

Town of Derry

"Derry, New Hampshire's Place to Be"

LEGAL NOTICE

The Planning Board for the Town of Derry will hold a public hearing on **Wednesday, May 19, 2021, at 7:00 p.m.** at the Derry Municipal Center, 14 Manning Street, to review the following amendments. This meeting will be in person and virtual.

Public Hearing to discuss potential changes to Article II, Word Usage and Definitions, Section 165-5, Definitions, to add definitions relating to types of signs; Article XII, Signs, Section 165-101.5, Signs in the TBOD; Section 165-101.8, Off Premise Signs; and to create a new Section 165-101.12, Signs in the West Running Brook District

Public Hearing to discuss proposed changes to the Land Development Control Regulations, Article V, Design and Construction Standards, Section 170-26, Streets; Section 170-29, Storm Drains; Article XI, Design and Construction Standards, Section 170-65, Storm Water Management Requirements

Full text of the proposed amendments are available at the Office of the Town Clerk, 14 Manning Street, the Derry Public Library at 64 East Broadway, and the Planning Department at 14 Manning Street. The proposed amendments may also be viewed online at <http://www.derrynh.org/planning-board>

POSTED: MAY 05, 2021

Derry Municipal Center

Derry Public Library & Taylor Library (by e-mail)

Union Leader for publication, May 07, 2021

ARTICLE II WORD USAGE AND DEFINITIONS

Section 165-5 Definitions

SIGN — Any device having a display surface on one or both sides to inform or attract the attention of persons not on the premises on which the sign is located; provided, however, that the following shall not be included in the application of the regulations contained herein:

- Signs not exceeding one square foot in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises.
- Flags and insignia of any government except when displayed in connection with a commercial promotion.
- Legal notices, identification, informational, or directional signs erected as required by governmental bodies.
- Signs directing and guiding traffic and parking on private property, but bearing no advertising.

SIGN, ABANDONED – Any sign that does not display a visibly legible message for a consecutive period of sixty (60) days; any sign the owner of which cannot be located at the owner's last address as reflected in the records of the department; or, any sign no longer fully supported by the structure designed to support the sign, for a consecutive period of 60 days. Also refer to Section 165-101.9, Nuisance Signs. This does not include signs for businesses that are undergoing permitted renovations or that operate seasonally. **(Effective 02/07/2014)**

SIGN, ATTACHED — A sign that is attached to a building wall.

SIGN, AWNING – The sign area affixed or otherwise included in an awning structure. For purposes of sign area, the total combined text or advertising shall be included in one sign type. Area is calculated by the combined total of all advertising elements. **(Effective 02/07/2014)**

SIGN, BANNER – A temporary sign of lightweight material (paper, plastic or fabric) hung either with or without frames, including inflatable “tube men” or other inflatable type signs. Flags and insignias containing only markings of any government, corporation or business are not considered to be banners. (Effective xx/xx/xxxx)

SIGN, DIRECTIONAL - A sign on private property without a commercial message that provides direction; for example, entrances, exits, or street numbers. **(Effective 02/07/2014)**

SIGN, DISPLAY – A sign that advertises an organization or an organization's event that does not advertise the particular use of the lot on which the event is to be held. **(Added 06/02/2017)**

SIGN, DIGITAL - A sign that has advertising or information projected onto it, typically by technological means. This includes electronic signs. **(Effective 02/07/2014)**

SIGN, ELECTRONIC MESSAGE CENTER - An on premise sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means, the installation of which is subject to the provisions of Section 165-101.11, Electronic Message Center Signs. **(Effective 02/07/2014)**

SIGN, FLASHING – A sign that has varying degrees of intensity when in use and/or which exhibits changes in light, color, light direction, and/or animation. Electronic message center signs properly operating in accordance with the provisions of Section 165-101.11 are not considered flashing signs. **(Effective 05/19/2005, Revised 02/07/2014)**

SIGN, FREE-STANDING — A sign, which is not attached or affixed, to a structure or building and which is supported by a pole/s or their supporting members.

SIGN, GOVERNMENT – A sign authorized by this municipality, another government agency, the State of New Hampshire or the Federal Government. This includes Historical, Cultural or Natural Site signs. **(Effective 02/07/2014)**

SIGN, GROUND – A sign supported by one or more uprights, pylons, or foundation elements, including wheel-mounted (other than on motor vehicles), in or upon the ground, and not attached to a building. **(Effective 02/07/2014)**

SIGN, INTERACTIVE DIGITAL – A sign that displays a menu that allows a person to touch the screen and respond to the menu's questions. **(Effective 02/07/2014)**

SIGN, MONUMENT — A sign that is erected on a solid base placed directly on the ground and itself being constructed of a solid material.

SIGN, NON-CONFORMING – A sign in place before the effective date of this Article (2/7/2014) that does not comply with all of the requirements of the ordinance. **(Effective 02/07/2014)**

SIGN, OFFICIAL – Signs of a non-commercial nature erected by or on behalf of government entities or public utilities. **(Effective 02/07/2014)**

SIGN, OFF PREMISE - A sign advertising products, services and activities not produced, available, conducted or performed on the property where the sign is located. **(Effective 02/07/2014)**

SIGNS, ON PREMISE – A sign that advertises products, services, or activities that are produced, available, conducted or performed on the property where the sign is located. (Effective xx/xx/xxxx)

SIGN, PARAPET – A sign located on a parapet wall (regardless of the height of that wall).

SIGN, POLITICAL – Signs erected in connection with elections or political campaigns pursuant to RSA 664:14-23. **(Effective 02/07/2014)**

SIGN, PROJECTING – A sign affixed to any part of a building or structure which extends beyond the building or structure by more than 12 inches. **(Revised 02/07/2014)**

SIGN, RESIDENTIAL NEIGHBORHOOD IDENTIFICATION – A sign at the entrance of a residential neighborhood identifying the neighborhood. **(Effective 02/07/2014)**

SIGN, ROOF — Any sign that is:

- a. Located above the level of the eaves on pitched or gambrel roofs.
- b. Located above the building's roof on a building with a flat roof.
- c. Located above the top of the vertical wall of a building with a mansard roof.

SIGN, SANDWICH BOARD (A-FRAME) – A self-supporting, free standing ground sign, hinged at the top and reinforced for stability with side supporting rods/chain/rope, which is portable and temporary in nature. Sandwich board signs shall not exceed four (4) feet in height and two (2) feet in width. **(Effective 02/07/2014)**

SIGN, SPECIAL EVENT – A sign for limited on-site gatherings. Special event shall include, but is not limited to, grand openings, vehicle shows, displays, craft shows, charitable benefits and fund-raisers, performances, athletic competitions, and festivals. **(Effective 02/07/2014)**

SIGN, SURFACE AREA OF — The surface of a sign shall be computed as including the entire area within a regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in the computation of the surface area.

SIGN, TEMPORARY – A sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period of time after the erection of the sign; or a sign that is intended to remain on the location where it is erected or placed for a reasonably short or definite period of time after the erection of the sign, **not to exceed seven (7) days**. If the sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as a temporary sign. **(Effective 02/07/2014)**

SIGN, TEMPORARY MOBILE — A temporary sign customarily located on a trailer or similar wheeled apparatus whether self propelled or pulled by another vehicle, intended for promotional purposes or to convey an advertising message of any kind, which is not permanently affixed to the ground.

SIGN, UNSAFE – Any sign that poses a health, safety or general welfare hazard due to lack of maintenance, structural instability, inadequate attachment to the building or structure, faulty

electrical wiring, has the potential to pose or cause a traffic hazard, or other natural or man-made cause. **(Effective 02/07/2014)**

SIGN, WALL – A sign attached to, painted upon, placed against, or supported by the exterior surface of any building. **(Effective 02/07/2014)**

SIGN, WARNING – A sign exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives. **(Effective 02/07/2014)**

SIGN, WINDOW – Illuminated and non-illuminated signs placed in the windows of a structure, viewed or intended to be viewed from outside the structure. Such signs are considered part of the total sign area for that frontage. **(Revised 02/07/2014)**

SIGN PERMIT - Town's authorization for a sign, as issued by the Code Enforcement Office. **(Effective 02/07/2014)**

ARTICLE XII SIGNS (Repealed/Replaced 02/07/2014)

Section 165-100 Purpose

A. Signs can perform important functions that are essential for public safety and general welfare including communicating messages, providing information about goods and services, and orienting and directing people. It is further recognized that because of potential detrimental impacts, signs must be regulated to:

- 1) Prevent hazards to vehicular and pedestrian traffic safety by controlling the number, location and placement of signs;
- 2) Provide easy recognition and legibility of permitted signs and uses and promote visual order and clarity on streets;
- 3) Facilitate efficient communication by implementing design criteria that produces signs which can easily be read, recognized and are without distracting elements;
- 4) Complement the historic and scenic character of the Town of Derry;
- 5) Support business and community vitality by informing the public of available goods, services and activities;
- 6) Provide guidance on the type, location and size of signs to protect the public from hazardous and distracting displays, and create an attractive environment which is conducive to business, industry and tourism;
- 7) Sufficiently differentiate local signs from official/government signs so as to avoid potential confusion.
- 8) Enable fair and consistent enforcement of the sign regulations; and,
- 9) Address new technologies.

Section 165-101 General Provisions

A. Signs shall be permitted as designated in this Section or in other Sections of this ordinance, but all signs shall be subject to the following regulations. Existing signs that were lawful at the time of enactment or amendment of this chapter (2/7/2014) shall be allowed to be continued. However, if and when such signs are replaced or substantially repaired, the new or repaired sign or signs shall conform to the provisions contained herein. In the event that there is a conflict between this Article and another Section of the Ordinance, the more restrictive provision shall apply.

- 1) No sign shall be erected without a sign permit issued by the Code Enforcement Officer unless otherwise exempted by the provisions of this chapter.
- 2) Pursuant to applicable State of New Hampshire RSAs as may be amended from time to time, signs may not be erected adjacent to a state or federal right of way without first obtaining a permit from the New Hampshire Department of Transportation and must comply with local rules, regulations and requirements. Signs proposed to be erected within

the right of way of any state controlled Class I, II, or III highway are subject to all state regulations governing their installation and location.

- 3) Official town, state or federal signs shall be exempt from these regulations. These include but are not limited to portable reader boards, and message boards installed at municipal facilities.
- 4) No permit is required for a temporary sign, such as signs advertising barn and yard sales, and auction signs, if the sign is no more than six square feet in size and is posted for a period not to exceed seven (7) days.
- 5) A new business may use temporary signs while awaiting the arrival of permanent signage; however, temporary signs shall be allowed only until permanent signage is installed, or for 60 days, whichever is the shorter period of time, and shall be limited to the same area and setback requirements as the permanent signage.
- 6) Poster type signs are allowed at the street level only, and must not occupy more than 20% of a window area and shall be no larger than 36" x 48". The poster type sign must be related to the use conducted or goods available on the premises.
- 7) Construction signs identifying parties involved in construction on the premises are allowed to the extent that they are no larger than 32 square feet. Such signs shall remain only for the duration of work on the property and must be removed promptly by the contractor at project completion.
- 8) No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may obstruct the view of, or be confused with, any authorized traffic sign, signal or device, or otherwise constitute a hazard to pedestrian or vehicular traffic. Such determination shall be made by the Code Enforcement Officer.
- 9) Whether attached to a building or free standing, no part of any sign or advertising device shall be closer than 10 feet to a lot line or public way. The Traditional Business Overlay District and the Central Business District are not subject to this requirement.
- 10) Animated, moving, flashing signs, and signs that emit audible sound, noise, or visible matter (i.e., smoke, bubbles, or water), are prohibited. Scrolling, flashing, or changing messages are also prohibited, including full resolution video displays, and computer generated video unless otherwise permitted. See Section 165-101.11, Electronic Message Center Signs.
- 11) Pursuant to applicable State of New Hampshire RSAs as may be amended from time to time, signs are prohibited from being affixed, attached, or displayed upon any object of nature, utility pole, telephone pole, or highway sign in such a manner that the object is utilized as an integral part of the sign's support.
- 12) No sign shall be more than 40 feet above ground level except when attached to a building.
- 13) No sign attached to a building shall project over the roof line of the building.
- 14) Billboards are prohibited.
- 15) Public traffic and directional signs, warning signs, Historical, Cultural, and Natural Site signs, and signs designating public activities shall be permitted in all districts.
- 16) Warning signs shall not exceed three square feet, except as otherwise approved by the Code Official.
- 17) Special Event signs are allowed only on the lot for which they are advertising, can be in place fourteen (14) days prior to the event and must be removed within two (2) days following the close of the event. Special Event signs shall be erected no more than once

per quarter, in any calendar year, unless an exception has been granted. Exceptions to the number of events or the sign location shall be requested in writing and submitted to the Town Administrator.

- 18) Church signs in residential areas shall be limited to 24 square feet to maintain the character of the neighborhood. They shall not be internally illuminated, but may be externally illuminated. Church signs in all other districts shall comply with that district's sign requirements. **(Revised 06/02/2017)**
- 19) No sign shall include nudity; images of or references to specific sexual conduct or activities; images of or references to specific anatomical areas; or images of or references to instruments, devices or paraphernalia which are designed for use in connection with specific sexual conduct or activities.
 - a. Specific anatomical areas or specific sexual conduct or activities, including instruments, devices or paraphernalia which are designed for use in connection with specific sexual conduct or activities, or their images, shall not be visible in any fashion whatsoever from the exterior of the building in which the business is located.
 - b. The terms nudity, specific sexual conduct or activities and specific anatomical areas are defined in Section 165-27B.
- 20) Sandwich board signs, as defined in Section 165-5, are not to be placed on sidewalks in such a way that they restrict pedestrian traffic in any manner. The addition of a sandwich board shall not exceed the permitted total number of square feet of sign allowed under the ordinance.
- 21) No permit shall be required for real estate sale signs. One sign per lot containing the message that the real estate on which the sign is located (including buildings for sale, lease or rent) shall be permitted. Such signs shall not be illuminated and shall not exceed four (4) square feet in area in residential districts or eighteen (18) square feet of area in non-residential districts and shall be removed immediately after sale, lease or rental. Additional signs on commercial lots can be permitted at the discretion of the Code Enforcement Officer on a case by case basis.
- 22) All signs erected in The Town of Derry shall comply with Section 3107 of the International Building Code as currently adopted by the State of New Hampshire and as amended by the Town of Derry.
- 23) Violations of this Article are subject to the provisions of Article XVI, Section 165-32, Violations and Penalties.

Section 165-101.1 Signs in Residential Districts

- A. Notwithstanding the provisions of Section 165-101, General Provisions, the following shall apply in all residential districts.
 - 1) One sign identifying a multi-family complex/development shall be allowed provided that it does not exceed 24 square feet in area. **(Revised 06/02/2017)**
 - 2) Residents may erect a single freestanding sign not exceeding 3 square feet in area, showing the owner's name and/or address. Persons conducting home occupations may further erect a single sign not to exceed 3 square feet if so approved by the Zoning Board of Adjustment.

- 3) Signs larger than six square feet shall be set back at least ten feet from the front lot line or public way.
- 4) One unlit sign naming a residential development may be approved by the Planning Board as part of a subdivision or site plan review approval. The sign shall not exceed twenty-four (24) square feet in area, shall be durably constructed, solidly erected and provisions shall be made, to the satisfaction of the Planning Board, for future maintenance of the sign. No sign shall be placed in the public right of way. (Revised 06/02/2017)

Section 165-101.2 Signs in Neighborhood Commercial Districts

- A. Only one free standing sign shall be permitted within a Neighborhood Commercial District. Such sign shall be for facility name and address identification only and shall not contain any product or advertising information. Such sign shall have a maximum surface area of 10 square feet on each of the two sides. The maximum height of the sign above grade shall be eight feet and shall be located a minimum of 10 feet from all property lines of the parcel. The sign shall not be internally illuminated and internally illuminated lettering shall not be utilized.
- B. In addition to the one free-standing sign, one flat sign attached to the surface of the building will be permitted. Such sign shall have a maximum surface area of 20 square feet, shall not be internally illuminated and shall not utilize internally illuminated lettering. No other signs will be permitted in a Neighborhood Commercial district.

Section 165-101.3 Signs in Business, Commercial, and Industrial Districts

- A. Signs or other advertising devices in business or industrial districts shall be permitted as follows:
 - 1) Signs are permitted for residential uses subject to residential district requirements. (Revised 06/02/2017)
 - 2) A maximum of three signs for a business or industrial establishment whether attached to a building or free standing to include two building signs and one free standing sign.
 - 3) Shopping mall signs shall be limited to three per business to include the signs on a common pylon for the plaza/mall and the individual building business sign. This does not include unit number identification on the rear door(s) of the business which provides life safety information.
 - 4) For commercial use, the aggregate area of all signs shall not exceed two square feet for each linear foot of public street frontage. This provision does not apply to shopping malls.
 - 5) For industrial uses in solely industrial districts, the aggregate area of all signs shall not exceed four square feet for each linear foot of public street frontage.
 - 6) No sign shall be greater than one hundred square feet in size in a commercial district, or greater than 200 square feet in size in an industrial district.
 - 7) Temporary signs such as notices of special sales or sandwich boards, etc., shall be permitted, but shall not be located off the lot containing the business. See also Section 165-101A.17, Special Event Signs and Section 165-101A.20, Sandwich Boards.
 - 8) In the Central Business District, there shall be no setback requirement provided that a free-standing sign, or a sign mounted to a building which projects in a perpendicular fashion shall not impede line of sight.

- 9) Existing free standing signs that are not in compliance with the regulations shall remain non-conforming uses until such time as the business associated with such sign shall not be open to the public for a period of sixty (60) days; the specified business, for which the sign exists as of the date of the adoption of this chapter should change; or the sign should be more than fifty percent (50%) destroyed by fire, accident and/or natural disaster; then all free standing signs shall be brought into compliance with this chapter. This does not include signs for businesses that are undergoing permitted renovations or that operate seasonally.
- 10) Wireless Communication Facility signs shall be limited to those required for cautionary or advisory purposes only.
- 11) Signs for single occupant commercial buildings located in the Office Business District shall be limited to one sign per business which shall not exceed 10 square feet in size, shall not be internally illuminated nor contain internally illuminated lettering, and shall be set back on the lot a distance of 10 feet from the nearest edge of the roadway pavement. In cases of multi-tenant buildings, the sign for each business shall be located on one common sign and be limited to six (6) square feet per tenant. (Revised 06/02/2017)

Section 165-101.4 Signs in the General Commercial III District

- A. Signs in this district shall be of a low profile, monument style and must compliment the architectural design of the building and surroundings.
- B. No internally illuminated, scrolling, or electronic signs of any type shall be permitted.
- C. Signs shall be no larger than 100 square feet. (Added 06/02/2017)

Section 165-101.5 Signs in the Traditional Business Overlay District (TBOD)

- A. The following provisions shall apply to signs in the TBOD only. Except where specifically defined herein or otherwise defined in this chapter, all words used in this subsection pertaining to the regulation of signs shall carry their usual and customary measure. The purpose of this subsection is to promote the health, safety and the general welfare in accordance with the future development of the Traditional Business Overlay District and to protect important views, create a quality downtown image, and to reduce visual clutter in this district. The sign regulations for the Traditional Business Overlay District concerning the size, placement and certain aspects of design, have been developed to integrate signs with the visual environment, and to improve the effectiveness of individual signs through emphasis on appropriate design. It is the intent to encourage signs which will be compatible with the buildings and their surroundings, be informative, legible, and provide examples of quality graphics appropriate for the community. Signs shall be permitted in this district in accordance with the provisions of this chapter, subject to further compliance with the following limitations. (Revised 06/02/2017)
 - 1) General Regulations: (Revised 06/02/2017)
 - a. Any sign located within a public right-of-way is subject to town approval.
 - b. In the Traditional Business Overlay District there shall be no setback requirement provided that a free-standing sign or a sign mounted to a building which projects in a perpendicular fashion shall not impede line of sight.

- c. Display signs not greater than two square feet, pertaining to service clubs or civic organizations may be erected or displayed. For the purpose of this section, civic and service organizations shall be defined as non-profit establishments organized by a group of local citizens. (Revised 06/02/2017)
- d. No sign shall be placed upon a marquee, unless displayed on or around the outside faces or edge of the marquee. The lettering within such signs shall not be over 1.5 feet high. This sign area shall be included in the maximum aggregate sign area allowed for said property.
- e. Signs shall not be permitted to be painted upon or affixed to any object within a public right of way, a community facility, or public recreation area, except signs essential for the public safety and welfare.
- f. No roof signs shall be permitted.
- g. A parapet sign will be allowed as part of an approved exterior elevation design, but not more than one-third (1/3) of the sign may exceed the roofline.
- h. Sandwich boards are allowed subject to the requirements of Section 165-101, Sandwich Boards.
- i. Existing signs that are not in compliance with the regulations shall remain valid, pre-existing, non-conforming uses until such time as the business associated with such sign shall not be open to the public for a period of sixty (60) days, or the specified business for which the sign exists as of the adoption of this chapter should change, or the sign should be more than 50% destroyed by fire, accident and/or natural disaster; then all signs shall be brought into compliance with this chapter. This does not include signs for businesses that are undergoing permitted renovations or that operate seasonally.
- j. All projecting signs shall be located in such a manner so as not to block line of sight from a motor vehicle or from pedestrian foot traffic and no portion of the sign shall be located less than 8 feet from the grade.
- k. Decorative flags, banners and awnings depicting a product sold or a service rendered shall be considered a sign and shall comply with all the requirements of this chapter.
- l. No neon, argon, or krypton, shall be permitted.
- m. The style of the sign must compliment the architectural design of the buildings and surroundings. (eff xx/xx/xxxx)
- ~~n.~~ No sign shall be internally illuminated nor shall a sign utilize internally illuminated lettering.
- ~~o.~~ No monument signs shall be permitted.
- ~~p.~~ Unless otherwise specified, the following permanent sign provisions shall apply:
 - i. The aggregate area of all signs permitted on any lot shall not exceed one square foot for each linear foot of street frontage but in no case shall it exceed 50 square feet, whichever is less for single tenant buildings.
 - ii. A minimum total sign area of 20 square feet shall be permitted on any lot regardless of linear footage of street frontage.
 - iii. One additional separate wall sign, not to exceed 50 square feet shall be allowed which contains no advertising but promotes the name of the building.

iv. On lots with multiple businesses, each business shall be allowed a sign having a maximum of twenty (20) square feet.

iv-g. All signs in the Traditional Business Overlay district are subject to Planning Board administrative review and approval prior to the issuance of a sign permit. (eff xx/xx/xxxx)

Section 165-101.6 Campground Signs

A. Campground signs shall conform to a maximum size of 24 square feet and be limited to one sign per entrance. (Revised 06/02/2017)

Section 165-101.7 Political Signs

A. Political signs shall conform, be erected, and removed pursuant to the appropriate State of New Hampshire RSAs as may be amended from time to time. Political signs are not allowed on public property, but they may be displayed on private property with the consent of the landowner. (Revised 06/02/2017)

Section 165-101.8 Off Premise Signs (Rev. xx/xx/xxxx)

A. Off-premise signs are permitted, provided that the owner of the lot on which the sign is to be placed, has granted a recorded easement for the sign location.
A.B. The use of signs for the advertisement of off premise businesses and activities is not permitted.

Section 165-101.9 Nuisance Signs

A. An unsafe or abandoned sign is declared a public nuisance, and shall be abated by the Owner within fifteen (15) business days of receiving notice from the Code Enforcement Officer. After thirty (30) days from the date of notice, the sign may be removed by the Town of Derry. The property owner shall be personally liable for costs incurred by the town for removal of the sign. Such costs shall become a lien on the real estate.

Section 165-101.10 Interactive Digital Signs

A. Interactive digital signs are permitted in the Business, Commercial, and Industrial districts but shall meet all setback and other relevant requirements for the zone and shall be subject to Planning Board review and approval.

Section 165-101.11 Electronic Message Center Signs

- A. Electronic message center signs are allowed in the General Commercial, General Commercial IV, and Industrial IV districts only. All illumination elements on the face of an electronic message center sign shall remain at a fixed level of illumination for a period of not less than five (5) seconds. Changes from one message to another shall be accomplished by the change of all illumination elements on the face of an electronic message center sign simultaneously, with the provision that the sign may fade to complete darkness and then re-illuminate with or fade to the new message. Electronic message center signs shall be equipped with the ability to adjust the brightness of the sign, and shall not be operated at a brightness which is greater than 0.3 foot candles above ambient light conditions as measured by using a foot candle light meter held at height of five feet and aimed towards a sign consistent with the sign-to-viewer distance. Electronic message center signs shall not contain animation. **(Revised 06/02/2017)**

Section 165-101.12 Signs in the West Running Brook District

- A. The following provisions shall apply to the signs in the West Running Brook District. The purpose of this subsection is to promote the health, safety and general welfare in accordance with the future and continuing development of the West Running Brook District and to protect important views, create a quality village-style image, and to prevent visual clutter in the district. The sign regulations for the West Running Brook District concerning size, placement, and certain aspects of design, have been developed to integrate signs with the visual environment and to improve the effectiveness of individual signs through emphasis on appropriate design. It is the intent to encourage signs which will be compatible with the buildings and their surroundings, be informative, legible and provide examples of quality graphics, appropriate to the spirit of the District. The provisions of Section 165-101, General Provisions, shall apply to signs in the West Running Brook District. The following also applies:
- 1) Any sign located within a public right-of-way is subject to town approval.
 - 2) In the West Running Brook District, there shall be a fifteen (15) foot setback requirement for permanent signage.
 - 3) No sign shall be placed upon a marquee.
 - 4) Signs shall not be permitted to be painted upon or affixed to any object within a public right-of-way, community facility or public recreation area, except signs essential for the public safety and welfare.
 - 5) No roof signs shall be permitted.
 - 6) Sandwich boards are allowed, subject to the requirements of Section 165-101.A.20, Sandwich Boards.
 - 7) Directional Signs for events, or Sandwich Board signs for events, are not subject to the fifteen (15) foot setback, provided the sign does not impede line of sight.
 - 8) All projecting signs shall be located in such a manner so as not to block line of sight from motor vehicle or from pedestrian foot traffic and no portion of the sign shall be located less than eight (8) feet from the grade.

- 9) Banner signs are prohibited with the exception of special event and temporary church signs. See Section 165-101.A.4, Temporary Signs, Section 165-101.A.17, Special Event Signs and Section 165-101.A.18, Church Signs.
- 10) No neon, argon or krypton shall be permitted.
- 11) In no case shall an internally illuminated sign or a sign that utilizes internally illuminated lettering be erected or affixed to a building without first obtaining Planning Board review of the proposed sign.
- 12) Low profile monument signs will be permitted at the main entrance to the property. The style of the sign must compliment the architectural design of the buildings and surroundings.
- 13) Signs shall be proportionate to the size of the building.
- 14) All signs in the West Running Brook district are subject to Planning Board administrative review and approval prior to the issuance of a sign permit.
- 15) Temporary signs are allowed in the District provided they meet applicable setback requirements. Temporary signs are not subject to Administrative review by the Planning Board.

Section 165-102 Non-Conforming Use Signs

- A. Any conforming sign advertising and located on the same premises with a non-conforming use, may be maintained, repaired, and replaced during the life of the non-conforming use subject to compliance with this Article.
- B. Existing signs that are not in compliance with these regulations shall remain valid, pre-existing, non-conforming uses until such time as the business associated with such sign shall permanently be closed and not be open to the public for a period of sixty (60) days, or the specified business for which the sign exists as of the adoption of this chapter should change, or the sign should be more than 50% destroyed by fire, accident and/or natural disaster; then all signs shall be brought into compliance with this chapter. This does not include signs for businesses that are undergoing permitted renovations or that operate seasonally.

Section 165-103 (Reserved for Future Use)

ARTICLE V – DESIGN AND CONSTRUCTION STANDARDS

Section 170-26 Streets

A. General

1. All new subdivisions shall meet the standards recommended by the State of new Hampshire Department of Safety, Division of Emergency Services, Bureau of Emergency Communications addressing standards guidelines. No street name shall be used which will duplicate or be confused with any street name already in use. Further, the use of persons “first” names as street names shall normally be avoided.
2. Street names shall be subject to approval of the Chief of the Derry Fire Department and the Planning Board.
3. The arrangement, character, extent, width, grade and location of all streets shall be considered in their relationship to existing or planned streets, to topographic conditions, to public convenience and safety, and their appropriate relation to the proposed use of the land to be served.
4. Proposed streets shall conform, as far as practicable, to the Master Plan.
5. The arrangement of streets in a proposed subdivision shall in the discretion of the Planning Board provide for the continuation of existing streets in adjoining areas and for their proper projection when adjoining land is developed in the future.
6. All streets in a proposed subdivision shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel while discouraging movement of through traffic, unless this condition is deemed desirable at a given location by the Board.
7. Where a subdivision abuts or contains an existing collector or arterial street, the Board may require internal access streets, reverse frontage with screen planting contained in a non-access reservation along a property line, deep lots with rear service streets or other such treatment as may be deemed necessary for adequate protection for residential properties and to afford separation of through and local traffic.
8. Where a subdivision borders on or contains a railroad right-of-way, the Board may require a street approximately parallel to, and on each side of such right-of way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for approach grades and future grade separations.
9. Sidewalks shall be required in a subdivision when the average lot size is less than 43,560 square feet. The sidewalk shall be 5 feet wide minimum with a 6 inch crushed

gravel base and a 2 inch binder course overlaid with a 1 inch finish course of hot bituminous concrete pavement. All sidewalk construction shall conform to the requirements of the Americans with Disabilities Act. If a horizontal separation between curb and sidewalk is proposed, the area between the two shall be grassed.

10. Where necessary, in the judgment of the Planning Board, sidewalks and/or rights-of-way (R.O.W.) for pedestrian travel and access may be required in subdivisions when the average lot size is one acre or larger, between subdivisions, or between a subdivision and public property.
 11. In all proposed subdivisions the applicant shall provide for all necessary street lighting, including poles and light fixtures. Lights will be located where directed by the Planning Board and be of a type, style and intensity acceptable to the Planning Board.
 12. All new streets shall have signs and pavement markings installed in accordance with the Manual of Uniform Traffic Control Devices. It will be the responsibility of the applicant to provide for and install all signs as necessary, including street identification signs.
 13. All proposed streets in which the sub-base is within four (4') feet of the estimated seasonal high water table shall have underdrains installed in the subgrade (see Typical Roadway Cross Section for New Construction – Figure 1). Test pits will be required along the proposed roadway at 200 feet intervals to verify water table elevation. Where refusal (bedrock) is encountered a 2-foot coarse sand sub-base shall be placed between bedrock and the road base materials [See Figure 1].
 14. Vertical granite curbing shall be required on all new roadways, together with a closed drainage system except where it is impractical or impossible to comply with State of New Hampshire requirements concerning stormwater treatment and discharge, or in areas where the Derry Planning Board prefers an uncurbed typical section Vertical granite curb shall have minimum dimensions of 6 inches in width by 18 inches in height. Granite curbing shall not be required along the internal edge of cul-de-sacs but the green area within the circle shall be graded two percent (+2%) from the edge of pavement to the center of the cul-de-sac. (Effective 5/18/05)
 15. All roadway construction shall conform with the Typical Roadway Cross-Section for new construction [Figure 1] as well as Table B – Table of Geometric Standards attached to these regulations.
1. Driveway curb cuts will be installed prior to the placement of wearing course of hot bituminous asphalt pavement. No driveway locations shall be amended or relocated once the curbing is installed and wearing course is in place. All proposed driveway aprons shall be constructed to a point 40 feet inward from the edge of pavement on all streets at the time of street construction. (Effective 5/18/05)
- a. All new driveways are to meet the following (Effective 5/18/16) :
 - i. Shall be constructed with a minimum of 12 inch depth of NHDOT Crushed Gravel 304.3 Specification for the entire length.

- ii. All loam and organic material shall be removed down to an acceptable subsurface.
- iii. Shall have a minimum clear unobstructed width of 12 feet (12') if the driveway is under 150 feet in length, or if the driveway is over 150 feet in length, a minimum clear unobstructed width of 14 feet (14') for the entire length of the driveway.
- iv. Shall have an additional clear unobstructed width of two feet (2') on each side.
- v. The vertical clearance shall be a minimum of 13 feet, 6 inches (13'6")
- vi. Driveways in excess of 150 feet in length shall provide means for Fire Department apparatus to turn around by either hammerhead or other approved means.
- vii. No driveway shall be in excess of a 15% grade.

b. All Driveway Aprons Shall (Amended 5/18/16):

- i. Slope away from the edge of the road at no less than 3% for open drainage and slope toward the road at no more than 3% in closed drainage subdivisions for a minimum of 10 feet.
- ii. Maximum grades allowed for next 30 feet are 5% and -5% respectively.
- iii. Be no wider than 24 feet except that the Driveway may be flared at the entrance.
- iv. Have a minimum site distance of 200 feet in both directions 10 feet from edge of traveled way.
- v. Be constructed with a minimum of 12 inch depth of NHDOT Crushed Gravel 304.3 Specification for entire length and width of the 40 foot driveway apron.
- vi. Include minimum 2" thickness of bituminous asphalt base course pavement between edge of pavement and edge of right of way (typically 13 feet from edge of roadway pavement).
- vii. Be completed along new roadways as part of the road drainage feature as a factor for Substantial Completion and Eligibility of Occupancy Permits.
- viii. Be completed along existing roadways as part of the road drainage feature as a factor for completion of all off-site improvements and Eligibility of Occupancy Permits. (Effective 7.16.08)

c. All Driveway Culverts shall be minimum 15 inches (15") inside diameter HDPE dual wall pipe a minimum length of thirty (30') feet. Each end shall either have an HDPE flared apron or precast concrete headwall. Minimum cover shall be two (2') feet over the very top of the pipe throughout (effective xx.xx.2021)

- 17. All roadway embankment slopes, including ledge cuts, shall not be steeper than 4-foot horizontal to 1-foot vertical and shall be graded, loamed (4-inches compacted), and seeded. The Planning Board in special circumstances such as may permit steeper embankment slopes when the typical 4:1 slope requirement would cause excessive earthwork or impact to wetlands. (Effective 5/18/05)

- 18 Guardrails shall be provided at all locations where roadway fill embankment slopes are steeper than 4:1. No retaining walls shall be permitted within Public R.O.W.s. (Effective 5/18/05)

Section 170-29 Storm Drains

~~_____~~ ~~A.~~ A. Storm drainage systems shall be designed to control the post-development peak runoff so that it does not exceed predevelopment runoff for the 2-year, 10-year, and 25-year, 24-hour storm events. Flood protection works shall be designed for the 50-year, 24-hour storm event. (Source of Extreme Precipitation Estimates shall be from the Northeast Regional Climate Center) (effective xx.xx.2021) ~~Storm drainage systems shall be designed using the storm return frequency as follows:~~

- ~~1.~~ 1. Single family residential 10-year frequency
- ~~2.~~ 2. Multi-family residential, commercial and industrial 25-year frequency
- ~~3.~~ 3. Flood protection works 50-year frequency

~~B-B.~~ The peak rate of discharge of storm water runoff from the development under post-development conditions shall not exceed that of the predevelopment conditions unless it can be demonstrated that no off site adverse impact will result or appropriate flowage easements have been secured.

~~C.~~ C. A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual, Volumes 1 and 2, December 2008 as amended, or any subsequent amendment thereto, (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. (effective xx.xx.2021)

~~GD.~~ The maximum distance of overland flow along roadways shall not exceed 400 feet.

~~DE.~~ Drainage calculations submitted shall where appropriate include flow analysis showing the effect of a subdivision on the existing drainage facilities outside of the area of the subdivision. Where the Board anticipates that additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility so that there will be a reasonable likelihood of damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until adequate provision is made, at the subdivider's expense, for the accommodation of downstream drainage improvements.

~~EE~~. All calculations used for the design of the storm drainage system shall be by currently recognized best engineering methods and practices; and shall be stamped by a licensed professional engineer.

~~FG~~. Calculations shall be for both pre-development and post-development conditions and shall include the nature and times of concentration, runoff coefficients or curve number, maximum rate of runoff, total amount of runoff, storm sewer and drainage ditch sizing, culvert sizing for all roadway and driveway crossings, retention/detention facilities, and other information as may be required by the Board or Town Engineer.

~~GH~~. All storm sewers shall be designed to have a minimum flow velocity of 2-feet per second and a maximum flow velocity of 12 feet per second based on calculated design flow and corresponding to the applicable return frequency design storm.

~~HI~~. All open ditches and swales shall be designed to have a maximum flow velocity of 10 feet per second. All open ditches and swales shall be designed in accordance with Design of Stable Channels With Flexible Linings, Hydraulic Engineering Circular No. 15, published by the U.S. Department of Transportation, October 1975.

~~IJ~~. Suitable methods and calculations shall be used to design erosion control methods for use with all storm drainage systems. Such methods shall include but not be limited to: head walls or end sections for all inlets and outlets, bedded rip rap for drainage ditches that exceed a flow velocity of 2.5 feet per second, slope mattresses and revegetation.

~~JK~~. Minimum pipe size shall be 12 inches in diameter for privately maintained storm drainage systems and 15 inches in diameter for publicly maintained storm drainage systems. The minimum depth of cover from the road or ground surface to the crown of the pipe shall be not less than 3 feet.

~~KL~~. Storm sewer and appurtenances shall be constructed of materials in accordance with the standards set by the Public Works Department for the Construction of Storm Drains, latest edition. All catch basin grates and frames shall be heavy duty gray cast iron meeting ASTM A48 Class 30 (American Foundry) with a 24" x 24" opening a two inch (2") square opening pattern on grate, unless otherwise approved by the Planning Board. Polyethylene liners shall be installed in all proposed catch basins. (Effective 5/18/05) All grates or hatches at outlet control devices shall be fabricated from stainless steel or hot dipped galvanized steel (ASTM A123/A123M). (Effective 6/18/08)

~~LM~~. No underground storm water collection basins or infiltration systems shall be permitted. (Effective 6/18/08)

- N. Salt storage areas shall be covered, and loading/offloading areas shall be designed and maintained in accordance with NHDES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NHDES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. (effective xx.xx.2021)
- O. All plans shall note that "Snow and ice removal shall be performed by a **Green Sno-Pro** Certified contractor following Best Management Practices for the application of de-icing materials. (effective xx.xx.2021)

ARTICLE XI - DESIGN AND CONSTRUCTION STANDARDS

Section 170-65 Stormwater Management Requirements

- A. Storm drainage systems shall be designed to control the post-development peak runoff so that it does not exceed predevelopment runoff for the 2-year, 10-year, and 25-year, 24-hour storm event. Flood protection works shall be designed for the 50-year, 24-hour storm event. (Source of Extreme Precipitation Estimates shall be from the Northeast Regional Climate Center.) (effective xx.xx.2021)
- a. ~~Storm drainage systems shall be designed using the storm return frequency as follows:~~
- ~~1. Multi-family residential, commercial and industrial: 25-year frequency~~
 - ~~2. Flood protection facilities: 50-year frequency~~
- B. The peak rate of discharge of storm water runoff from the development under post development conditions shall not exceed that of the pre-development conditions unless it can be demonstrated that no off site adverse impact will result or appropriate flowage easements have been secured.
- ~~b.C.~~ A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns of the site. Runoff from impervious surfaces shall be treated to achieve 80% removal of Total Suspended Solids and at least 50% removal of both total nitrogen and total phosphorous using appropriate treatment measures, as specified in the NH Stormwater Manual, Volumes 1 and 2, December 2008 as amended, or any subsequent amendment thereto, (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. (effective xx.xx.2021)
- ~~c.D.~~ Drainage calculations submitted shall where appropriate include flow analysis showing the effect of site development on the existing drainage facilities outside of the site boundaries. Where the Board anticipates that additional runoff incident to the development will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the site plan until adequate provision is made, at the developer's expense, for the accommodation of downstream drainage improvements.

- ~~d~~.E. All calculations used for the design of the storm drainage system shall be by currently recognized best engineering methods and practices; and shall be stamped by a Licensed Professional Engineer.
- e.F. Calculations shall be for both pre-development and post-development conditions and shall include times of concentration, runoff coefficients or curve number, maximum rate of runoff, total amount of runoff, storm sewer and drainage ditch sizing, culvert sizing, retention/detention facility sizing, and other information as may be required by the Board or Town Engineer.
- ~~f~~.G. All storm sewers shall be designed to have a minimum flow velocity of 2 feet per second and a maximum flow velocity of 12 feet per second based on calculated design flow and corresponding to the applicable return frequency design storm.
- ~~g~~.H. All open ditches and swales shall be designed to have a maximum flow velocity of 10 feet per second. All open ditches and swales shall be designed in accordance with Design of Stable Channels with Flexible Linings, Hydraulic Engineering Circular No. 15, published by the U.S. Department of Transportation, October 1975.
- ~~h~~.I. Suitable methods and calculations shall be used to design erosion control methods for use with all storm drainage systems. Such methods shall include but not be limited to: head walls or end sections for all inlets and outlets, bedded rip rap for drainage ditches that exceed a flow velocity of 2.5 feet per second, slope mattresses and revegetation.
- ~~i~~.J. Minimum pipe size shall be 12 inches in diameter for privately maintained storm drainage systems and 15 inches in diameter for publicly maintained storm drainage systems. The minimum depth of cover from the road or ground surface to the crown of the pipe shall be not less than three feet.
- ~~j~~.K. Storm sewer and appurtenances shall be constructed of materials in accordance with the standards set by the Public Works Department for the Construction of Storm Drains, latest edition. All catch basin grates and frames shall be heavy duty gray cast iron meeting ASTM A48 Class 30 (American Foundry) with a 24" x 24" opening a two inch (2") square opening pattern on grate, unless otherwise approved by the Planning Board. Polyethylene liners shall be installed in all proposed catch basins. All grates or hatches at outlet control devices shall be fabricated from stainless steel or hot dipped galvanized steel (ASTM A123/A123M). (Effective 6/18/08)
- ~~k~~.L. Underground Detention Basins: No arches shall be permitted. Pipe materials shall be dual wall HDPE or RCP with H20 loading capacity. Bedding for pipe systems shall be a minimum of twelve (12) inches of $\frac{3}{4}$ " washed stone below invert to spring line of pipe. The trench width extents shall be two (2) feet greater than the nominal pipe size or a minimum of three (3) feet, whichever is greater. Filter fabric shall be placed securely over all stone and sand placed to one (1) foot over top of pipe compacted in six (6) inch lifts. All underground detention basins shall start from a minimum four (4) foot diameter precast concrete drain manhole or catch basin and terminate at a minimum four (4) foot diameter precast concrete drain manhole or catch basin that is designed to control discharge according to the stormwater management plan. All materials and fasteners related to construction of flow control devices shall be constructed of stainless steel. The minimum depth of cover from the pavement or

ground surface to the crown of the pipe shall be not less than three (3) feet. (Effective 6/18/08)

L.M. Infiltration Systems: Test pits must be completed and logged on the plans showing the estimated seasonal high ground water level and soil classifications as determined by Certified Soil Scientist in New Hampshire. The bottom of proposed infiltration Systems must be a minimum of two (2) feet above the seasonal high ground water level and or two (2) feet above ledge. Infiltration Systems shall only be permitted in areas of permeable soils with percolation rates of two (2) minutes per inch or better. No arches shall be permitted. Pipe materials shall be dual wall HDPE with H20 loading capacity. Bedding for pipe systems shall be a minimum of twelve (12) inches of $\frac{3}{4}$ " washed stone below invert to spring line of pipe. The trench width extents shall be two (2) feet greater than the nominal pipe size or a minimum of three (3) feet, whichever is greater. All infiltration systems shall start from a minimum four (4) foot diameter precast concrete drain manhole or catch basin. In the event of failure, all infiltration systems shall be designed with an outfall. The minimum depth of cover from the pavement or ground surface to the crown of the pipe shall be not less than three (3) feet. (Effective 6/18/08)

N. Underground Detention Basins and Infiltration Systems shall be designed to optimize access for maintenance purposes. A maintenance plan shall be included with the plan that details inspection and cleaning activities and be incorporated into the deed of the property. (Effective 6/18/08)

O. Salt storage areas shall be covered, and loading/offloading areas shall be designed and maintained in accordance with NHDES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NHDES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. (effective xx.xx.2021)

M.P. All plans shall note that "Snow and ice removal shall be performed by a **Green Sno-Pro** Certified contractor following Best Management Practices for the application of de-icing materials. (effective xx.xx.2021)