. RSA Chapter 677.

PART 506. REQUIREMENTS FOR THE SUBDIVISION OF LAND

506.01 General Requirements

- (a) The arrangement of streets in any subdivision shall provide for the continuation of principal streets in adjoining subdivisions 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 streets.
- (b) Street right-of-ways shall be as shown on the Official Map of the Pease Development Authority.
- (c) Dead end or cul-de-sac streets shall be provided at the closed end with a drive-around roadway with a minimum radius of eight (80) feet from the center to the outside edge of the right-of-way. Cul-de-sac streets shall not in general exceed 500 feet in length unless otherwise approved by the Board.
- (d) Street names of all proposed streets shall be subject to approval by the Board.
- (e) All subdivisions shall connect to the Pease water system.
- (f) All subdivisions shall connect to the Pease sanitary sewer system. The installation of on-site sewage disposal systems shall be prohibited.
- (g) Electric, telephone, cable and other utility distribution lines shall be installed underground per specifications of the applicable public utility company, and there shall be provided by the subdivider such easements as are required for transmission lines, transformer units and other required utility structures.
- (h) Subdivisions shall, whenever possible, preserve in their natural condition important natural features.
- (i) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, a stormwater or drainage easement may be required by the Board.
- (j) Streets shall intersect each other at ninety (90) degree angles or as near thereto as possible.

- (k) Subdivisions shall, where appropriate, consider transit route planning and vehicle access in the design and arrangement of streets and sidewalks.

506.02 Required Construction, Site Improvements and Design Standards

- (a) Property located within the Airport District. *[Reserved]*
- (b) Property not located within the Airport District.
 - (1) All subdivision of land not located within the Airport District shall, in addition to the general requirements of Section 506.01, meet the substantive subdivision requirements of the municipality in which the property is situated, as specified in the duly adopted ordinances of the applicable municipality, as amended from time to time.
 - (2) To the extent that the provisions of Section 506.01 and Section 506.02 may conflict, the provisions of Section 506.01 shall take precedence.

PART 507. EFFECTIVE DATE

507.01 These rules shall take effect immediately upon the conveyance, granting or other transfer of property to the Pease Development Authority by the federal government or any agency thereof, pursuant to public benefit transfer or sale.

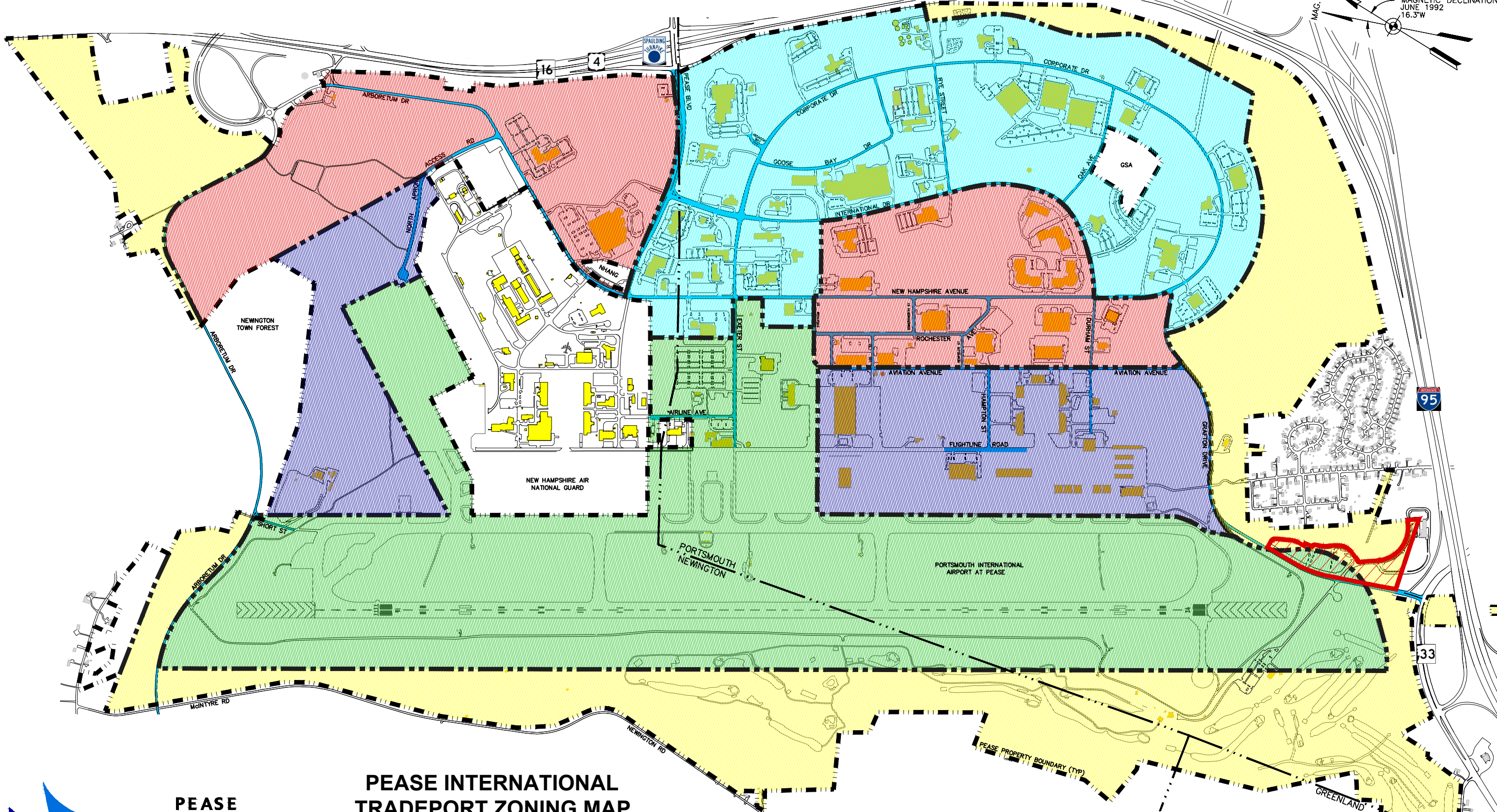
EXHIBITS

Exhibit 1

Pease Development Authority Zoning Map

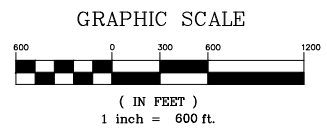
Pease Development Authority Zoning Map is on file at the offices of the Pease Development Authority.

MAGNETIC DECLINATION
 JUNE 1992
 16.3°W



PEASE DEVELOPMENT AUTHORITY
 55 INTERNATIONAL DRIVE
 PORTSMOUTH, NH 03801
 Date: 9/29/23 Scale: 1"=600'

PEASE INTERNATIONAL TRADEPORT ZONING MAP



- PEASE INTERNATIONAL TRADEPORT ZONES
- AIRPORT
 - NATURAL RESOURCE PROTECTION
 - AIRPORT INDUSTRIAL
 - PARK AND RIDE OVERLAY DISTRICT
 - INDUSTRIAL
 - PROPERTY BOUNDARY
 - BUSINESS/COMMERCIAL
 - ZONE BOUNDARY
 - TOWN BOUNDARY