

ARTICLE 5
COMMERCIAL PLANNED UNIT DEVELOPMENT (CUPD)
Amended to Town Meeting 2005

5.1. **PURPOSE:** The purpose of Commercial Planned Unit Development (CUPD) is to encourage flexibility in the design and development of land in order to promote its most appropriate use, to facilitate the adequate and economical provision of streets, utilities and public spaces, and to preserve the natural and scenic qualities of open areas. The procedure is intended to permit diversification in the location of structures and improve circulation facilities and other site qualities while ensuring adequate standards relating to public health, safety, welfare and convenience, both in the use and occupancy of buildings and facilities in planned groups.

5.3. **REGULATIONS GOVERNING COMMERCIAL PLANNED UNIT DEVELOPMENT:**

5.3.1. **Minimum Area** - A CPUD shall include no less than ten (10) acres of contiguous land.

5.3.2. **Open Space** - A minimum of twenty-five (25%) percent of the developed site area shall be open space. Parking areas and vehicle access facilities shall not be considered in calculating open space. A landscape buffer may be required.

5.3.3. **Density** - A CPUD development shall have an overall density no greater than that permitted in the zones in which they are located.

5.3.4. **Land Use** - Proposed land uses shall not adversely affect surrounding development.

5.3.5. **Utilities** - All utilities including electrical and telephone shall be underground and not within the width of the traveled way.

5.3.6. **Community Water & Sewer** - All buildings shall be served by community water and sewer systems approved by the New Hampshire Water Supply & Pollution Control Division.

5.4. **PERMITTED USES** - All uses permitted in the zone within which the CPUD lies.

5.5. **MAXIMUM AND MINIMUM REQUIREMENTS** - The total acreage, measured in square feet, exclusive of the surface of existing water bodies, very poorly drained soil, and exposed ledge shall be divided by the minimum number of square feet per building unit. These may be located, grouped, or dispersed over the area of the CPUD in any fashion within the minimum and maximum criteria specified in Section 5.5.1. and Section 5.5.2. below.

5.5.1. **External Boundaries of CPUD:**

Frontage.....	200 feet.
Front Yard	100 feet.
Side and Rear Yard	200 feet.**

** No parking to be located within fifty (50) feet of a side or rear boundary.

** Where an external boundary of a CPUD abuts any residential zone which, in fact, is used primarily by single family dwellings.

5.5.2. **Minimum Lot Dimensions and Setback Requirements for Each Building:**

Frontage	20 feet
Side Yard	20 feet
Rear	20 feet

5.5.3. Maximum height of any building shall be thirty five (35) feet unless otherwise specified in this ordinance.

5.6. **COMMON AREAS** - In the event the CPUD is to be of the co-operative type, the common areas shall be governed in accordance with the requirements of the State of New Hampshire RSA 479:A1-28, inclusive as amended.

5.6.1. In the event the development contains a common open space area of one (1) acre or more, regardless of the form of ownership of the structures the following provisions shall apply:

(a) In addition to any applicable provisions of RSA 479:A1-28 inclusive, common open space area shall mean a parcel of land or area of water or combination thereof, designed and intended for the use of the owners or tenants or persons who frequent the development.

(b) Areas developed to street Rights-of-Way, vehicular parking or utility services shall not be considered as common space.

(c) If common open space is not permanently dedicated to public use, it shall be protected by legal arrangements, satisfactory to the Planning Board on advice of Counsel, sufficient to assure its permanent maintenance and preservation as open space in perpetuity. Covenants or other legal arrangements approved by the Planning Board on advice of Counsel shall specify ownership of the open space, method of maintenance, responsibility of maintenance, maintenance taxes and insurance guarantees that any association formed to own and maintain open space will not be dissolved without the consent of the Planning Board and any other specifications deemed necessary by the Planning Board.

5.6.2. **Common Open Space shall be owned by one of the Following:**

(a) A private, non-profit corporation, association or other non-profit legal entity established by the applicant for the use of the tenants.

5.6.3. A landscape buffer may be required.

5.6.4. The proposed site shall be properly landscaped, the purpose of which is to further enhance the natural qualities of the land. This shall be accomplished within ninety (90) days of occupancy or completion of the building, whichever occurs first, weather or season permitting, and shall be properly maintained by the occupant thereafter. Where adjacent land dictates, proper screening may be required.

5.7. **OTHER REQUIREMENTS:**

Whether or not actual subdivision of the tract is contemplated, all pertinent portions of the Land Use Subdivision Regulations shall be complied with, including but not limited to, street design and construction standards, the filing of a Letter-of-Credit for improvements, and the preliminary and final plans.

In the event the CPUD is designed in such a fashion that the individual structures and the land upon which they are sited could be sold separately, a plot plan shall be drawn up demonstrating a logical method of doing so which would provide front, side and rear yards as required in Section 5.5.2. herein. In addition, at least twenty (20) feet of frontage on a street, or a twenty (20) feet Right-of-Way to such street, no portion of which shall lie in any other required yard setback.

No lot shown on a plan for which a permit is granted under this ordinance may be further subdivided and a note to this effect shall be placed on the final plan.

5.8. **EXHIBITS** - Exhibits shall include all those required by the Land Use Subdivision Regulations, the Site Plan Review Regulations and the zoning ordinance as applicable. The plan shall show the location of common open space.

The appropriate legal agreements shall be presented if ownership is to be of the co-operative, condominium or other similar legal form or if there is to be common open space of one (1) acre or more and shall be approved by the Planning Board on advice of Town Council.

- 5.9. **MODIFICATION - ABANDONMENT** - Plans for a CPUD may be modified in accordance with the requirements for conditional approval. Failure to diligently pursue construction thereof for a period exceeding four (4) years shall constitute abandonment of the plan or pertinent portion thereof and shall render all permits issued for that portion null and void.