

ARTICLE 10-A

(Adopted 05/08/06)

U.S. ROUTE 3 CORRIDOR PERFORMANCE ZONING DISTRICT (PZ)

A STATUTORY AUTHORITY

This Article 10-A is enacted by the Town of Hooksett pursuant to NH RSA 674:21. This innovative land use control ordinance shall provide for all approvals by the Planning Board in the District. Any decision made by the Planning Board under this innovative land use control ordinance may be appealed directly to the Superior Court in the same manner provided by Statute for appeals from the Planning Board, as set forth in RSA 676:5, III and RSA 677:15. Waivers from particular requirements of this Article 10-A may be granted by the Planning Board where the applicant demonstrates substantial compliance with the standards set forth in Article 10-A, Section C: Purpose, Paragraphs 1 through 7, inclusive.

B INTENT

1. Zoning was first implemented as a technique for separating incompatible types of land development, thereby protecting low-intensity uses from harmful or undesirable effects of higher-intensity uses. However, in many cases conventional zoning has produced its own set of undesirable side effects.
2. As design and technology continually change, new types of land uses are often proposed which cannot be easily assigned to existing zoning classifications. Too often, innovative land developments are either denied outright (resulting in a loss of tax revenue to the municipality), appealed to the Zoning Board of Adjustment (where special conditions may be imposed), or subject to lengthy rezoning procedures (requiring a town-wide ballot vote).
3. Performance standards, on the other hand, measure the quantifiable “impacts” of each proposed development proposal on its own merits. This type of zoning offers an alternative method for implementing community goals outlined in the 2004 Hooksett Master Plan and the U.S. Route 3: NH Route 28 Transportation Corridor Study (1995), while protecting the rights of private property owners to pursue the highest and best use of their land.
4. The intent of this Ordinance is to provide landowners and municipal officials with a workable tool for use in facilitating future development and re-development of the U.S. Route 3 corridor in Hooksett. Through this Ordinance a broad series of permitted uses are identified together with land use controls, which are intended to facilitate timely and orderly development and re-development throughout the District. Rather than governing the corridor via rigid “traditional zoning” controls, this Ordinance is intended to provide flexibility and latitude for land owners and municipal officials to pursue land use planning and development in such a way as to promote maximization of the limited land resources available in the District while providing for facilities, infrastructure and amenities of a superior quality.

C PURPOSE

The purpose of the U.S. Route 3 Corridor Performance Zoning District Ordinance is:

1. To promote proper corridor management along U.S. Route 3 and its intersecting streets and drives in order to maintain the long term viability of this roadway system to accommodate the transportation needs of the public;
2. To attract environmentally acceptable commercial, industrial, recreational, and institutional uses to the District; which will not create an undue threat to the underlying aquifer;
3. To encourage diversity in the community tax base through appropriate flexibility in land use control and effects on land use development; and re-development;
4. To optimize financial return on public infrastructure investments and expenditures, including municipal sewer, public water supply, the Manchester Airport, public streets and highways, and other governmental facilities;
5. To minimize adverse traffic impacts on U.S. Route 3, NH Route 28, and surrounding local streets and roadways;
6. To promote improved aesthetics through implementation of design controls for landscaping, maintenance of open space and preservation of natural resources; and
7. To provide land use controls which promote the efficient and orderly development and re-development of the District in order to promote and implement the goals and objectives of the 2004 Hooksett Master Plan.

D BOUNDARIES OF U.S. ROUTE 3 CORRIDOR PERFORMANCE ZONING DISTRICT

The boundaries and extent of the U.S. Route 3 Corridor Performance District are as delineated and depicted on a map entitled Official Zoning Map, Town of Hooksett, New Hampshire 2006, and as afterwards amended.

E PERMITTED USES

All land uses, or combinations thereof, identified hereunder are permitted within the U.S. Route 3 Corridor Performance Zoning District and are subject to review for suitability by the Planning Board. Prior to Planning Board approval of a proposed use, the applicant must demonstrate that use will meet each of the performance standards and/or land use controls established in this Ordinance, the Hooksett Subdivision Regulations, the Hooksett Non-Residential Site Plan Review Regulations, and shall not produce negative impacts on surrounding properties.

1. Research and development facilities
2. Manufacturing (industry, non-nuisance)
3. Warehousing
4. Professional business offices
5. Retail, wholesale and rental trades, commercial and personal service establishments
6. Restaurants, fast food restaurants, hotels, motels, and other hospitality services

7. Medical/dental services and related facilities, including hospitals, convalescent homes and assisted living facilities
8. Governmental and public utility service facilities, including wireless communication installations
9. Places of worship and related religious facilities, membership club facilities
10. Public and private educational institutions, including daycare facilities
11. Commercial and noncommercial recreational facilities and theaters
12. Gasoline stations and car washes ^{1,2}
13. Banks and other financial institutions
14. Funeral homes
15. Adult entertainment businesses subject to the provisions of *Article 21* of this Ordinance
16. Automotive sales, service and repair facilities ³
17. Automobile parking facilities
18. Garden centers, nurseries, greenhouses and floral establishments.

F DIMENSIONAL PERFORMANCE STANDARDS

1. Table of Performance Dimensional Standards

- (a) In order to accomplish the stated intent and purpose of this Ordinance, as well as to insure that the goals and objectives of both the 2004 Hooksett Master Plan and the 1995 U.S. Route 3; NH Route 28 Transportation Corridor Study are fulfilled, Performance Zoning Standards enumerated within Figure 10-A (1): Table of Performance Dimensional Standards have been developed.
- (b) No building or structure shall be erected, enlarged, altered, or relocated, nor shall any existing lot size be changed or new lot created within the U.S. Route 3 Corridor Performance Zoning District, except in accordance with the Table of Performance Dimensional Standards or otherwise specified within this Article.

Figure 10-A (1) Table of Performance Dimensional Standards

For Properties Fronting on... (1) (2)	Min. Lot Area (Ac.)	Min. Lot Frontage (Ft.)	Max. Bldg. Height (Ft.)	Min. Front Structure Setback (Ft.)	Min. Side Structure Setback (Ft.)	Min. Rear Structure Setback (Ft.)	Max. Impervious Cover (%)
U.S. Route 3 or Route 28 By-Pass (with Public water and sewer)	1.0	100'	75' (7)	1:3 (3) (4) (5)	1:1 (3)	1:1 (3)	65% (6) (8) (9)
U.S. Route 3 or Route 28 By-Pass (w/out Public water and/or sewer)	2.0	200'	35' (7)	1:3 (3) (4) (5)	1:1 (3)	1:1 (3)	50% (6) (8) (9)
Other Streets (with Public water and sewer)	1.0	100'	75' (7)	1:3 (3) (4) (5)	1:1 (3)	1:1 (3)	65%
Other Streets (w/out Public water and/or sewer)	2.0	200'	35' (7)	1:3 (3) (4) (5)	1:1 (3)	1:1 (3)	50%

¹ Gasoline/Fuel Pumps and car wash equipment shall be located under a canopy or structure that is situated to comply with the minimum yard requirements of Figure 10-A (1) Table of Performance Dimensional Standards.

² Subject to the provisions of Article 19 of the Hooksett Zoning Ordinance

³ Automotive service bay doors may not be positioned on the façade of any building facing a public street or Residential District boundary located within 200-feet.¹

Footnotes to Figure 10-A (1):

- (1) Lots with frontage on U.S. Route 3 and/or NH Route 28 By-Pass and a local road shall be accessed from the local road.
- (2) Minimum frontage requirements shall be satisfied at the street providing access to the lot.
- (3) Calculated as a ratio of one foot (1') of maximum building height to one foot (1') required building setback.
- (4) May be reduced to 1:1.5 if all parking and loading areas are located to the side or rear of the principal structure.
- (5) Minimum front structure setback dimension is thirty feet (30'); no front structure setback requirement shall be in excess of one hundred feet (100').
- (6) May be increased by an amount equal to the area of right-of-way dedicated to future widening of U.S. Route 3 or NH Route 28 By-Pass.
- (7) Building height for calculation of setbacks shall be determined as the vertical distance from the average existing ground level of building footprint to the soffit (or highest horizontal support) of the building.
- (8) May be increased by a value equal to ten-percent (10%) of the parcel area for each existing curb cut at U.S. Route 3, NH Route 28 By-Pass, or Mammoth Road eliminated through shared access accommodations with adjoining parcels or through consolidation of existing parcels resulting in the elimination of existing curb cuts. Private "Shared Access Drives" shall mean common access points to U.S. Route 3, NH Route 28 By-Pass, or Mammoth Road providing access to two or more properties.
- (9) See *Development Regulations*. (Amended 5/13/08)

2. Incentive Bonus Standards

- (a) In recognition of the need to protect the overall integrity and character of the U.S. Route 3 Corridor, as well as to promote the development of a system of local roads and utilities for properly servicing properties within the U.S. Route 3 Corridor Performance Zoning District; and to promote proper access within the District the Performance Zoning Standards presented in Figure 10-A (1): Table of Performance Dimensional Standards have been formulated to include Incentive Bonus Standards.
- (b) These Incentive Bonus Standards have been created as a means for rewarding those who choose to voluntarily develop or re-develop their properties in a way that is most compatible with the stated goals and objectives of the 2004 Hooksett Master Plan and the 1995 U.S. Route 3; NH Route 28 Transportation Corridor Study.

(c) Incentive Bonus Standards, which are implicit in these performance zoning standards, include:

(1) Impervious Lot Coverage Incentive

As an incentive bonus to encourage shared access, maximum coverage limitations shall be relaxed as a reward for proper access management within the corridor. Specifically, an impervious coverage bonus equal to ten percent (10%) of the area of each parcel shall be granted for the elimination of each existing curb cut at U.S. Route 3 and at NH Route 28 By-Pass resulting from the development of shared access for multiple parcels. This incentive bonus shall be awarded to those parcels when existing curb cuts are eliminated through development of shared access drives and/or through consolidation of multiple parcels.

(2) Municipal Sewer and Water Connection Incentive (*See Figure 10-A (2)*)

In recognition of the benefits of having reliable, environmentally sound water and sewer utilities within the District, minimum lot area and frontage requirements shall be relaxed for those properties with connections to both public water and sewer. Also, in recognition that the availability of a public water supply offers properties a greater measure of fire protection, maximum building height limitations shall be increased for properties served by public water. Specifically, the minimum lot area and frontage requirements of 2.0 acres and 200-feet respectively, applicable to parcels without public utilities, shall be decreased to 1.0 acre and 100-feet when both public water and sewer are available. Further, the maximum permitted building height shall be increased from 35-feet to 75-feet when public water is available.

(3) Right-of-Way Dedication Incentive (*See Figure 10-A (3)*)

The U.S. Route 3: NH Route 28 Transportation Corridor Study concludes a recommended minimum right-of-way width of 96-feet is necessary for the construction of future roadway improvements to the U.S. Route 3 Corridor. Therefore, as an incentive for landowners to voluntarily dedicate the right-of-way over those portions of their land situated within forty-eight feet (48') of the present centerline of U.S. Route 3, an area of excess impervious coverage shall be permitted on the remaining lot area equal to the actual computed area of the right-of-way dedicated.

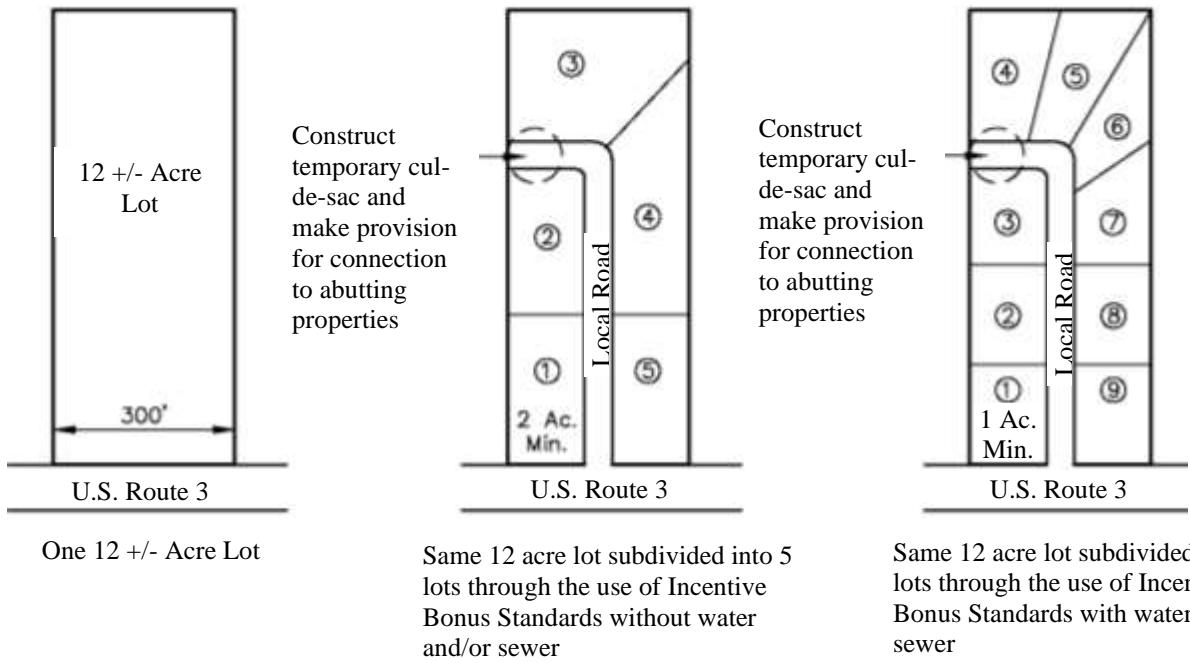
(4) Front Structure Setback

In recognition of the need to enhance the aesthetic qualities of the US Route 3 Corridor, an Incentive Bonus Standard has been developed

Figure 10-A (2) Incentive Bonus Standards

Water and/or Sewer

Not to Scale



Shared Access

Not to Scale

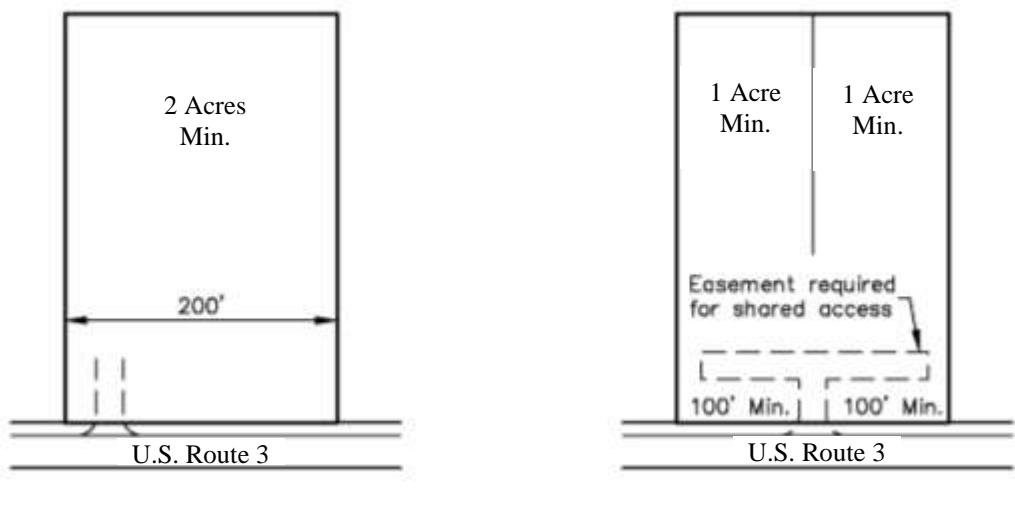
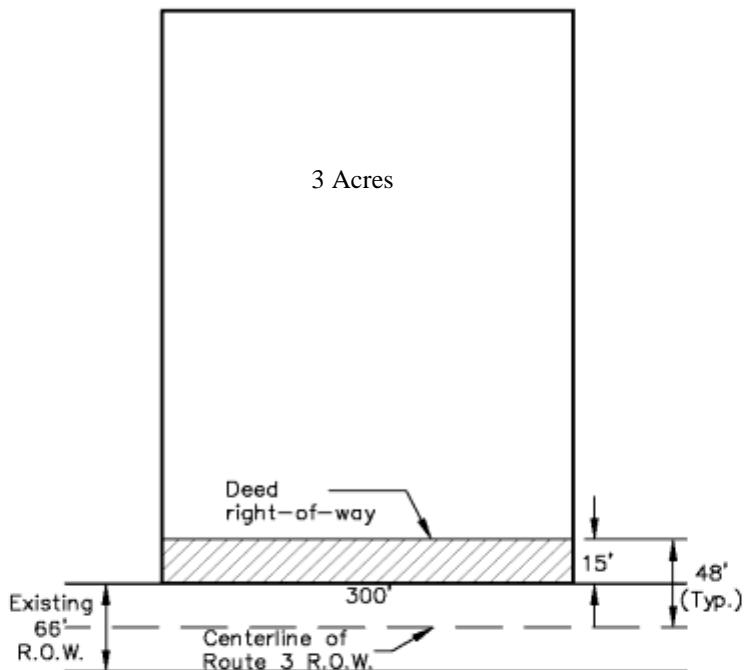


Figure 10-A (3) Incentive Bonus Formula for Route 3

Right-of-Way Dedication



- Allowable Impervious Coverage prior to deeding an easement:
 $0.65 \times 3 \text{ acres} = 1.95 \text{ acres}$
 - Deeded Easement Area:
 $15' \times 300' = 4,500 \text{ s.f. or } 0.10 \text{ acres}$
- By deeding the easement, the Impervious Coverage increases to:

$$\begin{array}{r}
 1.95 \text{ acres} \\
 + 0.10 \text{ acres} \\
 \hline
 2.05 \text{ acres}
 \end{array}$$

- Available land after deeding the easement:
 $3 \text{ acres} - 0.10 \text{ acres} = 2.90 \text{ acres}$

therefore,

2.05 acres of 2.90 acres may be impervious or 70% allowable impervious coverage wherein front structure setback requirements shall be relaxed for those who choose to develop the sites in such a way as to place parking pavements to the side and rear of proposed buildings. Those who choose to take advantage of this incentive bonus standard may reduce their required front structure setback by fifty percent (50%) of that otherwise required within the District subject to the minimum front structure setback dimension

G ACCESS MANAGEMENT, CIRCULATION AND PARKING PERFORMANCE STANDARDS

1. Performance standards for access and circulation accommodations

- (a) Each parcel, subject to Planning Board Approval, shall be afforded safe and efficient vehicular and pedestrian access to and from public streets via driveways, and where appropriate, sidewalks. The design and construction of all driveways and walks shall be adequate, in the opinion of the Planning Board, to safely accommodate anticipated traffic volumes generated by the proposed or existing use(s) of each parcel.
- (b) Applicants seeking Planning Board approval of non-residential site plans and/or subdivision plans within the U.S. Route 3 Corridor Performance Zoning District shall obtain a valid NHDOT driveway permit and/or a local driveway permit issued by the Hooksett Highway Department prior to, or as a condition of, final Planning Board approval.
- (c) Lots with frontage on U.S. Route 3 and/or NH Route 28 By-Pass and a local road shall be accessed from the local road.
- (d) Parcels with frontage on U.S. Route 3, NH Route 28 By-Pass or other streets within the jurisdiction of the NHDOT shall be limited to a single driveway on that street regardless of how many driveway access points that parcel may have rights to under RSA 236:13.
- (e) Unless deemed undesirable or impractical by the Planning Board, all parcels developed or redeveloped with U.S. Route 3 Corridor Performance Zoning District shall be designed and developed in such a manner as to permit direct vehicular and pedestrian access to adjoining parcels fronting on U.S. Route 3, NH Route 28 By-Pass, or Mammoth Road. Appropriate easements shall be developed, executed and recorded for the purposes of assuring this requirement is fulfilled prior to, or as a condition of, Planning Board approval for any subdivision plat or non-residential site-plan.
- (f) Sidewalks shall be constructed or maintained along the frontage of those parcels subject to Planning Board review and approval where either the Town of Hooksett or the NHDOT presently maintain sidewalks, where construction of sidewalks is planned in the future, and at other locations where required by the Planning Board. Design and construction requirements for all sidewalks shall conform to applicable standards of the NHDOT or Town of Hooksett as appropriate. All sidewalk construction shall conform to the Americans with Disabilities Act (ADA).
- (g) All non-residential sites shall be afforded access via driveways having a minimum width of 24-feet unless otherwise approved by the Planning Board.
- (h) All retail establishments, restaurants, banks and service businesses which offer drive-through facilities shall be equipped with a designated drive through lane for each individual window or piece of equipment intended to serve drive through patrons. Each drive through lane shall be a minimum of eleven (11) feet wide and shall be capable of accommodating a queue of a minimum of six (6) passenger sized vehicles

without blockage of site circulation drives and parking spaces situated outside of the drive through area.

- (i) All sites shall be designed and constructed with fire lanes and emergency vehicle access accommodations sufficient to fulfill the requirements of applicable local ordinances.
2. Performance Standards for off-street parking accommodations
- (a) No land shall be used and no building or structure shall be erected, enlarged, or use of building changed, unless the off-street parking requirements are provided as specified in this Section.
 - (b) Where the computation of required parking spaces results in a fractional number, only the fraction of one-half (1/2) or more shall be counted as one (1) space.
 - (c) All parking facilities, including number of spaces, design of spaces, and access ramps for new or changed-use buildings, except single-family homes, shall be designed and constructed in compliance with all applicable provisions of the Americans with Disabilities Act (ADA), as amended.
 - (d) Required off street parking facilities shall be provided on the same lot as the principal use, or uses, they are intended to serve, unless otherwise approved by the Planning Board.
 - (e) The Planning Board may approve reductions in off-street parking density requirements for multi-tenant sites intended to be occupied by tenants, which traditionally have non-concurrent peak parking demands (i.e. a bank and a night club or a religious facility and a religious facility operated day school facility). In such cases, the Planning Board may permit the construction of the number of off-street parking spaces that are anticipated to be necessary for accommodation of the peak off-street parking demand based on the combination of tenants. *(Amended 5/13/14)*
 - (f) Likewise, the Planning Board may approve identical reductions in off-site parking density requirements for abutting or adjoining sites with shared access and interconnected parking lots, that are occupied by tenants which traditionally have non-concurrent peak parking demands, provided the owners of two or more such sites have executed cross-easements permitting each other's tenants and patrons to share each other's on-site parking accommodations.
 - (g) Off-street parking density requirements for the U.S. Route 3 Corridor Performance Zoning District.
 - (1) Hospitals - Three (3) spaces per bed
 - (2) Convalescent or Nursing Home or Assisted Living - One (1) space per two (2) beds
 - (3) Hotel, Motel, or Inn - One and a quarter (1 1/4) spaces per room, plus one (1) space per twenty (20) square feet of floor area available for meetings or banquets.

- (4) Retail Store, Shopping Center, or Bank - One (1) space for each two hundred fifty (250) square feet of gross floor area
- (5) Supermarket, Grocery Store, or Convenience Store - One (1) space for each two hundred (200) square feet of gross floor area
- (6) Service Establishments - One (1) space for each three hundred (300) square feet of gross floor area
- (7) Religious facilities, Theaters, and Other Places of Assembly - One (1) space for each three (3) seats *(Amended 5/13/14)*
- (8) Restaurants, Eat-in - One (1) space for each four (4) seats plus one (1) space for each employee of the largest shift
- (9) Cocktail Lounges in Restaurants, Bars and Nightclubs - One (1) space for each two (2) seats plus one (1) space for each employee of the largest shift
- (10) Restaurant, Fast Food - One (1) space for each sixty (60) square feet of gross floor area with drive thru window & one (1) space for each thirty (30) square feet of gross floor area without a drive through
- (11) Bowling Alley - Four (4) spaces for each lane
- (12) Day Care Facilities - Two (2) spaces for each employee plus appropriate off-street area for drop-off and pickup of children
- (13) Funeral Home - Eight (8) spaces for each chapel with a minimum of ten (10) spaces
- (14) Gasoline Stations - One (1) space per fueling position plus one (1) space per employee of the largest shift
- (15) Community Center - One (1) space per one hundred and fifty (150) square feet of gross floor area
- (16) Membership Clubs - One (1) space per one hundred and fifty (150) square feet of gross floor area
- (17) General Offices - One (1) space for each three hundred twenty-five (325) square feet of gross floor area
- (18) Professional Offices and Medical Clinics - One (1) space per two hundred fifty (250) square feet of gross floor area
- (19) Warehouses - One (1) space per twelve hundred (1,200) square feet of gross floor area.
- (20) Wholesaling - One (1) space per eight hundred (800) square feet of gross floor area

(21) Manufacturing - One (1) space per five hundred (500) square feet of gross floor area

(22) Uses not listed - Subject to determination by Planning Board

Note: The above parking density requirements supersede those contained in Article 17 of the Hooksett Zoning Ordinance for those areas situated in the U.S. Route 3 Corridor Performance Zoning District.

- (h) In cases where the Planning Board believes that construction of a the required number of spaces necessary to fulfill the requirements of paragraph (g) above, may result in an excessive number of off street parking spaces on a given site, the Board may permit physical construction of that number of spaces deemed appropriate. The remaining number of spaces necessary to fulfill said requirements of paragraph (g), would be designed and permitted by the Board with the understanding that their construction would occur at some future time as either the Planning Board or land owner believes necessary.
- (i) As an incentive bonus for those abutting land owners who choose to develop or redevelop their respective properties with interconnecting driveways and/or parking lots; or those who choose to execute easements for shared off-street parking accommodations, both sites shall be relieved of the perimeter landscape area planting requirements contained in Section H.3.d of this Ordinance along their common boundary.
- (j) The display or storage of automobiles, objects or goods for sale, lease or rent shall not be permitted within off-street parking spaces, aisles, drives or other site areas unless specifically approved by the Planning Board.
- (k) Paved areas for the display of automobiles or other vehicles for sale, lease or rent shall be designed and constructed so as to conform with all requirements of this Ordinance applicable to off-street parking accommodations including Landscape Performance Standards.

H LANDSCAPE PERFORMANCE STANDARDS

1. Purpose and intent

In acknowledgement of the broad range of uses permitted in the District, as well as the intensity of development permitted under this Ordinance, these landscape performance standards have been adopted for the following purposes:

- (a) To create a unifying image of quality in terms of land use and land allocation within the District;
- (b) To create development and redevelopment of a superior aesthetic quality compared to that of the pre-existing condition;
- (c) To achieve an appropriate balance of scale between the built environment and natural surroundings;
- (d) To introduce landscapes and hardscapes constructed with materials of superior quality, scale and durability which promote the concept of permanence and leave lasting favorable images; and
- (e) To provide for adequate buffering between potentially incompatible land uses.

2. General Provisions

(a) Applicability

In acknowledgement of the purpose and intent of these Landscape Performance Standards described above, this Section has been adopted in order to provide design standards specifically tailored for the U.S. Route 3 Corridor Performance Zoning District. As such, these standards shall supersede those “landscape design criteria” contained in Section 3.D of the Non-Residential Site Plan Review Regulations of the Town of Hooksett in their entirety. Each land use proposal advanced within the District subsequent to the date of adoption of this Ordinance shall conform to each applicable requirement of these Landscape Performance Standards.

(b) Landscape Materials

All plantings installed shall conform to accepted horticultural standards and shall be regularly maintained or they shall be replaced in kind, as necessary, in order to achieve compliance with the requirements of this Section. Dimensions and terms relating to landscape plantings specified under this Section are referenced to American Standards for Nursery Stock, as published by the American Association of Nurserymen.

(c) Incentive Bonus Standard Requirements

Several incentive bonus standards described in this Section allow for the substitution of retained vegetation in lieu of otherwise required plantings. In cases where these incentive bonus standards are utilized, the Hooksett Community Development Department or their assigns shall enjoy the ability to verify the effectiveness, health, size and density of retained vegetation in terms of the ability of the same to serve the intended purpose. Any deficiencies found in regard to such retained vegetation shall be corrected and may require the installation of supplemental plantings prior to issuance of a certificate of occupancy for the property.

(d) Substitution of Plantings

In the event substitutions of specified plantings are proposed during construction, the Hooksett Community Development Department staff or their assigns may permit such substitution provided the number, size and placement of alternate plant materials respects the requirements of this Ordinance and the intent of the approved landscape plan.

(e) Installation of Lawns and Restoration of Disturbed Areas

All areas disturbed by construction or intended to be lawn shall be covered with a minimum thickness of four inches of friable loam and shall be seeded and covered with sod/mulch, resulting in attractive, natural surface conditions.

(f) General Provisions

Unless otherwise permitted within this Ordinance, buildings, pavement, (other than approved driveways and walks), above grade utility structures, signage and other hardscape site improvements shall not be permitted within the street tree strip, front landscape area, nor perimeter landscape area required under this Ordinance.

3. Minimum Planting Requirements

(a) Landscape area definitions (See *Figure 10-A (4)*)

For the purpose of this Section, minimum landscape requirements have been developed for the following areas:

(1) Street Tree Strip:

A band of land most immediately adjacent to the public right-of-way having a width of no less than 15-feet.

(2) Front Landscape Area:

Those areas of a site situated between the street tree strip and the façade of any building or impervious surface facing a public right-of-way having a minimum width of 15-feet.

(3) Perimeter Landscape Areas:

Those areas of a site commencing at the interior limit of the front landscape area, running generally parallel with the side and rear site boundaries situated between any building or impervious surface and the boundaries of the site. The minimum width of the perimeter landscape area shall be one-half the building height of that portion of a structure facing any side or rear property boundary, but shall not be less than 10-feet.

(4) Interior Landscape Areas

Those areas of a site bordered on a minimum of three sides by buildings and/or impervious surfaces situated within the interior portion of any site. See Figure 10-A (4)

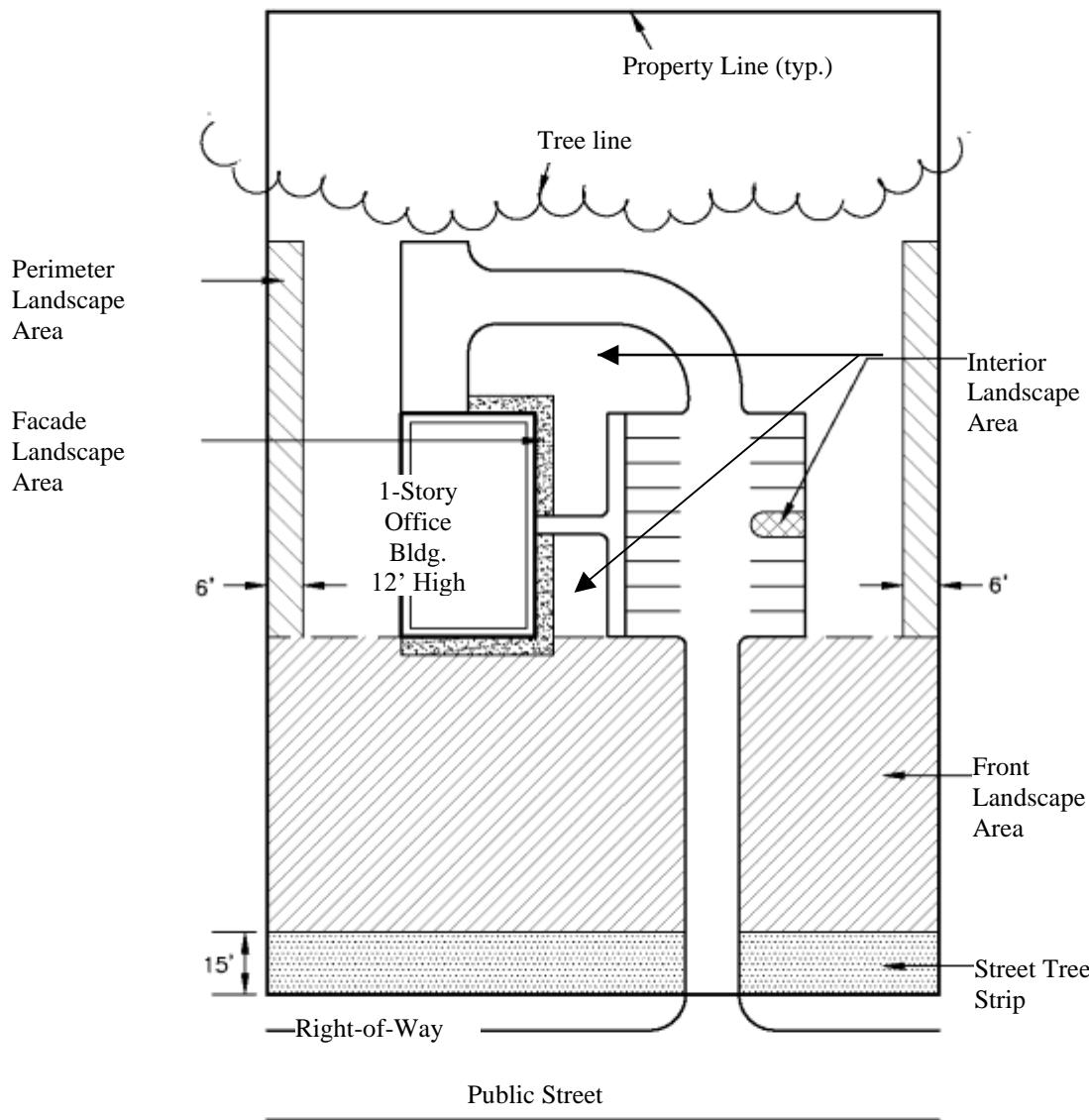
(5) Building Façade Landscape Areas

Those areas of a site situated between a building and other impervious site areas such as driveways, aisles and parking areas.

(b) Street Tree Strip Planting Requirements

The street tree strip shall be planted with a minimum of one (1) indigenous shade tree for each 50-linear feet of street frontage, or portion thereof. Indigenous shade trees planted within the street tree strip shall have a minimum caliper dimension of 2 1/2-inches at the time of planting. Street trees shall be planted no closer than 25-feet on center.

Figure 10-A (4) Landscape Area Definitions



(c) Front Landscape Area Planting Requirements

The front landscape area shall be planted with a minimum of one (1) tree for each 500 square feet of front landscape area. A minimum of 50-percent of trees planted in the front landscape area shall be indigenous shade trees having a minimum height, at the time of planting, equal to no less than one-half (1/2) the height of the adjacent building façade or 20-feet, whatever is less. The balance of required tree plantings may include a variety of deciduous, evergreen or ornamental species having a height at the time of planting of not less than 5-feet.

(d) Perimeter Landscape Area Planting Requirements

The perimeter landscape area shall be planted with a minimum of one (1) tree for each 500 square feet of perimeter landscape area. A minimum of 50-percent of trees planted in the perimeter landscape area shall be either evergreen or ornamental species having a minimum height of 5-feet at the time of planting.

(e) Interior Landscape Area Planting Requirements

- (1) Within those parking lots containing 20 or more parking spaces, a minimum of ten (10)-percent of the interior paved area shall be interrupted by curbed, landscaped islands and/or medians as specified herein.
- (2) Unless in conflict with the requirements of the Americans With Disabilities Act, each continuous row of parking spaces shall end in a suitably landscaped area not less than 9-feet in width, nor less than 300 square feet in total area.
- (3) Parking lots shall not have more than three (3) consecutive parking aisles without being interrupted by a curbed, landscaped median having a minimum width of ten (10) feet. (See Figure 10-A (5))
- (4) Landscaped islands and medians required under this Section shall be planted with a minimum of one (1) indigenous shade tree having a 2.5-inch minimum caliper per 300 square feet of island/median area. Similarly, each landscaped island or median required under this Section shall be planted with a minimum of one (1) evergreen or deciduous shrub having a planting height of 18-inches per 100 square feet of island/median area.
- (5) Required islands and medians shall be surfaced with grass, sod, ground covers and/or mulch.
- (6) Each healthy, native tree with a caliper diameter of four (4) inches or more, which is preserved within the required landscaped area, may be substituted for a number of required plantings equal to the caliper diameter, measured in inches, of the tree, or trees, preserved.

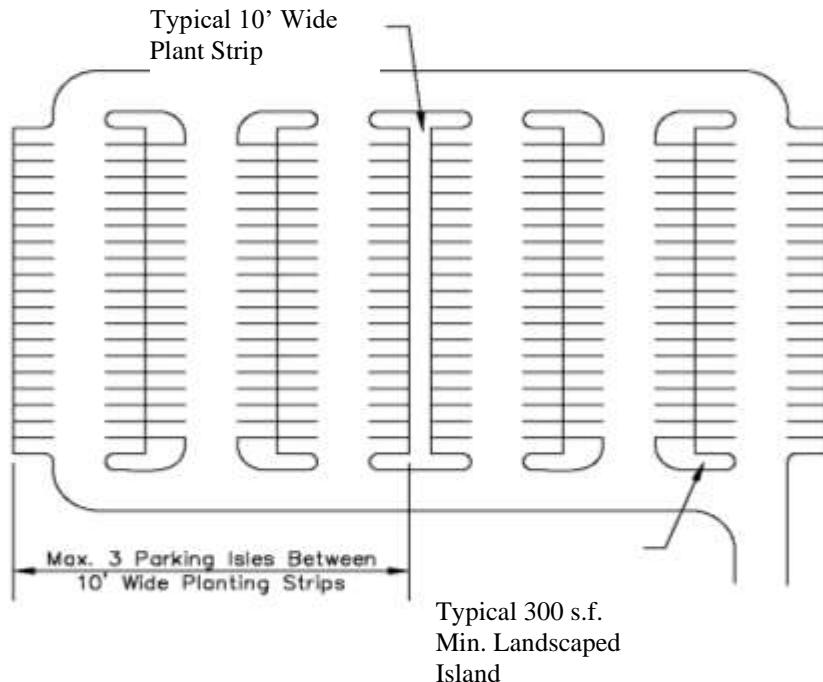
(f) Building Façade Landscape Area Planting Requirements

Land situated between building façades facing either paved parking lots, principal access aisles or streets shall contain landscaped areas having a minimum area of three (3) square feet per linear foot of façade length. Said building façade landscaped areas may be distributed linearly along the building façade or exist in the form of landscaped “pockets”. Required building façade landscape areas shall be planted with one (1) deciduous or evergreen shrub, with a minimum planting height of 18-inches, for each twenty-five (25) square feet of area. In addition, such area shall be surfaced with grass, sod, ground covers and/or mulch.

Figure 10-A (5) Parking Lot With Multiple Parking Aisles

Required Interior Landscape Area

Not to Scale



4. Screening and Buffering Requirements for Adjoining Residential Properties

- (a) At locations where non-residential uses are proposed on properties situated in the U.S. Route 3 Corridor Performance Zoning District where any commercial or industrial use abuts a residential use, zone or district, screening and buffering shall be required. Required buffers shall be located along that parcel boundary, which also forms the Zoning District boundary. *(Amended 5/12/09)*
- (b) Structures, pavement, above grade utility structures, signage and other landscape improvements shall not encroach on required residential use, zone or district buffer areas. *(Amended 5/12/09)*
- (c) The minimum required width of any residential use, zone or district buffer shall be equal to the required side or rear yard setback for the parcel in question as established under section F.1(a) of this Article, but in no case shall be less than twenty (20) feet. (See Figure 10-A (1): Table of Performance Dimensional Standards) *(Amended 5/12/09)*
- (d) An existing, dense and mature tree stand may be used to satisfy the planting requirements for the required residential use, zone or district buffer if, in the opinion of the Planning Board, the quantity and quality of the existing vegetation is sufficient to provide adequate visual screening from the proposed use. Supplemental plantings and/or fencing may be used to increase the effectiveness of the buffer, if necessary. *(Amended 5/12/09)*

- (e) In the absence of existing vegetation, as noted above, the following requirements shall be required along the residential use, zone or district buffer:
 - (1) A minimum of two (2) rows of evergreen plantings, with a minimum height of six (6) feet shall be planted no further than fifteen (15) feet on center; and
 - (2) A six (6) foot tall opaque fence or wall shall be installed along and parallel with the residential use, zone or district boundary subject to these requirements.
(Amended 5/12/09)
- (f) In those cases where, along the length of the residential use, zone or district buffer, loading or deliveries will take place, the Planning Board may require that a portion of the buffer contain an earthen berm and/or a solid (non-stockade) fence of sufficient height to lessen noise impacts to abutting residential use, zone or district properties. The Board may retain an acoustical engineer, at the expense of the applicant, to determine the appropriate height, location and material required to obtain reasonable sound attenuation for the adjoining residential use, zone or district properties.
(Amended 5/12/09)
- (g) In order to provide maximum opportunity for those seeking to promote non-residential development within the Town of Hooksett, while maintaining appropriate buffers for the benefit and protection of existing residents, applicants shall be permitted to fulfill the minimum residential use, zone or district buffering requirements of this Section through placement of required buffers on the residential use, zone or district side of Zoning District boundaries or common lot lines provided that appropriate landscape easements or ownerships are secured and maintained for this purpose. *(Amended 5/12/09)*

5. Landscape Requirements for Sign Installations

- (a) In order to effectively integrate signage installation into the landscape area treatments required under this Ordinance, the following supplemental landscape requirements shall be implemented around the perimeter of all signage installations in the U.S. Route 3 Corridor Performance Zoning District.
- (b) A continuous band of landscape plantings, including evergreen and deciduous shrubs, ground covers, annuals and perennials shall “wrap” the perimeter of all sign base installations. This band shall have a minimum width of four (4) feet.

6. Screening of Unsightly Features

- (a) This Section is intended to preserve the visual aesthetics of the U.S. Route 3 Corridor Performance Zoning District by blocking or minimizing the view of refuse, materials storage, loading/receiving docks, and utility installations.
- (b) Refuse storage areas, stockpiled materials for packaging and commercial/industrial by-products, and other material stockpile areas shall be located so as to be out of view from any abutting property and/or public right of way. In cases where this is not possible, these items shall be properly located within a secured area that has been effectively screened. As a minimum, all such areas shall be contained within a stockade, chain link, or similar enclosure that is at least as tall as the object(s) to be screened. Further, the perimeter of any such enclosure shall be subject to the screening requirements outlined herein.

- (c) Loading docks and receiving areas, as well as large above ground utility fixtures (large above ground utility fixtures are defined as any public or private utility component which has a total footprint area of greater than fifty (50) square feet, or has an average height of more than four (4) feet), shall be located so they are out of view from abutting properties and/or public rights-of-way. In cases where this is not possible, these facilities shall be effectively screened in accordance with the minimum screening requirements outlined herein.
- (d) Minimum screening requirements for use in satisfying each of the above criteria shall include the planting of one (1) evergreen tree or shrub per ten (10) linear feet of required screen length or perimeter. The height of required trees or shrubs shall be equal to one half (1/2) of the maximum height of the item requiring the screen at the time of planting. Required plantings shall be regularly spaced so as to maximize the overall density of the landscape screen.
- (e) Enclosures, either attached or detached from a principal structure, constructed of rigid architectural materials, which are visually compatible with those of the principal structure, may be used to satisfy the requirements of this Section and may be substituted for the requirements outlined above.

7. Hardscape Performance Standard

- (a) To help achieve the stated purposes and intent of this Ordinance, this Section has been adopted for the purpose of integrating hardscape elements, which suggest superior quality, scale and durability; and which furthers the concept of permanence and lasting aesthetic quality.
- (b) All pedestrian walkways situated between building facades and paved parking lots, principal access drives and aisles, or streets shall be constructed with non-bituminous surfaces including, but not limited to: Portland cement concrete; brick pavers; concrete pavers, paving stones or similar non-bituminous materials.
- (c) As an incentive bonus for those who choose to utilize granite curbing throughout their sites, the requirement for a minimum of ten (10) percent interior landscape area contained in Section H.3.e.(1) of this Ordinance may be reduced to five (5) percent.

I ENVIRONMENTAL PERFORMANCE STANDARDS

1. General Provisions

- (a) Environmental Performance Standards specific to the U.S. Route 3 Corridor Performance Zoning District, enumerated herein, have been developed in order to protect the long term environmental quality and overall vitality of this District.
- (b) The variety of permitted uses, taken together with often intensive land use patterns and an inventory of environmental resources specific to this District, necessitates this series of environmental performance standards.
- (c) In addition to the provisions of this Article, development within this District shall also be subject to applicable local, state, and federal land use controls and regulations. The content of this Ordinance shall not be construed to imply relief from the requirements of state and federal statutes.

2. Performance Standards Related to Noise

- (a) These Performance Standards governing noise are intended to insure that the rights of property owners, as well as the overall health and general welfare of the District, are not diminished by unreasonable noise levels generated within the District.
- (b) The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, produced by any permitted use or activity within this District, shall not exceed a measurable level of seventy-five (75) decibels beyond the property boundaries of the site upon which the sound or noise is generated or originates.
- (c) In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with this Ordinance.
- (d) In cases where sound measurements are required in order to insure compliance with these regulations, measurements shall be taken:
 - (1) With a device meeting the standards of the American Standards Institute, American Standard Specifications for General Purpose Sound Level Meters;
 - (2) At a height of four (4) feet above prevailing grade at the property boundary in question;
 - (3) With the instrument set to the A-weighted response scale; and
 - (4) Recorded by an individual familiar with sound measurement and the particular device being used.
- (e) Exemptions
 - (1) Activities related to public and private construction or maintenance work, agriculture, timber harvesting, emergency warning devices, and other similar short term or temporary uses may be administratively exempted from the requirements of this Section if, in the opinion of the Code Enforcement Official or his/her agent, sufficient reason exists to do so.
 - (2) In these special circumstances, the Code Enforcement Official may place reasonable conditions (such as limitations and hours of operation) on such an exemption.

3. Performance Standards Related to the Protection of Wetlands

(a) General Provisions

The adopted Zoning Ordinance of the Town of Hooksett; Article 18 – Sections A, B, C, D, F, G, H, I & J shall apply to the U.S. Route 3 Corridor Performance Zoning District. However, references to “The Zoning Board of Adjustment” contained in those Sections shall be changed to “The Planning Board” for applicability to all parcels of land situated in the U.S. Route 3 Corridor Performance Zoning District.

(b) Article 18 – Section E contained elsewhere in this Zoning Ordinance shall be replaced with the following text when applied to parcels situated in the U.S. Route 3 Corridor Performance Zoning District.

Conditional Use Permits for exceptions to the restrictions on permitted uses within the Wetland Conservation Overlay District may be granted by the Planning Board after public notice and hearing in accordance with New Hampshire RSA 676:7 for such purposes and uses hereinafter defined and described:

- (1) For the construction of roads and other access ways, for pipelines, power lines and other transmission lines, water impoundment and construction of well water supplies, drainage ways, where final grade is to be altered; and provided that all of the following conditions are found to exist:
 - (a) The proposed construction is essential to the productive uses of land not within the Wetlands Conservation District;
 - (b) Design and construction methods will be such as to minimize detrimental impact upon the wetland. The site will be restored as nearly as possible to its original condition;
 - (c) No reasonable alternative, which does not cross a wetland or has less detrimental impact on the wetland, is feasible;
 - (d) Economic advantage, alone, is not the reason for the proposed construction;
 - (e) The Planning Board has received Conservation Commission comments in writing;
 - (f) The Conservation Commission must submit their written reply to the Planning Board within thirty (30) days of receiving the proposed plan.
 - (g) No Conditional Use Permit shall be granted in a Prime Wetland or a Prime Wetland Buffer; and
 - (h) No dredging or filling shall be permitted in a Prime Wetland.
- (2) The Planning Board, after consulting with the Conservation Commission, may require the applicant to submit an environmental impact assessment, when necessary, to evaluate an application made under this Section. The cost of the assessment shall be borne by the applicant. The Planning Board may also assess the applicant reasonable fees to cover the cost of other special investigative studies made under this Section and for the review of documents required by particular applications.

4. Performance Standards Related to the Development of Steep Slope Areas

- (a) For the purposes of this Section, steep slope areas shall be defined as naturally existing, continuous areas of land with a contiguous area of one half (1/2) acre or more, and which have an average cross slope gradient steeper than twenty-five (25) percent.
- (b) In order to guard against hazards implicit in the development of steep slope areas, construction within these areas shall be limited to those activities which are incidental to the use and/or development of land outside of a steep slope area and shall be subject to the following restrictions:
 - (1) No portion of a steep slope shall be used for the construction of leaching beds or trenches which are part of a subsurface sewage disposal system;
 - (2) No permanent structures shall be erected on a steep slope area;
 - (3) No more than fifty (50) percent of a steep slope area shall be cleared of healthy existing vegetation;
 - (4) Portions of a steep slope area affected by construction activities shall be given special attention with regard to erosion control; and
 - (5) No portion of a steep slope area shall be subject to discharge from a storm water management system.

5. Performance Standards Related to Nuisance Odors

Uses and activities which produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates may be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger, or if the Code Enforcement Official judges such odor emission to be harmful to the rights of others to enjoy the use of their property(s).

6. Groundwater Resource Conservation District

The provisions noted in Article 19 of the Zoning Ordinance, Groundwater Resource Conservation District, except for the exemption noted above in Section F (9), shall apply to uses proposed in the U.S. Route 3 Corridor Performance District.

J Article 3, General Provisions, shall apply, when applicable.

(End of Article 10-A)