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Southern New Hampshire

CERTIFIED SITE PROGRAM: A COOPERATIVE MARKETING INITIATIVE FOR THE REGION

Final Program Proposal and Summary

Prepared By:

Southern New Hampshire Planning Commission
Metro Center-NH Steering Committee

December 2011
Revised January 2012

Southern New Hampshire CERTIFIED SITE PROGRAM

Summary of Key Program Elements

Program

Administrator: Southern New Hampshire Planning Commission

Key Program

Participants: Metro Center-NH (Greater Manchester Chamber of Commerce)
13 Municipalities within the Southern New Hampshire Region
Public Utilities operating within the Region
New Hampshire Department of Resources and Economic
Development (NH DRED)

Total Program

Development

& Application

Fee Costs:

\$17,650 Total Program Development/Implementation Cost

\$ 5,000 Current Donation Received from PSNH

\$12,650 Funds Needed for Program Implementation

\$1,000 Estimated Application Fee per Certified Site

Key Utility and

Real Estate

Participants:

Public Service of New Hampshire (PSNH)

Granite State Electric

NH Electric Cooperative, Inc. (Derry and Raymond)

Unitil Energy Systems, Inc. (Londonderry)

National Grid

FairPoint Communications

Granite State Telephone Inc.

NH Business and Industry Association (BIA)

New Hampshire Real Estate Investors Association (NHREIA)

New Hampshire Commercial Investment Board of Realtors
(NHCIBOR)

Background

The *Target Industry Analysis*¹ report prepared by MS&B for the Southern New Hampshire Regional Economic Development Plan recommends that a Certified Site Program be established for the Southern New Hampshire Region. This final program summary and proposal has been prepared to describe the **Southern New Hampshire Certified Site Program**. **A total of \$12,650 is needed in order to complete program marketing and program implementation.**

What is a Certified Site Program?

In a nutshell, a Certified Site Program is an investment in economic development and the future. The program facilitates economic growth by providing an opportunity to market certified sites, buildings and master planned areas on highly visible national, state, regional and local economic development websites. In addition, the program offers local planning boards/municipalities a mechanism to recognize certain sites, buildings and master planned areas within their communities as important for economic growth and development, and thus deserving of longer plan approvals and greater development assurances.

The overall benefit of a Certified Site Program is that it conveys an important message to national site selectors, prospective companies, and the business community that there are certified sites and buildings within the region's municipalities available for development. There is also a direct economic benefit resulting from a Certified Site Program, as it reduces the time, risk and upfront costs a business or prospective company may have in deciding to move to a community.

Originally, the Certified Site Program was developed to help market brownfields sites that were once environmentally contaminated and subsequently assessed and remediated and made ready for redevelopment and/or reuse. The concept was then applied to open and vacant developable land zoned for specific industrial/office uses.

Over the past several years, Certified Site Programs have gained substantial momentum across the country. Many states and municipalities are developing and/or participating in these programs to attract certain types of businesses to their communities. See the following U.S. Certified Sites website which provides an overall summary of these programs: <http://uscertifiedsites.com/>. Some of the long-standing and more successful programs are located in:

- New York: <http://www.gorr.state.ny.us/BuildNow-NY/ShovelReady/SRhome.htm>

¹ Target Industry Analysis, Final Report Prepared by Moran, Stahl & Boyer, Site Selection and Economic Development Consultants, January 2010, Executive Summary. Available at SNHPC website: <http://www.snhpc.org/>

- North Carolina: <http://www.nccommerce.com/en/BusinessServices/LocateYourBusiness/BuildingsAndSites/>
- Michigan: http://www.medaweb.org/Certified_Business_Park_Web_Site.ihtml?id=290229
- Ohio: <http://www.odod.state.oh.us/edd/obd/jrs/>
- Oregon: <http://www.oregonprospector.com/about.htm>
- Pennsylvania: <http://www.pasitesearch.com/selectsites/index.shtml>).

Each of these programs can vary somewhat state to state based upon the program guidelines and standards on what constitutes a certified site. However, the underlying concept and goal is the same – reduce the time, risk and up-front costs related to site development – thereby expanding the opportunities available to companies considering expansion or relocation to the state, region and community.

It is important to note that most of the Certified Site Programs implemented in the U.S. are administered as a state-run program. In New Hampshire at this time it is not possible to implement a Certified Site Program as a state-run program. In fact, implementation of a certified site program at the regional level may be the only approach currently available in New Hampshire, given the lack of staff, program capacity and funding support that would be necessary to administer such a program through the New Hampshire Department of Resources and Economic Development (NH DRED) or the Office of Energy and Planning.

This finding was confirmed at a meeting held on February 4, 2010 between the Southern New Hampshire Planning Commission (SNHPC) and Roy Duddy, Interim Director and staff with the NH Division of Economic Development. Currently, neither the NH DRED nor the Office of Energy and Planning have the necessary funding or capacity to implement a Certified Site Program in the State of New Hampshire. Despite the lack of funding, however, Mr. Duddy indicated that NH DRED is in favor of the program and would be willing to participate in the Southern New Hampshire Certified Site Program by posting the Certified Sites approved through the program on the state's International Trade Data Network (ITDN) website.

The Southern New Hampshire Certified Site Program

This final program proposal and summary describes and identifies how the **Southern New Hampshire Certified Site Program** will be implemented and what it will cost. The program will be administered by the Southern New Hampshire Planning Commission (SNHPC) and applied only within the Southern New Hampshire region and the thirteen municipalities which make up the region at this time. In order to implement and market the program to the region's municipalities, developers, real estate organizations, and public utilities, a total of **\$12,650** will be required in 2012 to create all the program guidelines/application materials; create the necessary marketing materials; and attend and present the program details to the region's 13 municipal governing bodies and planning boards to seek their support and participation.

To date, the Public Service Company of New Hampshire has provided \$5,000 to the SNHPC to prepare this final program summary and proposal; obtain a consensus among municipal planners and local developers regarding the overall details of the program; and to begin to prepare initial marketing materials such as a program logo and Certified Site seals (this initial marketing will be taking place soon). It is anticipated that to successfully administer, market and implement the program on a continuing basis year to year, an application fee in the order of **\$1,000** per site will be necessary. It is envisioned that modifications or changes to an approved Certified Site would need to be addressed on an hourly basis. SNHPC charges \$70/hour for non-municipal work.

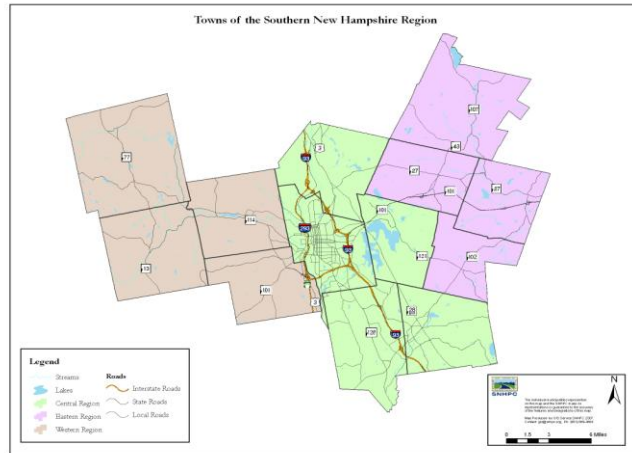
We plan to present this final program summary and cost proposal to the Metro Center-NH Steering Committee and the Key Utility and Real Estate Participants identified on the first page of this proposal to seek the necessary \$12,650 to complete the implementation and marketing of the program. We believe many of the region's municipalities, utility companies, developers, and real estate organizations will find this program beneficial and will want to see the certification of specific sites, buildings and master planned areas throughout the region. An important goal is to make this program as popular and self-sustaining as possible so it can be implemented as an ongoing economic development program in the region.

Our overall vision is to implement an innovative Certified Site Program that (1) will directly benefit property owners/developers and municipalities; and (2) offer a sound economic development tool that is easy to administer and can be readily adopted by municipal planning boards. It is important to note the decision of a property owner/developer or a municipal planning board to participate in this program is strictly optional. We are hopeful that property owners/developers and communities wishing to participate in the program will support and want to adopt the Certified Site Program guidelines and standards as outlined in this proposal.

As the program is implemented, SNHPC will identify a number of potential sites and locations throughout the region that may be eligible Certified Sites by working with all 13 municipalities -- planning department staff and planning boards -- and targeting the program directly to the property owners/developers.

In addition to this outreach, the program will also be marketed through a variety of media sources within the region and the state (such as NH Business Review; professional trade association websites and newsletters; the Union Leader and other newspapers).

The Southern New Hampshire region currently includes the City of Manchester and the twelve municipalities surrounding the city, including the towns of Auburn, Bedford, Candia, Chester, Deerfield, Derry, Goffstown, Hooksett, Londonderry, New Boston, Raymond and Weare (see following map). This is the same region that forms the basis of Metro Center-NH partnership. More information about Metro Center-NH can be found at: <http://www.manchester-chamber.org/resource-development/regional-development-committee.asp>



Key Concepts/Elements of the Southern New Hampshire Certified Site Program

Program Overview

This Certified Site Program is first and foremost a marketing and economic development opportunity for both the property owner/developer and the municipality. The program provides: 1) an opportunity to market and recognize a site, building or master planned area on national, state, regional and municipal websites; and 2) longer plan approvals and greater development assurances than would be typically available under conventional development practices.

The marketing aspect of the program is straightforward and will require formal agreements from the various national and state websites to implement.² In addition, recognizing that a certain site, building or area is important to the community for economic development and is thus deserving of longer plan approvals and greater development assurances will require local planning board approval.

In obtaining local approval, the SNHPC Certified Site Program has now been updated and the basic overall elements of the program have been generally agreed to as a result of several meetings held over the past several months with town planners and real estate attorneys. Basically, the program will enable planning boards to recognize and award longer plan approvals and development assurances according to three levels of certification: **Bronze, Silver and Gold**. Each of these certification levels is described in more detail in the following sections of this program summary.

² These websites include the **U.S. Certified Sites program website** and the state's **International Trade Data Network (ITDN)**. The Metro Center-NH website will also be available to post certified sites and municipalities can also post sites on their websites as well. Eventually the program may be expanded to include local, statewide and national websites of real estate firms and similar organizations.

However, before each certification level is described, the following section defines what a Certified Site means and what the minimum program standards are for all certified sites.

What Is A Certified Site and How Is a Site Certified?

A Certified Site is typically defined as a site or parcel of land (and in some cases, a building or master planned area) that has met specific criteria agreed to and developed through the program. The goal of many Certified Site Programs is to promote “shovel ready projects” and to market sites/buildings approved for development purposes which represent important economic development projects for both the community and the owner. Nationally the definition of a certified site varies from one program to another as there is no consistent definition or national standard.

A Certified Site under the **Southern New Hampshire Certified Site Program** will be required to meet the following minimum standards and guidelines in order to achieve certification approval. These minimum standards have been reviewed and generally agreed to among many of the region’s municipal planners and developers and these standards are necessary in order to achieve a high degree of participation and program recognition.

Minimum Standards of All Certified Sites:

1. The SNHPC Certified Sites Program shall be open to all **industrial, office and mixed-use located on parcels of land** greater than **one acre in size**.
2. A Certified Site can be **privately or publicly owned, or owned by an economic development organization, developer or other third party**. But, at a minimum there must be ownership authorization and/or contractual rights to develop and/or market the site.
3. A Certified Site must be **zoned industrial, office, mixed-use** or some other similar zoning classification that allows for a range of permitted uses that reflect the target end uses of the site as desired by the property owner and as approved by the municipality.
4. A Certified Site must have a:
 - boundary survey;
 - asking price or rental rate;
 - Phase I Environmental Assessment report – to be provided at the option of the property owner or planning board; and
 - Zoning Verification and List of Approved Uses for the site provided by the municipality in which the site is located.
5. In addition, the property owner/developer and the municipality must agree to work together to complete and submit the necessary Site Certification application forms and materials to the Southern New Hampshire Planning Commission for final site certification review and approval.

6. In accordance with local municipal approvals, a site can also be “cleared” and excavated to make it “pad ready” before it receives final certification through the SNHPC Site Certification program.

The Three Levels of Certification: Bronze, Silver and Gold:

As noted previously, participation in the SNHPC Certified Sites Program is strictly optional and at the discretion of the property owner/representative and the municipal Planning Board.

It is entirely at the option of the property owner/representative to determine which certification level – **Bronze, Silver or Gold** they would like to obtain for their site or building. However, no site or building can obtain a Gold Certification until it has first obtained a Silver Certification.

The three levels of certification – Bronze, Silver and Gold - basically reflect the overall development status of the site in terms of its “readiness for development” including the type of local approval granted by the municipal planning board that would enable the site to proceed to use and/or development. The basic minimum requirements for Bronze, Silver and Gold Certification are defined as follows.

Bronze Certification

Requires at a minimum:

1. Meeting minutes of the municipal planning board showing **completion** of either a non-binding “**Concept Plan Review**” (per RSA 676:4 II a). or a non-binding “**Design Review**” (per RSA 676:4 II b.); and
2. Meeting minutes of the municipal planning board showing a vote of endorsement to allow the applicant to proceed with submitting an application for Bronze Certified Site approval with the SNHPC.
3. Meeting minutes of the municipal planning board showing adoption of Model Ordinance A or other similar regulations within the board’s site plan/subdivision or land development regulations.

Silver Certification

Requires at a minimum:

1. Meeting minutes showing either **Site Plan** or **Master Plan** approval from municipal planning board in accordance with RSA 674:43/44 and RSA 674:21;
2. Meeting minutes showing **conditions of approval** and a **five-year plan approval** by the municipal planning board; and
3. Meeting minutes showing planning board adoption of Model Ordinance A or other similar regulations within the board’s site plan/subdivision or land development regulations and adoption of Model Ordinance B or other similar

innovative master planning regulations within the municipality's zoning ordinance, if the municipality elects to include master planned areas as part of the Certified Site Program.

Gold Certification

Requires at a minimum:

1. Silver Certification of the site, building or area; and
2. Evidence from applicable public and/or private utilities that the site and/or building is **served by or has the availability** to be directly connected to public water and/or sewer, telephone, electric or gas services at the parcel boundary lines.

What are Model Ordinances A and B?

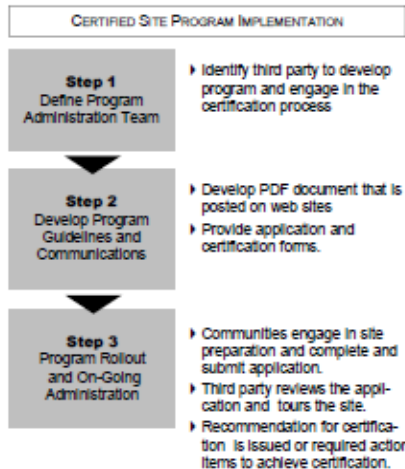
In order for a **site or building to be eligible for Site Certification** under this program, the municipal Planning Board must incorporate **Model Ordinance A** or other similar regulations within its Site Plan/Subdivision or Land Development Regulations.

In addition for a **master planned area** to be eligible for Site Certification under this program, **Model Ordinance B Economic Opportunity District** or other similar innovative master planning regulations must be included within the municipality's zoning ordinance. Copies of Model Ordinance A and B are included as part of this final program summary.

Planning Board adoption Model Ordinance A is necessary in order to formally recognize the Southern New Hampshire Site Certification program and to offer the program to eligible properties and sites within the community. Model Ordinance A also provides the authority for Planning Board's to grant 5-year Certified Site approvals and implement innovative guidelines for Planning Board's in defining "active and substantial development" for Silver and Gold certified sites.

How Will the Southern New Hampshire Certified Site Program be Implemented and What are the General Program Steps?

There are three main steps in implementing the **Southern New Hampshire Certified Site Program**. These steps are identified in the following figure prepared by MS&B for the Southern New Hampshire Planning Commission. The program begins with the Southern New Hampshire Planning Commission which shall be responsible for program administration; the final processing and review of applications; engaging on-site reviews and making the determination that the site is ready to be certified; and preparing an electronic copy (PDF) of all the essential site and marketing information to be posted on the national, state, regional and local websites.



Step 1: Define Program and Establish Program Administrative Team. This step involves defining the Southern New Hampshire Certified Sites Program and establishing a Program Administrative Team which will be responsible for guiding the development and implementation of the program; overseeing the work of the Southern New Hampshire Planning Commission in administering the program; and offering recommendations for revisions and adjustments to the program as necessary to ensure its success.

The basic guidelines for the Southern New Hampshire Certified Sites Program have now been defined and are described in this final program summary and proposal. The next step will be to establish the Program Administrative Team which will be charged with finalizing the specific certification requirements, guidelines and application materials, reviewing the marketing information as well as providing feedback and recommendations on the review of applications as they are submitted. It is anticipated that the Program Administration Team will be formed and a kickoff meeting held after the necessary funding has been obtained to complete Steps 2 and 3.

Step 2: Develop Final Program Guidelines and Marketing Materials. After establishing the Program Administrative Team, the next step in program implementation involves developing the necessary Certified Site Application Form(s) and other technical guidance documentation – both electronically and in hard copy - in order to communicate and market the program. This will also include branding and marketing the program and preparing necessary marketing materials such as website brochure, press releases, articles for the NH Business Review and local newspapers, and a PowerPoint presentation to be delivered to all the Key Program Participants and presented to all the region’s municipalities.

The application forms and all program guidance materials, press releases and the PowerPoint presentation will be prepared by SNHPC and finalized with the Program Administrative Team. Pending receipt of funding, an experienced marketing firm will be retained by SNHPC working in connection with the Program Administrative Team to produce all the marketing materials for branding and advertising the program.

Because timing is critical in the site selection process, it will be important that for all certified sites, accurate and up-to-date information about the site be submitted as part of the application so if the site is certified, it can be packaged and consolidated into an electronic file (PDF) and posted on the U.S. Certified Sites, NH DRED, and Metro Center websites. Presenting accurate and essential information about the site could make the difference between landing a company's interest in the site or losing the opportunity to another location.

In addition to developing the application, program guidance and marketing materials, it will be necessary to enter into formal agreements with the U.S. Certified Sites program and NH DRED to be able to post the electronic PDF file of the Certified Site(s) on the US and ITDN websites. This will be the responsibility of the SNHPC to execute and these formal agreements must be secured as part of Step 2.

A general list of the typical forms and other technical guidance materials that will be prepared for the **Southern New Hampshire Certified Site Program** include:

- Certified Site Program Application Form and Checklist
- Program Guidance and Contact Information
- Frequently Asked Questions
- Example PDF documents of a Certified Site to be posted on internet sites
- Map of Certified Sites within the Region
- Re-Certification Application – typically all sites will need to be re-certified every five years to keep the site information up to date.
- Modifications – it is envisioned that minor modifications such as a change of ownership or other site data can be updated during this five year period and will not require that a site be re-certified – major changes/modifications to plans, photos or other media requested by an applicant would need to be reviewed by the SNHPC and Program Administrative Team to determine if the site needs to be reviewed again by the municipality or if the requested changes can be directly made to the electronic PDF file. SNHPC's time involved in addressing requested modifications would be assessed at an hourly rate.

Step 3: Program Rollout, Local Approvals and Ongoing Administration. The third and final step consists of launching and implementing the program and engaging municipalities, developers and property owners in the region elect to participate in the program as well as provide for ongoing program administration. This will involve providing the program details to the Key Program Participants and going out to all 13 municipal governing boards and planning boards to present and discuss the program and to seek their participation.

In addition, potential certified sites within the region will also need to be identified and the property owners contacted. Many of these sites will be at various stages of site readiness and preparation for development, therefore, it will be important that municipalities and developers work together to identify and target appropriate sites within their communities that meet the program certification guidelines.

The final and last step in program implementation will be the action of property owners/developers and municipal planning boards to choose to participate in the program. As described in this proposal, the planning board will need to incorporate the minimum program regulations or similar regulations as outlined in Model Ordinance A within their site plan/subdivision and/or land development regulations. In addition, if municipalities would like to enable master planned areas within their communities to be eligible as Certified Sites, Model Ordinance B or other similar regulations would need to be included in the municipality's zoning ordinance.

For many property owners/developers to be interested in this program there must be additional benefits beyond site marketing such as longer development approvals and greater development assurances which will enhance participation. In addition, the Site Certification application itself must be easy to complete, the necessary documentation easy to provide, and the overall cost to participate in the program reasonable in exchange for the benefits received.

In terms of ongoing administration, upon receipt of the application materials, SNHPC will begin a review of the application to ensure that it is complete and that all required materials have been provided. SNHPC will also make an initial determination whether the site is eligible for certification and the whether the application is complete. If additional and/or required documentation/information is needed and/or missing, the applicant will be notified and provided an opportunity to provide the requested information. Upon receipt of a complete application, SNHPC will schedule a tour of the site and offer a recommendation to the Program Administrative Team which will then review the application and render a final decision.

If the site is approved for certification, the SNHPC will consolidate the site information into an electronic PDF file to be posted on the U.S. Certified Site, NH DES, and Metro Center and local municipal websites. This file will contain all the essential information about the site, including photos, maps, and other key documentation which indicates the market availability and level of "readiness" of the site for development purposes.

Overall Program Mission - What are the Main Goals of the Program?

The main goals of the **Southern New Hampshire Certified Site Program** are to: (1) engage property owners and municipalities to participate in the program; (2) build an inventory of Certified Sites and buildings within the region; and (3) post essential information about Certified Sites on economic development websites to attract business growth and development to the region.

As noted earlier, the primary objective of this program is to be able to post Certified Sites on the U.S. Certified Sites, Metro Center-NH economic development website, and the State of New Hampshire's International Trade Data Network (ITDN) to start. The US Certified Site website, for example, provides a single source on all certified sites and shovel ready programs nationwide.

In the future if the program is successful another goal will be to expand the number of databases and websites for posting certified site data. Some of these databases may include commercial real estate market listings, and other similar sites as well as offering links to local municipal economic development websites.

In addition, it is a long-range goal that the **Southern New Hampshire Certified Site Program** eventually be expanded to include the entire state of New Hampshire. This could be accomplished by seeking statewide and legislative support for such a program through NH DRED, all the regional planning commissions in the state, as well as public utilities, real estate and other similar organizations interested and/or participating in the program.

It must be noted, however, that just having a certified site available within the region and the municipality does not guarantee that *any* business will show up “knocking on the door.” Some types of companies and businesses are more interested in existing and readily available buildings that can be leased rather than buying raw land and building a new facility and/or buying and redeveloping an existing building.

However, posting a certified site on a widely viewed and respected website that is broadcast to interested site selectors and potential businesses and companies nationally and around the world will have tremendous visibility and positive economic gains for the region.

The development of certified sites will eventually lead to jobs in the construction industry as well as expand the customer base of the region’s utility companies.

Most importantly, the Southern New Hampshire Certified Site Program would greatly improve the economic competitiveness of the region by (1) bringing national and worldwide attention to the region and (2) improving the region’s standing among other states across the country which have been implementing and developing similar programs.

How will this Program Benefit the Site Owner/Developer?

In addition to the obvious marketing benefits that can be derived from posting a Certified Site on the NH DRED, Metro Center-NH, and national Certified Site internet listings, the program will also directly enable the site owner/developer achieve a reduction in time, risk and up-front costs related to site development knowing that the Certified Site has been through either a “Concept Plan” or “Design Review” or Site Plan and Master Plan review process with the municipal planning board, and the site can be made ready to be moved and positioned for final approval, building permit and construction.

Another significant benefit and incentive of this program is that when plans are approved by the municipal planning board for Silver and Gold Site Certification, the plans ***will be valid for up to five years***. This five-year plan approval window for Silver and Gold

Certified Sites offers significant benefits to the property owner/developer (1) by allowing the Certified Site plan to be marketed over a longer period of time -- thus enhancing opportunities for a return on the investment; and (2) by eliminating the need for the owner/developer from having to obtain time extensions from the municipal planning board every year or two from the date of official plan approval. This additional time savings for Certified Sites adds greater predictability and certainty in the land development process. Major modifications or changes to an approved Certified Site plan (such as a change in design, the proposed use of the site, and/or necessary improvements) would most likely trigger the need for planning board approval according to the board's regulations.

In addition to the benefit of having in place a five year plan approval, Model Ordinance A also provides innovative guidelines for municipal planning boards to utilize in defining active and substantial development for certified sites. Specifically as provided in Model Ordinance A, these guidelines would allow an applicant to include **\$25,000 or more in soft costs** – engineering, architectural, site planning, legal etc. in meeting the definition of “active and substantial development” under RSA 674:39. Including these soft costs in the definition would enhance an applicant's ability to meet the vesting requirements of the state statutes.

Adoption of **Model Ordinance B – Economic Opportunity District** or other similar master planning regulations would also allow master planned areas and sites therein to be approved as Certified Sites subject to the same five year plan approval timeline and guidelines for defining “active and substantial development” under RSA 674:39.

What is the Responsibility of the Municipality?

As noted before, while it is strictly a local option to participate in this program, municipal planning boards that elect to participate are required to adopt the recommended **Model Ordinance A** or other similar language in their site plan/subdivision and/or land development regulations. This formally identifies the site certification process and what procedures need to be followed. A municipality can also choose to adopt **Model Ordinance B** or other similar planning regulations in the zoning ordinance which would allow master planned areas to be considered as Certified Sites in addition to sites and buildings.

Some of the specific responsibilities that a municipal planning board would need to address if it elects to participate, include: (1) assisting an applicant in completing the Site Certification application forms; (2) providing zoning verification that the proposed Certified Site is properly zoned and complies with the municipality's zoning ordinance; (3) providing a list of approved uses for the site; (4) completing a non-binding review process -- either a “Concept Plan” or “Design Review” of the applicant's plan – for a Bronze Certified Site; (5) providing meeting minutes showing vote of endorsement to allow the applicant to proceed with the Certified Site application; (6) completing either a site plan or master plan approval process for a Silver Certified Site and providing meeting

minutes showing conditions of approval and five year plan approval; and (7) providing meeting minutes defining how the Certified Site would need to meet the board's definition of "active and substantial development.

Ultimately, the primary responsibility that a planning board would have is deciding which zoning districts within the community Certified Sites would be eligible to be located within and voting to endorse an application and a site plan or master plan which would allow Certified Sites to be established. Other roles municipalities could provide include: initial and ongoing program development; serving on the Program Administrative Team; working with SNHPC on overall program marketing; as well as hosting Certified Sites on local economic development and municipal websites.

How will the Program Benefit Public Utilities and NH DRED?

Public utility companies stand to directly benefit from the Certified Site Program through the provision of necessary utilities as well ongoing service support as a result of site development. It will be the option of every public utility in the region to decide if they would like to participate in the program. For utilities electing to participate in the program, they would assist with initial program development, (including developing necessary site certification guidelines and specifications); and serving on the Program Administrative Team; and assisting with program funding support.

All participating utilities that provide funding to help develop and implement the program will be able to include their company logo and will be recognized as such on all program materials and web resources. All utilities would also at request of the planning board and the SNHPC need to agree to provide verification of necessary pre-development site approvals with respect to the provision and/or feasibility of providing necessary utilities and services to a prospective certified site.

State of New Hampshire DRED: Initially, NH DRED's role in the program will be primarily providing website support and hosting of Certified Sites as well as serving on the Program Administrative Team.

Eventually, it is hoped that cooperative efforts can be pursued to expand the program under the coordination of NH DRED or a similar state agency and/or all the regional planning commissions within the state as directed by the state legislature and governor.

Program Development Work Tasks/Cost Estimates

Step 1: Define Program and Establish Program Administrative Team

Work Task 1: Obtain Initial Program Support of Municipal Planners/Developers and other Stakeholders in the Region and at the State:

SNHPC – 36 Hours @ \$70/hr = \$3,000

Work Task 2: Develop Program Logo/Certification Seal and Basic Program Branding

Marketing Consultant - 30 Hours @ \$50/hr = \$1,500

Work Task 3: Establish Program Administrative Team and Seek Program Funding:

SNHPC - 4 Hours @ \$70/hr = \$250

Metro Staff - 8 Hours @ \$30/hr = \$250

Step 2: Develop Final Program Guidelines and Marketing Materials

Work Task 1: Develop Application Forms and Program Guidance Materials

SNHPC – 32 Hours @\$70/hr = \$2,240

Work Task 2: Develop Web based Electronic & Hard Copies of Program Marketing Materials and Power Point Presentation for Municipalities

SNHPC – 15 Hours @\$70/hr = \$1,050

Marketing Consultant - 100 Hours @\$50/hr = \$5,000

Step 3: Program Rollout, Local Approvals and Ongoing Administration

Work Task 1: Schedule and Present PPP at Governing Bodies/Planning Board Meetings (13 municipalities x 2 meetings each = total 26 meetings)

SNHPC – 52 Hours @\$70/hr (includes mileage) = \$3,640

Metro Staff – 24 Hours @ \$30/hr = \$720

Estimated Total Program Development Cost: \$17,650

Less Current PSNH Donation \$ 5,000

Balance of Funding Needed \$12,650

Key Funding Sources:

- Public Utility Grants/Donations
- Real Estate Boards and Business Associations – Grants/Donations

Application Fee – Estimated Annual Program Implementation/Administration Cost

Work Task 1: Review Applications with Program Administration Team, Perform On-Site Review and Issue Site Certification

SNHPC – 4 Hours @ \$70/hr = \$280 per site

Work Task 2: Create Certified Site Marketing PDF (site information/maps) & Distribute to Websites to Host and Market Certified Sites

SNHPC – 10 Hours @\$70/hr = \$700 per site

Estimated SNHPC Annual Program Cost: **\$1,000 per site**

The Southern New Hampshire Certified Site Program can be self-supporting through an **Application Fee of \$1,000 per site**. This fee would enable the program to continue on an ongoing basis. If applicant requests any changes or modifications to the Certified Site Marketing PDF, costs shall be on an hourly basis.

Estimated Program Development Timeline/Schedule:

- Submit Proposal to Key Funding Sources – **February 2012**
- Upon Funding Commitments – Proceed with Program Development – **March to April 2012**
- Roll Out Program to Municipalities and Public – **April to May 2012**

Model Ordinances A and B

Municipalities that desire to participate in the **Southern New Hampshire Certified Site Program** must incorporate **Model Ordinance A** and/or other similar language within the planning board's site plan/subdivision and/or land development regulations.

Model Ordinance A outlines the basic procedures which would enable the municipality to accept applications under the certified site program and to endorse/pre-approve Certified Sites within specific identified zoning districts within the community.

Municipalities that desire to allow master planned areas as Certified Sites would need to adopt **Model Ordinance B Economic Opportunity District** or other similar innovative master planning regulations within the community's zoning ordinance. Model Ordinance B can be adopted as an innovative land use control under RSA 674:21.

Mode Ordinance A applies only to a planning board's site plan/subdivision regulations and/or land development regulations and would not require a vote at Town Meeting.

Model Ordinance A: Southern New Hampshire Certified Site Program

The following model ordinance or other similar language must be adopted as part of the planning board's site plan/subdivision and/or land development regulations in order for a municipality to participate in the Southern New Hampshire Certified Site Program.

Southern New Hampshire Certified Site Program

I. Purpose

The Town/City of _____ hereby agrees to participate in the Southern New Hampshire Certified Site Program. This program provides an opportunity for property owner(s) and/or eligible applicant(s) to obtain Certified Site approval of specific site(s) and/or building(s) located within the Town/City of _____.

There are three levels of site certification under this program: Bronze, Silver and Gold. All applications seeking site certification must be endorsed by the Planning Board before submittal to the Southern New Hampshire Planning Commission (SNHPC) for final certification. Once certified, essential information about the site and/or building will be posted by the SNHPC on active economic development websites designed to enhance the marketing and visibility of the site to national and international site selectors, real estate organizations and professionals, as well as companies and businesses seeking sites and buildings to utilize and/or develop.

II. Applicability

Sites and/or buildings eligible for certification under the Southern New Hampshire Certified Site Program shall be open to all industrial, office and mixed-use developments located on parcels of land greater than one acre in size within the following zoning districts: _____ of the Town/City of _____.

Sites and/or buildings seeking "**Bronze**" certification under the Certified Site Program must complete either a non-binding "Concept Plan Review" (per RSA 676: 4 II a) or a "Design Review" (per RSA 676:4 II b) in accordance with the Planning Board's regulations.

Sites and/or buildings seeking "**Silver**" certification under the Certified Site Program must obtain either "Site Plan approval" (per RSA 674:43/44) or "Master Plan approval" (per RSA 674:21) in accordance with the regulations of the Town/City of _____.

Sites and buildings seeking "**Gold**" certification under the Certified Site Program shall provide evidence to the Planning Board from applicable public and/or private utilities that the site and/or building is served by or has the availability to be directly connected to

public water and/or sewer; telephone; electric; or natural gas services at the parcel boundary lines.

All site plans or master plans approved by the Planning Board under the Certified Site Program shall be valid for a period of five years from the date of planning board approval.

The term “active and substantial development or building” under RSA 674:39 for all site plans or master plans approved by the Planning Board under the Certified Site Program shall mean satisfaction of all the following requirements:

- (a) Planning Board receipt of written evidence that the applicant has invested a minimum of \$25,000 in engineering, architectural, construction and approval costs associated with the plan;
- (b) Continued participation in and listing of the site/building in the SNHPC Certified Site Program; and
- (c) Annual written report and presentation to the Planning Board of the efforts made, status, prospects and schedule for marketing, sale, development and construction of the Certified Site.

Model Ordinance B: Innovative Planned Overlay Zone for Creation of an Economic Opportunity District (EOD)

The following model ordinance or other similar innovative master planning regulations must be adopted or included in a municipality's zoning ordinance in order that **master planned areas** can be considered as Certified Sites under the Southern New Hampshire Certified Site Program.

The following innovative planned overlay zone ordinance creating an Economic Opportunity District is optional and is offered for those planning boards that do not have in place a planned development overlay district, planned unit development ordinance or other similar area-wide or unified master planning zoning district. The intent of this model ordinance is to enhance economic opportunities for planned industrial, office and mixed-use development on appropriate size tracts of land and at locations that have been approved by the planning board as part of a larger unified or comprehensive master plan. The master development plan (the EOD plan) as recommended in this model ordinance sets forth the permitted uses and development standards for the zone and as such the overlay zone is established upon master development plan approval.

Economic Opportunity District (EOD)

Sections:

- I. Purpose & Summary**
- II. Authority**
- III. Establishment and Applicability**
- IV. Definitions**
- V. Governing Regulations and Conflict**
- VI. Process and Procedural Requirements**
- VII. Comprehensive Master Development Plan – Standards and Submission**
- VIII. Requirements**
- IX. Required Findings – Review Criteria**
- X. Conditions of Approval**
- XI. Expiration and Extensions; Modifications**

I. Purpose & Summary

The Economic Opportunity District (EO District) is intended to implement a Certified Sites Program which is a specialized and innovative overlay zone designed to promote economic growth and development, job creation and incentives for business and industry to move to the City/Town of _____ by allowing for an innovative, cooperative and expedited planning, approval and marketing process not otherwise utilized in other zoning districts within the City/Town. Specifically this EOD overlay district provides an opportunity for pre-planning, marketing, final approval and development of large-scale, coordinated, phased and/or multi-building industrial, commercial, educational, office

and/or mixed-use developments on one or more tracts of land in the following underlining zoning districts: _____
(the planning board must identify these zoning districts here)

The EO District provides an option for the development of individual or aggregated sites and lots (whether or not immediately contiguous) pursuant to an overall unified, coordinated or comprehensive master development plan (the “EOD Plan”) that is to be developed or owned either by a single owner or a combination of owners. Upon certification, the EOD Plan will identify and define the permitted uses, the overall physical arrangement, layout and association of uses and improvements on the land, including the intensity, dimensions and other development standards for the property subject to the EOD Plan.

There are three levels of EOD Plan Certification: Bronze, Silver and Gold. In general, (1) Bronze Certification requires completion of (i) Planning Board non-binding “Concept Plan Review” or “Design Review” of an EOD Plan in accordance with N.H. RSA 676:4 II (a) or (b), and (ii) a vote of endorsement allowing the applicant to proceed with submitting an application for Bronze Certified site approval; (2) Silver Certification requires completion of Planning Board approval of a final EOD Plan as required by this ordinance and approval of one or more Site Plans for portions of the EOD Plan property; and (3) Gold Certification requires (i) each of the components of Silver Certification plus (ii) a so-called “shovel-ready” or pad site for one or more portions of the EOD Plan property as evidenced by utilities constructed and delivered to said property boundaries.

All EOD Plans seeking certification must be submitted to, obtain qualification for and continue to participate in the Certified Sites Program (the “Certified Sites Program”) administered by the Southern New Hampshire Planning Commission (“SNHPC”).

The establishment of the Certified Sites Program implemented through this EO District provides unique opportunities for local and regional support of sustainable, tax revenue positive, and readily available economic development projects which will take advantage of regional infrastructure, opportunities and support and have access to regional, national and international marketing efforts focused on the Southern New Hampshire Certified Site Program. Certified Sites in the EO District remain subject to traditional Site Plan approval, but offer owners and developers additional flexibility to implement planned, large-scale or coordinated developments geared toward prospective uses and end-users, while at the same time ensuring the quality of development, encouraging aesthetically attractive features, promoting quality site and architectural design, and mitigating for offsite impacts and externalities related to traffic, noise, lighting, drainage, and other land use and environmental considerations.

II. Authority

This provisions of this ordinance are adopted in accordance with N.H. RSA 674:16 and N.H. RSA 674:21, specifically §674:21 I, subsections (a) Timing Incentives, (b) Phased Development, (c) Intensity and Use Incentive, (e) Planned Unit Development, (f) Clustered Development, (g) Impact Zoning, (h) Performance Standards, and (i) Flexible

and Discretionary Zoning. The uses, densities and other details of an EOD Plan and Development Agreement approved and certified by the Planning Board shall be granted by the Planning Board as a Conditional or Special Use Permit under N.H. RSA 674:21 II.

III. Establishment and Applicability of District

All of the property within an approved and certified EOD Plan shall be a free-standing, alternative zoning district in which the permitted land uses and intensities of land use shall be tailored to fit the physical features of the property as well as achieve compatibility with existing and planned adjacent uses as shown on the EOD Plan. The property within a certified EOD Plan shall remain subject to pre-existing zoning district requirements until such time as one or more building permits consistent with the EOD Plan are issued for property within said EOD Plan (other than permits for demolition, site work, timber harvesting or utilities) at which time only the zoning or development set forth in the EOD Plan shall be applicable to said property within an approved and certified EOD Plan. In other words, prior to issuance of building permits, the owner or developer shall maintain the option of relying on the EOD Plan or on traditional underlying zoning provisions.

An EO District shall only be established on individual or aggregated sites and lots (whether or not immediately contiguous) which are located entirely or partially within: (a) any of the following zoning districts: _____ (*the planning board must identify these zoning districts here*); (b) a designated Economic Revitalization Tax Credit zone approved by the New Hampshire Department of Resources and Economic Development under N.H. RSA 162-N; or (c) an area designated as qualifying for Community Revitalization Tax Relief Incentives under N.H. RSA 79-E; plus (d) any area immediately adjacent or contiguous to any of the foregoing. In establishing an EO District, the Planning Board shall consider the municipality's master plan, corridor studies and other long-range and comprehensive municipal plans, small area master plans or other specific land use plans as guidance in the determination of appropriate land uses and intensities of the proposed EOD Plan.

Approval of an EOD Plan shall constitute an amendment to the municipality's Official Zoning Map wherein the EO District shall be shown to overlay the existing zoning districts for those parcels identified in the approved and certified EOD Plan. The EOD Plan and, where appropriate, the required Development Agreement, shall be approved and certified by the Planning Board in conjunction with the establishment of an EO District. Once approved and certified, the EOD Plan and Development Agreement shall set forth all zoning, land use, density and development standards for the EO District and all development proposed within the EO District shall conform to the approved and certified EOD Plan and Development Agreement.

Due to the complexity inherent in establishing and administering an EO District and prior to developing a detailed EOD Plan request, (a) a pre-qualification conference shall be held by the applicant with municipality's planning and economic development staff and SNHPC, and (b) if preliminary qualification is confirmed, a conceptual discussion of the

proposal must be held with the Planning Board as well as the municipality's development review team or technical review committee.

IV. Definitions

Economic Opportunity District Plan (“EOD Plan”):

An “EOD Plan” is an overall, area-wide or property specific plan that serves as the basis for the establishment of an Economic Opportunity District and that depicts the development standards and the proposed development of land within an EO District. The EOD Plan may be developed for one or more lots, parcels or properties located on contiguous or non-contiguous tracts of land with some reasonable relationship or nexus to each other in terms of proximity, infrastructure availability, use or otherwise. Where portions of the tract are separated by a road, right-of-way, utility, waterway, or another like element, the land may be deemed contiguous unless the intervening feature is of such a nature that the Planning Board determines that the land cannot function effectively as a unified and comprehensive development. The EOD Plan shall depict the existing and proposed conditions of each lot, tract, parcel or property including, water features, drainage, landscaping and open spaces, walkways, means of ingress and egress, traffic circulation and streets, utility services, the footprints of all proposed or likely structures and buildings, signs and lighting, screening devices, and any other information as required by this zoning ordinance or applicable Site Plan or development regulations. An engineer's seal is required for all necessary engineering plans submitted and required to be included as part of the EOD Plan.

Development Agreement:

A “Development Agreement” is a legal instrument that is executed and delivered by and among the owners and developers of the property within an EOD Plan and the municipality for the purpose of providing assurances to the parties of the rights conferred by, limitations of, and responsibilities and expectations allocated by certification of the EOD Plan and shall include:

- (a) certification of the EOD Plan as either Bronze, Silver or Gold,
- (b) identification of and definitions applicable to the permitted uses of the zoning district created by the EOD Plan,
- (c) identification and delineation of the overall physical arrangement, layout and association of uses and improvements on the property which is subject to the EOD Plan, including the intensity, dimensions and other development standards for the property subject to the EOD Plan,
- (d) identification of the necessary or anticipated process, steps and materials required or expected for submittal and approval of one or more Site Plans for end-user construction and occupancy, including the type, scope and detail of any new or additional studies, assessments and reports deemed relevant to such Site Plans or end-users,

- (e) identification of likely phasing and scheduling of construction and developments of portions of the EOD Plan,
- (f) identification of agreed upon or expected or still to be considered on-site and off-site improvements and public facilities necessitated by the development,
- (g) delineation of the rights and benefits to the owners and developers accruing as a result of certification, and
- (h) such other matters as the parties may deem necessary or relevant to the EOD Plan and the construction of the improvements identified therein.

V. Governing Regulations and Conflict:

Except to the extent provided by the EOD Plan, the Development Agreement and this EOD ordinance, all construction and development within an EO District shall be governed by the ordinances, rules and regulations of the municipality in effect at the time of such construction and development. In the event of any conflict between the EOD Plan, the Development Agreement and this EOD ordinance on the one hand and the ordinances, rules and regulations of the municipality at the time of the establishment of the EO District, the terms, provisions, and intent of the EOD Plan, the Development Agreement and this EOD ordinance shall control.

VI. Process and Procedural Requirements

All EOD Plans seeking certification must be submitted to, obtain qualification for and continue to participate in the Certified Sites Program administered by SNHPC.

Prior to developing a detailed EOD Plan request, (a) a pre-qualification conference shall be held by the applicant with Town's planning and economic development staff and SNHPC, and (b) if preliminary qualification is confirmed, a conceptual discussion of the proposal must be held with the Planning Board as well as the municipality's development review team or technical review committee.

All EOD Plan applications shall include the following basic information:

- a. An EO District narrative statement and summary of intent, including locus map and identified properties; and
- b. A proposed EOD Plan and supporting documentation, including identification and delineation of the overall physical arrangement, layout and association of uses and improvements on the property which is subject to the EOD Plan, including the intensity, dimensions and other proposed development standards; and
- c. Traffic impact analysis, and any other study and technical information as requested by the Planning Board; and
- d. A draft Development Agreement.

Before any approved development can occur within a certified EO District, a Development Agreement shall be reviewed, approved and executed by the Planning Board. Development Agreements must be approved by the Planning Board in conjunction with approval and certification of the EOD Plan.

All applications, EOD Plans and Development Agreements submitted for formal consideration by the Planning Board shall be considered only at duly advertised public hearings of the Planning Board in accordance with the applicable provisions of this EOD ordinance and applicable law. If the EOD application is found to be complete, the Planning Board shall take final action on the application within 90 days of a finding of completeness. Due to the complexity inherent in establishing and administering an EO District, the Planning Board shall, if reasonably possible, hear and consider EOD applications as the only matters to be scheduled at special meetings rather than at the Planning Board's regular monthly meetings.

Upon approval and certification of an EO District by the Planning Board, the parties shall record the EOD Plan as a subdivision plat in the _____ County Registry of Deeds, but it is not required that the Development Agreement be recorded.

VII. EOD Plan Standards and Submission Requirements

Multiple parties may own, manage and/or develop various tracts, parcels, sites and lots within the EOD Plan provided the EOD Plan remains an integrated plan and all such parties remain subject to the Development Agreement.

An EOD Plan may include land which has been previously developed under the requirements of the underlying zoning.

While the EO District applicant has significant flexibility in proposing and recommending the various land uses, densities, setbacks, buffers, building heights, lot sizes, lot dimensions, parking requirements, and generally most of all the site design and development standards to be included in the EOD Plan, the Planning Board shall make the final determination of and set these standards for the EOD Plan, including the selection of the land uses to be allowed within the EO District. Residential land uses shall only be permitted in an EOD Plan as part of a mixed-use development as shown on the EOD Plan, delineated in the Development Agreement and approved by the Planning Board.

In setting the development standards for approval of a EOD Plan, the applicant and Planning Board shall consider the applicability of existing standards as provided for by other zoning districts for each proposed use, except the height of buildings and structures not intended for human occupancy (chimney, water tower, etc.) shall not exceed the maximum height as may be specified by the Federal Aviation Administration as part of their permitting process or by the limitations outlined by any existing or adjacent Airport Approach Height District within the Town.

In determining appropriate density, as well as other applicable criteria and standards, the Planning Board shall consider the amount of buildable land contained within the EO District, the overall design of the proposed development as well as the compatibility of existing and proposed residential and non-residential uses located both within the EO District and directly adjacent to the EO District.

All uses that are permitted in the underlying zoning district(s), either by right, special exception or conditional use permit shall be considered permitted uses in an EO District.

Any proposed covenant, restriction, and easement in the EO District must be approved by the Planning Board or its designated staff or consultants. A provision must be included in any such documents providing for municipal enforcement of such covenants, restrictions and easements at the option of the municipality. In any EO District where ownership is subject to restrictions, covenants, easements and other such agreements, those documents shall be recorded at the _____ County Registry of Deeds.

The applicant for approval of an EOD Plan shall provide the following required submittal information and materials (in format and number as determined by the Planning Department), plus any additional information as may be required by the municipal review team, technical review committee and/or Planning Board:

- a. **Completed Application.** Completed application for an EOD Plan;
- b. **Narrative Statements.** EO District narrative and summary of intent, including a statement of purpose for the EO District and how the EOD Plan meets the standards and requirements of this section;
- c. **Statement Regarding Compliance with Findings.** Written statement and illustrations to demonstrate how the EOD project meets the required findings, and provides superior community design, environmental preservation, and/or public benefit amenities;
- d. **EOD Boundaries and Locus Map.** EOD project boundaries and property/parcel data -- a map showing the proposed project boundaries, the perimeter of the ownership, location and dimensions of any existing property lines and easements within the site, general location of buildings, roads, parking and open areas, and existing underlying zoning districts and zoning districts of all adjoining property;
- e. **Proposed Land Use Plan.** Proposed land use plan and land use list -- A plan showing the general dimensions and locations of existing and proposed structures, buildings, streets, parking, yards, pathways, open spaces and other public or private facilities. The land use plan shall also indicate all of proposed land uses and land use activities to be conducted within the EOD, with approximate acreage, types of uses, density, related floor area or calculations of site area to be devoted to such uses, number of dwelling units if proposed and overall residential density for the tract, and any other development standards specific to the land uses;

- f. **Traffic Impact Study and Other Studies.** Traffic impact analysis, including preliminary estimates of trip generation, trip distribution, potential areas of off-site transportation improvements, and any other studies and technical information as requested by the municipal review team, technical review committee and Planning Board;
- g. **Topographic Information.** Existing and proposed land contours, elevations, soil types, wetlands, surface water, natural and cultural resources, ridges and knolls, rock outcrops, steep slopes and proposed land changes in the topography of the site, including the degree of land disturbance, the location of drainage channels or watercourses and the direction of drainage flow;
- h. **Engineering Plans.** Engineering plans with an engineer's seal showing site grading, and amount of cut and fill, including finished grades, and all existing and proposed drainage facilities and improvements, and existing street layouts, right-of-way, profiles and construction details, including any proposed easements and how they will be monitored and enforced, if applicable;
- i. **Utilities.** The location and capacity of all existing utilities, including public water and sewer located within the vicinity of the site, and all proposed utilities and public water and sewer extensions to be provided to the site;
- j. **Existing Conditions.** The location of any existing structures and trees on-site or in the adjoining right-of-way designated for retention or removal;
- k. **Landscape Plan.** The location of existing trees on-site or in the adjoining right-of-way designated for retention or removal and all proposed areas and sites to be landscaped with quantities and types of new landscape materials;
- l. **Open Space Plan.** A proposed open space plan including existing and proposed walkways, trails, sidewalks as appropriate, recreation area, parking, service and other public areas to be used in common on the property and a description of intended improvements to the open area of the property;
- m. **Development Standards.** A statement and documentation of all the development standards and guidelines for all existing and proposed development within the EO District;
- n. **Architectural Renderings.** Plan with colored graphics showing architectural concepts of existing and proposed building, including heights, design, and exterior building materials;
- o. **Signage and Lighting Plan.** Plan showing existing and proposed signage and lighting of all buildings and parking areas and streets within the EOD, including pedestrian areas with specific criteria for design, size and proposed sign/light types (wall, free standing, directional, etc.), materials, heights, colors, setbacks, projections and contextual issues shall be established. Any other sign design information as required by the municipality;
- p. **Complete Abutters List/Application fees – (Note: typical application fees might consist of: \$20 per gross acre of the tract, not to exceed \$5,000. Also legal notice and abutter notification fees shall be determined in the latest version of the municipality's site plan and subdivision regulations);**

- q. ***Development Schedule/Phasing.*** A narrative and development schedule, indicating the sequence and timing of development and the priorities of any phased development;
- r. ***Covenants/Restrictions and Bylaws.*** Information on existing and proposed covenants/restrictions/easements and any proposed articles of incorporation and bylaws of any corporation and/or association to be formed;
- s. ***Development Agreement.*** A draft Development Agreement, including cost estimates and surety proposals for installation of improvements and public facilities necessitated by proposed development and any other information that the Planning Board and municipal legal counsel may deem reasonably necessary.

VIII. Required Findings - Review Criteria

The Planning Board shall approve and certify an EO District if all of the following findings are made:

1. The project meets all of the requirements of this EO District ordinance, or the Planning Board waives or modifies such provisions and requirements as it finds reasonable to waive or modify.
2. Development within the proposed EO District will be demonstratively superior to the development that would likely occur under the standards applicable to the underlying base district as indicated by the EOD Plan.
3. The EOD Plan submitted with the application conforms in all material respects with the municipality's master plan, and any applicable plan or policies adopted by the municipality.
4. The EOD Plan conforms to all applicable local, state and federal laws relating to public health and safety, building construction and drainage (these standards may not be waived or modified by the Planning Board).
5. Development within the EOD shall be (A) compatible with, transitional to or buffered from the surrounding area and land use, and (B) directly benefit and enhance the character, economy, job availability and tax base of the community. In making this determination, the following factors shall be considered:
 - a. Appropriateness of the use(s) at the proposed location.
 - b. The compatibility and mix of uses within the development area.
 - c. Provision of infrastructure improvements.
 - d. Provision of or connection to open space.
 - e. Quality of design.

- f. Overall contribution to the enhancement of the surrounding area and to the character and the environment of the community in the long term.
- g. Creativity in design and use of land.

Review Criteria: The following general review criteria shall guide the Planning Board in determining appropriate land uses, densities and other development standards for an EOD Plan:

- a. Provisions of the municipality's zoning ordinance, site plan regulations, subdivision regulations and other applicable local, state and federal law, where appropriate.
- b. Consistency with the municipality's master plan, and any related plans or studies.
- c. Conformance with the intent and objectives of this EO District ordinance.
- d. Infrastructure capacity and the impact of the EOD Plan upon the delivery of public services and facilities and public safety.
- e. Prospective fiscal impact upon the municipality.
- f. Traffic impacts on surrounding streets and transportation systems.

In addition to the above general review criteria, every EOD Plan should incorporate several of the following elements. The inclusion of any one of these elements as part of the EOD Plan justifies departures from standards and requirements otherwise applicable under conventional zoning (introduction of new uses, more intensive land uses, higher density, novel design approaches, etc.).

- a. Inclusion of a harmonious mix of uses.
- b. Provisions for quality architectural design.
- c. Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
- d. Preservation of and connections to open space.
- e. Preservation of natural vegetation and other important natural features.
- f. Preservation of important cultural resources such as stone walls and other archaeological sites.
- g. Development of active or passive recreational areas.
- h. Quality landscaping.
- i. Use of sidewalks, bikeways and other multi-use paths.

- j. Use of traffic information, traffic calming or transportation demand management measures.
- k. Significant screening of, or rear placement of, parking areas.
- l. Sustainable design and construction practices promoting energy conservation.
- m. Other public benefits such as provision of community center, farmer's market or day care center.
- n. Public access to community facilities in the EO District.

IX. Conditions of Approval

In approving an EOD Plan, the Planning Board may impose any conditions deemed reasonably necessary to:

- A. Ensure the EOD Plan conforms in all material respects with the municipality's master plan and with any other applicable plans or policies that the municipality has adopted;
- B. Achieve the general purposes of this Zoning Ordinance;
- C. Achieve the findings for the approval of an EOD Plan as provided for in Section VIII, above; or
- D. Mitigate any potentially significant adverse impacts identified as a result of the review of the EOD Plan as conducted by the Planning Board.

X. Expiration and Extensions; Modifications

All approved and certified EOD Plans shall be valid for a period of five years from the date of Planning Board approval. All approved development proposals, Certified Sites, and Development Agreements for such projects shall be valid for a period of five years from the date of Planning Board approval, or in accordance with the specific terms of the stated therein. In the event that the applicant, landowner (developer) intends to develop the sites and lots within an EOD Plan in phases, the Planning Board may approve a phasing plan for the EOD Plan. The phasing plan shall remain in effect for a specified period of time not to exceed a maximum of ten years as determined as part of the approval of the EOD Plan.

For purposes of all approved and certified EOD Plans, the term "active and substantial development or building" under N.H. RSA 674:39 shall mean satisfaction of each of (a) Planning Board receipt of written evidence that the applicant has invested a minimum of \$25,000 in engineering, architectural, construction and approval costs related to the EOD Plan, (b) continued participation in and listing of the EOD Plan in the Certified Sites Program, and (c) annual written report and presentation to the Planning Board of the

efforts made, status, prospects and schedule for marketing, sale, development and construction of the site or sites within and the infrastructure required for the EOD Plan's implementation.

For purposes of all approved and certified EOD Plans, the term "substantial completion" under N.H. RSA 674:39 shall mean (a) continuing satisfaction of each of requirements for active and substantial development or building, and (b) (i) commencement of construction on at least one site or sites on the EOD Plan, or (ii) compliance with any alternative requirements for substantial completion set forth in the Development Agreement.

In the event actual building construction has not begun on at least one site or sites located within the EOD Plan by the owner or the owner's successor-in-interest after five years from the date of approval, or in accordance with other specific terms of the Development Agreement, then the EOD Plan shall be deemed to have expired and the underlying zoning shall then control development of the land. Landowners may apply to the Planning Board for extensions of this time period for good cause shown. All such deadlines shall be subject to extension by the Planning Board after notice and public hearing.

Property owners/developers of land located within an approved and certified EOD Plan shall be entitled to an exemption from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by the municipality for a period of four years after the date of plan approval as provided for under RSA 674:39.

Landowners may also apply to amend all or a portion of an approved and certified EOD Plan following the same process requiring Planning Board approval of such plan. A landowner may also request to extinguish an EO District by notifying the Planning Board in writing that he/she does not intend to utilize the EOD Plan.

