



Town of Goffstown

TOWN OFFICES
16 MAIN STREET • GOFFSTOWN, NH 03045

Date: October 17, 2013

To: Goffstown Planning Board

From: Derek M. Horne, Assistant Town Administrator / Economic Development Coordinator

Re: Economic Development Council Recommendation
Certified Sites Regulations

The purpose of this memorandum is to provide an overview of the Southern New Hampshire Planning Commission's Certified Sites Program and the DRAFT Regulations recommended for adoption by the Goffstown Economic Development Council.

Southern New Hampshire Planning Commission's *ReadySetGo!* Certified Sites Program

On 4/10/13 David Preece and Jack Munn from Southern New Hampshire Planning Commission (SNHPC) presented to the Goffstown Economic Development Council (EDC) the concept of the SNHPC ReadySetGo! Certified Sites Program. A similar presentation was given to the Planning Board the following evening, 4/11/13.

- What *ReadySetGo!* is.
 - The program is an opportunity for interested property owners/developers to obtain longer plan approvals that would allow certified sites to be marketed over five years instead of the typical one-year plan approval period.
 - It is a regional marketing program and economic development tool. Certified sites and buildings can be marketed to potential users on the local, regional, state and national level.
- What *ReadySetGo!* it is not.
 - It does not change zoning.
 - It is not mandatory – the program is a voluntary opportunity.

DRAFT Development Regulation Amendment – Recommended by Goffstown EDC

The DRAFT amendment to the Development Regulations could be used if the Planning Board wishes to participate in the certified sites program. The purpose of proposing regulations as a Development Regulation amendment was twofold: 1) the underlying zoning is not changed; and 2) the Planning Board would have flexibility to modify the certified sites regulations at any time if they find a need to in the future.

The DRAFT regulation was reviewed by the EDC and by the Town Attorney. At their 8/7/13 meeting the EDC voted unanimously to recommend to the Planning Board the DRAFT certified sites regulations (attached).

I will be present at the 10/24/13 Planning Board meeting to present this concept and answer any questions you may have. In the meantime, please feel free to contact me if you have any questions about the SNHPC Certified Sites Program or the DRAFT Regulations. Thank you.

**DRAFT Certified Sites Regulation Amendment to
Town of Goffstown Planning Board Development Regulations:
for adoption of and participation in SNHPC Certified Sites Program**

A. Amendment to Introduction

**Add the following language immediately prior to the last paragraph of the
Development Regulations –**

The Certified Sites Program supports the economic development and marketing program of the Southern New Hampshire Planning Commission known as the Certified Sites or ReadySetGo! Program. The ability to obtain approval of a Coordinated Development Plan as a non-recorded site plan provides applicants with flexibility to design, develop and market property in a cooperative setting subject to certain benefits and obligations delineated in a Development Agreement negotiated between the applicant and the Board. The Certified Sites Program is a new and innovative land use concept which is offered on an experimental basis and is expected to undergo some modification and refinement as circumstances and experience warrant.

B. Adoption of New Section 8

Add the following new Section 8 to the Development Regulations –

Section 8: Certified Sites Program

A. Purpose & Summary:

1. Implementation of Certified Sites Program. This Regulation (the “Certified Sites Regulation”) is intended to implement in the Town of Goffstown the Certified Sites Program developed and administered by the Southern New Hampshire Planning Commission (“SNHPC”) through ACCESS Greater Manchester ‘s ReadySetGo! Initiative (the “Certified Sites Program”).
2. Purpose. The purpose of the Certified Sites Program is to promote economic growth and development, job creation and incentives for business and industry to move to the Town of Goffstown by allowing for an innovative, cooperative and expedited planning, approval and marketing process not otherwise utilized or available within the Town or the State. Specifically this Certified Sites Regulation provides an opportunity for pre-planning, marketing, final approval and development of medium and large-scale, coordinated, phased and/or multi-building industrial, commercial, educational, office and/or mixed-use developments on one or more tracts of land. The Certified Sites Regulation provides an option for the development of individual or aggregated sites and lots (whether or not immediately contiguous) pursuant to a Coordinated

Development Plan (see Section 8.J.2, Definitions) that is to be developed or owned either by a single owner or a combination of owners. Upon certification, the Coordinated Development 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 Coordinated Development Plan.

3. Levels of Certification. There shall be three levels of Coordinated Development Plan Certification under this Certified Sites Regulation:
 - a. **Level I** - requires (i) Planning Board non-binding “Design Review” of a Coordinated Development Plan in accordance with N.H. RSA 676:4 II(b), (ii) certification by the Planning Board of the zoning and uses permitted on the affected parcels, (iii) continuing qualification for and participation in the Certified Sites Program, and (iv) Annual Report presentation to the Planning Board. Level I does not provide any form of vesting to applicant’s project but is intended to provide a public forum for non-binding discussions and input beyond conceptual and general discussions in accordance with N.H. RSA 676:4 II(b).
 - b. **Level II** - requires (i) each of the components of Level I Certification, (ii) approval and certification of a Coordinated Development Plan by the Planning Board, and (iii) execution of a Development Agreement with the Planning Board which, among other things, will set forth the necessary steps for submittal and approval of one or more Site Plans for end-user construction and occupancy (a “Development Agreement”).
 - c. **Level III** - requires (i) each of the components of Level I and Level II Certification, and (ii) Planning Board Site Plan approval for at least one phase of the applicant’s project in accordance with N.H. RSA 674:43 &44 and Section 4 of the Planning Board’s Development Regulations, plus either (iii) a so-called “shovel-ready” or pad site for one or more portions of the Coordinated Development Plan property, or (iv) private and/or public utilities available, committed, constructed or delivered to said property boundaries in a manner acceptable to the Planning Board at the time of certification.
4. Goals and Benefits. The establishment of the Certified Sites Program implemented through this Certified Sites Regulation 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 region. Certified Sites shall remain subject to traditional Site Plan approval, but offer owners and developers additional flexibility to implement planned, medium and 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 off site impacts and externalities related to traffic, noise, lighting, drainage, and other land use and environmental considerations.

B. Authority:

1. Rulemaking Authority. This provisions of this Certified Sites Regulation are adopted in accordance with the Planning Board’s rule making authority under N.H. RSA 674:44.
2. Reservation of Rights. The Planning Board reserves the right to amend and modify this Certified Sites Regulation at any time and from time to time.
3. No Applicant Vesting. No Applicant under this Certified Sites Regulation shall have any rights hereunder, whether express, implied, by estoppel or otherwise, until such time as said Applicant’s Coordinated Development Plan receives final, non-appealable Certification from the Planning Board.
4. Controlling Regulation. The provisions of this Certified Sites Regulation shall control and supersede any terms or conditions of the Certified Sites Program developed and administered by the Southern New Hampshire Planning Commission through ACCESS Greater Manchester ‘s ReadySetGo! Initiative, as now existing or hereafter modified.

C. Applicability to Designated Districts:

1. Qualifying Properties. Applications under this Certified Sites Regulation shall be available only for and with respect to individual or aggregated sites and lots (whether or not immediately contiguous) of one (1) acre or more which are located entirely or partially within the following zoning districts:
 - a. Industrial,
 - b. Commercial,
 - c. Commercial Industrial Flex Zone,
 - d. Village Commercial,
 - e. within 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

- f. within an area designated as qualifying for Community Revitalization Tax Relief Incentives under N.H. RSA 79-E, plus
 - g. in each instance, any area immediately adjacent or contiguous to any of the foregoing.
2. Supplemental Effect. The property within a Coordinated Development Plan shall remain subject to all pre-existing zoning district requirements (established by the Town's Zoning Ordinance, or by a valid and continuing Variance or Special Exception) until such time as one or more building permits consistent with the Coordinated Development Plan are issued for property within said Coordinated Development Plan (other than permits for demolition, site work, timber harvesting or utilities) at which time only the zoning or development set forth in the Coordinated Development Plan shall be applicable to said property within an approved and certified Coordinated Development Plan. In other words, prior to issuance of building permits, the owner or developer shall maintain the option of relying on the Coordinated Development Plan or on traditional underlying zoning provisions.

D. Application Process:

Application Process. Due to the complexity inherent in establishing and administering a Coordinated Development Plan, the Applicant shall follow the following seven (7) step process:

1. Qualification. A pre-qualification conference shall be held between the Applicant with Town's planning and economic development staff, the Town's Economic Development Council ("EDC") and SNHPC.
2. Technical Review. If preliminary qualification is confirmed and recommended by both EDC and SNHPC, the Applicant shall meet with and obtain preliminary input from the Town's development review team or technical review committee.
3. Conceptual Discussion. Upon completion of the foregoing, a conceptual discussion of the proposed Application must be held with the Planning Board.
4. Application Submittal. Upon completion of the foregoing, the Applicant, with the assistance of EDC and SNHPC, shall prepare an Application for consideration by the Planning Board. An application fee shall be payable with Application submittal in an amount established from time to time by the Planning Board.
5. Application Acceptance. After notice and a public hearing, the Planning Board may accept any CSP Application. Acceptance of any CSP Application for further consideration by the Planning Board shall not afford the Applicant any vested rights hereunder, whether express,

implied, by estoppel or otherwise, and no such rights shall accrue until such time as said Applicant's Coordinated Development Plan receives final, non-appealable Certification from the Planning Board.

6. CSP Review Process. The Planning Board, in its discretion, shall conduct one or more public hearings, workshops or meetings as it deems necessary to review and consider an accepted CSP Application. Said process shall be governed by the Planning Board's otherwise existing Site Plan and Subdivision regulations, as modified by this Certified Sites Regulation, or by Planning Board waiver for good cause shown.
7. Certification. The Planning Board, in its discretion, may approve, approve with conditions, or deny (with or without prejudice to resubmittal) certification of any Coordinated Development Plan. The Planning Board's action hereunder shall not be subject to appeal by the Applicant, but any such action shall not reduce or modify the rights of any property owner or affected party under any other applicable law, rule or regulation.
8. Annual Report. Subsequent to certification, the Applicant shall meet annually with the EDC for the purpose of apprising the EDC of the status of the Project and consulting with the EDC on drafting and presentation to the Planning Board of the Annual Report.

E. Procedural Requirements:

1. Continuing Program Qualification. All Coordinated Development Plans seeking to obtain and maintain Certification must at all time (a) obtain qualification for and continue to participate in the Certified Sites Program administered by SNHPC, and (b) register for and actively participate in the ReadySetGo! marketing program of ACCESS Greater Manchester administered by SNHPC, the Greater Manchester Chamber of Commerce ("GMCC") and the N.H. Department of Resources and Economic Development ("DRED").
2. Submittal Documents. The Applicant for approval of a Coordinated Development Plan shall provide (or request the Planning to waive) the following 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. Level I Submittals:
 - a. **Completed Application**. Completed application for a Coordinated Development Plan;
 - b. **Complete Abutters List/Application Fees**. A complete abutter's list for certified mail notice to abutters as required for Site Plan or Subdivision applications, together with associated mailing costs

and an application fee payable to the Town as set from time to time by the Planning Board. Said fees shall be in addition to Design Review, Subdivision, Site Plan and other fees otherwise applicable to the applicant's filings.

- c. ***Narrative Statements.*** Coordinated Development Plan narrative and summary of intent, including a statement of purpose for the Coordinated Development Plan and how the Coordinated Development Plan meets the standards and requirements of this Certified Sites Regulation.
- d. ***Statement Regarding Compliance with Findings.*** Written statement and illustrations to demonstrate how the Coordinated Development Plan meets the required findings, and provides superior community design, environmental preservation, and/or public benefit amenities.
- e. ***Coordinated Development Plan Boundaries and Locus Map.*** Coordinated Development Plan 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.
- f. ***Zoning Verification Letter.*** Certification from the Town's Code Enforcement officer indicating the locus of the property in one or more Zoning Districts and identifying the uses available to the property as a matter of right under the Town's Zoning Ordinance or available by valid and binding variance, special exception or conditional use permit.
- g. ***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 Coordinated Development Plan, 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.
- h. ***Sale and Lease Information.*** Identification of the property owner's and/or developer's asking price for the sale, lease or rental of the property or each distinct component of the Coordinated Development Plan in such detail as is required for the property's continued qualification for the Certified Sites Program developed

and administered by the Southern New Hampshire Planning Commission (“SNHPC”) through ACCESS Greater Manchester’s ReadySetGo! Initiative.

- b. Level II Submittals (in addition to the Level I Submittals):
 - i. **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.
 - ii. **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.
 - iii. **Existing Conditions.** The location of any existing structures and trees on-site or in the adjoining right-of-way designated for retention or removal.
 - iv. **Development Standards.** A statement and documentation of all the development standards and guidelines for all existing and proposed development within the Coordinated Development Plan.
 - v. **Development Schedule/Phasing.** A narrative and development schedule, indicating the sequence and timing of development and the priorities of any phased development.
 - vi. **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 Town legal counsel may deem reasonably necessary.

- b. Level III Submittals (in addition to the Level I & Level II Submittals):
 - i. **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.
 - ii. **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.

- iii. ***Drainage Study.*** An engineered drainage study conforming to the requirements of the required for Site Plan applications under the Planning Board's Development Regulations
 - iv. ***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.
 - v. ***Open Space Plan.*** A proposed open space plan, if applicable, 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.
 - vi. ***Architectural Renderings.*** Plans with colored graphics showing architectural concepts of existing and proposed building, including heights, design, and exterior building materials.
 - vii. ***Signage and Lighting Plan.*** Plan showing existing and proposed signage and lighting of all buildings and parking areas and streets within the Coordinated Development Plan, 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.
 - viii. ***Covenants/Restrictions/Easements 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.
 - ix. ***Site Plan Submittals.*** Such other submittals as may be required for Site Plan applications under the Planning Board's Development Regulations.
3. Development Agreement Approval. Development Agreements must be approved by the Planning Board in conjunction with and as part of the approval and certification of the Coordinated Development Plan.
4. Public Hearing Required. All applications, Coordinated Development 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 Certified Sites Regulation and applicable laws, rules and regulations.

5. Special Meeting Review. Due to the complexity inherent in establishing and administering a Coordinated Development Plan, the Planning Board shall, if reasonably possible, hear and consider CSP applications as the only matters to be scheduled at special meetings rather than at the Planning Board's regular monthly meetings. If a CSP Application is found to be complete and is accepted by the Planning Board, the Planning Board endeavor to take final action on the application within one hundred twenty (120) days of acceptance.
6. Recording Requirements. Upon approval and certification of a Coordinated Development Plan by the Planning Board, the parties shall record the Development Agreement in the Hillsborough County Registry of Deeds and make reference therein to the Coordinated Development Plan, a certified copy of which shall be maintained by the Planning Department and available there for review and copying.

F. Other Certified Sites Program Issues:

1. Multiple Parties. Multiple parties may own, manage and/or develop various tracts, parcels, sites and lots within the Coordinated Development Plan provided the Coordinated Development Plan remains an integrated plan and all such parties remain subject to the Development Agreement.
2. Prior Development. A Coordinated Development Plan may include land which has been previously developed under the requirements of the underlying zoning.
3. Land Uses and Development Standards. While the CSP 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 CSP Plan, the Planning Board shall make the final determination of and set these standards for the Coordinated Development Plan, including the selection of the land uses to be allowed within the Coordinated Development Plan.
4. Retail Uses. Retail land uses shall only be permitted in an Coordinated Development Plan as part of a mixed-use development as shown on the Coordinated Development Plan, delineated in the Development Agreement and approved by the Planning Board.
5. Educational Uses. Educational land uses shall only be permitted in an Coordinated Development Plan as part of a mixed-use development as shown on the Coordinated Development Plan, delineated in the Development Agreement and approved by the Planning Board.

6. Residential Uses. Residential land uses shall only be permitted in an Coordinated Development Plan as part of a mixed-use development as shown on the Coordinated Development Plan, delineated in the Development Agreement and approved by the Planning Board.
7. Density Considerations. 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 Coordinated Development Plan, 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 Coordinated Development Plan and directly adjacent to the Coordinated Development Plan.
8. Permitted Uses. All uses that are permitted in the underlying zoning district(s), either by right, variance, special exception or conditional use permit shall be considered permitted uses in a Coordinated Development Plan.
9. Covenants and Restrictions. Any proposed covenant, restriction, and easement in the Coordinated Development Plan must be approved by the Planning Board or its designated staff or consultants. A provision must be included in any such documents providing for Town enforcement of such covenants, restrictions and easements at the option of the Town. In any Coordinated Development Plan where ownership is subject to restrictions, covenants, easements and other such agreements, those documents shall be recorded at the Hillsborough County Registry of Deeds.

G. Required Findings - Review Criteria:

1. Findings Required. The Planning Board may approve and certify a Coordinated Development Plan if all of the following findings are made:
 - a. The project meets all of the requirements of this Certified Sites Regulation, or the Planning Board waives or modifies such provisions and requirements as it finds reasonable to waive or modify.
 - b. Development within the proposed Coordinated Development Plan will be demonstratively superior to the development that would likely occur under the standards applicable to the underlying base district as indicated by the Coordinated Development Plan.
 - c. The Coordinated Development Plan submitted with the application conforms in all material respects with the Town's master plan, and any applicable plan or policies adopted by the Town.

- d. The Coordinated Development 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).
 - e. Development within the Coordinated Development Plan shall be (A) compatible with, transitional to or buffered from the surrounding area and land use, or (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:
 - i. Appropriateness of the use(s) at the proposed location.
 - ii. The compatibility and mix of uses within the development area.
 - iii. Provision of infrastructure improvements.
 - iv. Provision of or connection to open space.
 - v. Quality of design.
 - vi. Overall contribution to the enhancement of the surrounding area and to the character and the environment of the community in the long term.
 - vii. Creativity in design and use of land.
2. Review Criteria. The following general review criteria shall guide the Planning Board in determining appropriate land uses, densities and other development standards for an Coordinated Development Plan:
- a. Provisions of the Town's zoning ordinance, site plan regulations, subdivision regulations and other applicable local, state and federal law, where appropriate.
 - b. Consistency with the Town's master plan, and any related plans or studies.
 - c. Conformance with the intent and objectives of this Certified Sites Regulation.
 - d. Infrastructure capacity and the impact of the Coordinated Development Plan upon the delivery of public services and facilities and public safety.
 - e. Prospective fiscal impact upon the Town.
 - f. Traffic impacts on surrounding streets and transportation systems.

3. Design and Development Elements. In addition to the above general review criteria, every Coordinated Development Plan should incorporate several of the following elements. The inclusion of any one of these elements as part of the Coordinated Development Plan may justify 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 Coordinated Development Plan.

H. Conditions of Approval:

1. Conditions Imposed. In approving an Coordinated Development Plan, the Planning Board may impose any conditions deemed reasonably necessary to:

- a. Ensure that the Coordinated Development Plan conforms in all material respects with the Town’s master plan and with any other applicable plans or policies that the Town has adopted;
- b. Achieve the general purposes of this Certified Sites Regulation;
- c. Achieve the findings for the approval of an Coordinated Development Plan as provided above; or
- d. Mitigate any potentially significant adverse impacts identified as a result of the review of the Coordinated Development Plan as conducted by the Planning Board.

I. Expiration and Extensions; Modifications

- 1. Validity After Approval. All approved and certified Coordinated Development Plans shall be valid for a period of five (5) years from the date of Planning Board approval, or in accordance with the specific terms stated therein as determined by the Planning Board.
- 2. Phasing Plan Approval. In the event that the Applicant intends to develop the sites and lots within an Coordinated Development Plan in phases, the Planning Board may approve a phasing plan for the Coordinated Development Plan. The phasing plan shall remain in effect for a specified period of time not to exceed a maximum of ten (10) years as determined as part of the approval of the Coordinated Development Plan. Phasing approval does not provide additional vesting rights to the Applicant under N.H. RSA 674:39.
- 3. Active and Substantial Development. For purposes of all approved and certified Coordinated Development Plans, the term “active and substantial development or building” under N.H. RSA 674:39 shall mean satisfaction of each of the following (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 Coordinated Development Plan, (b) continued participation in and listing of the Coordinated Development Plan in the SNHPC Certified Sites Program, (c) Annual Report presentation to the Planning Board, and (d) setting of property and parcel bounds and, where feasible, staking of the layout for proposed improvements to the site.
- 4. Substantial Completion. For purposes of all approved and certified Coordinated Development 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 building on the Coordinated Development Plan, or (ii) compliance with any alternative

requirements for substantial completion set forth in the Development Agreement.

5. Expiration and Extensions. In the event actual building construction has not begun on at least one site or building located within the Coordinated Development Plan by the owner or the owner's successor-in-interest after five (5) years from the date of approval, or in accordance with other specific terms of the Development Agreement, then the Coordinated Development 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.
6. Amendments to Coordinated Development Plan. Landowners may also apply to amend all or a portion of an approved and certified Coordinated Development Plan following the same process requiring Planning Board approval of such plan. A landowner may also request to extinguish or terminate a Coordinated Development Plan by notifying the Planning Board in writing that he/she does not intend to utilize the Coordinated Development Plan.

J. Definitions:

1. Annual Report. As used herein, the term "Annual Report" shall mean a written report drafted by the Applicant, in consultation with the EDC and SNHPC, detailing with respect to the previous twelve (12) month period 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 Coordinated Development Plan's implementation.
2. Coordinated Development Plan. A "Coordinated Development Plan" is an overall unified, coordinated or comprehensive master development plan for a Project to be developed or owned either by a single owner or a combination of owners on one or more parcels of land. For purposes of this Certified Sites Regulation, a Coordinated Development Plan (if approved by the Planning Board under this Certified Sites Regulation) shall be deemed a "site plan approved by the planning board" for which recording is not "required by the planning or local regulation" as contemplated in N.H. RSA 674:39, I. A Coordinated Development Plan shall not be or be deemed a Site Plan which requires recording as required by and governed by Section 4 of the Planning Board's Development Regulations. While approval of a Coordinated Development Plan may provide an applicant with certain vesting rights under N.H. RSA 674:39, I as delineated in an approved Development Agreement, construction of improvements on the affected property shall remain subject to applicant's

receipt of all appropriate and necessary federal, state and local permits, consents and approvals including, where applicable, Subdivision approval under Section 3 and Site Plan approval under Section 4 of the Planning Board's Development Regulations.

3. 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 Coordinated Development Plan and the Town 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 Coordinated Development Plan and shall include:
 - a. certification of the Coordinated Development Plan as either Level I, II or III,
 - b. identification of and definitions applicable to the permitted uses under the Coordinated Development 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 Coordinated Development Plan, including the intensity, dimensions and other development standards for the property subject to the Coordinated Development 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 Coordinated Development 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 Coordinated Development Plan and the construction of the improvements identified therein.

4. Mixed-Use Development. A "mixed-use development" is a real estate project with planned integration of two or more revenue-producing uses with significant functional and physical integration of project components. A mixed-use development may include any combination of combination

of industrial, commercial, retail, office, residential, hotel, recreation or other functional uses. A mixed-use development seeks to maximize space usage, have shared amenities and architectural expression and have the advantage of mitigating traffic and sprawl.

5. Site Plan. As used in the Certified Sites Regulation, a “Site Plan” is intended to mean a Site Plan which requires recording as required by and governed by Section 4 of the Planning Board’s Development Regulations.

K. Governing Regulations and Conflict:

Governing Regulation. Except to the extent expressly provided by the approved Coordinated Development Plan, the Development Agreement and this Certified Sites Regulation, all construction and development within an Coordinated Development Plan shall be governed by the ordinances, rules and regulations of the Town in effect at the time of such construction and development. In the event of any conflict between the Coordinated Development Plan, the Development Agreement and this Certified Sites Regulation on the one hand and the ordinances, rules and regulations of the Town at the time of the establishment of the Coordinated Development Plan, the terms, provisions, and intent of the Coordinated Development Plan, the Development Agreement and this Certified Sites Regulation shall control.