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SITE PLAN REVIEW REGULATIONS (check page numbers after edits)

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Is Authority page (missing here) what is at the front of the Subdivision Regs – members/dates etc)

I. PURPOSE AND SCOPE

A. Purpose.

The purpose of the Site Plan Review Regulations and the site review procedure is to

1. ***Provide for the safe and aesthetically pleasing development of the town and its environs by providing for the safe and attractive development, change, or expansion of the use of the site: and guarding against such conditions as would involve danger or injury to health, safety, or prosperity by:***
 - a. ***Requiring adequate drainage and flooding prevention of the property or that of another;***
 - b. ***Requiring protection of the quality of groundwater;***
 - c. ***Guarding against preventable undesirable elements of pollution such as noise, smoke, soot, particulates or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties;***
 - d. ***Requiring adequate provision for fire safety, prevention, and control.***
 - e. ***Light ??***
2. Provide for open spaces and green spaces of adequate proportions.
3. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
4. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
5. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval;
6. Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health; and
7. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

B. Scope.

1. When Required. Except as provided in subsection 2 or when a waiver is granted under Article VII, site plan review under these regulations is required for:
 - a. New Use. Any new principal or accessory building or structure, or site alteration, for a nonresidential or multifamily use (other than 2-family) or for a mixed residential and nonresidential use.

- b. Expanded Use. Any substantial physical expansion of a nonresidential or multifamily or mixed residential and nonresidential use. Substantial expansion shall be deemed to exist when:
 - (1) The area of any building or structure or the area of the property devoted to the use will be increased by **10% or more, or by 500 square feet or more, whichever is less**; or
 - (2) Where the expansion will result in increased traffic, noise or other effects on the public or the neighborhood.
 - c. Conversion. Any conversion from one use (whether or not site plan review has previously been granted) to another use for which review is required under Paragraph a or b.
2. Exemptions. Site plan review which would otherwise be required under subsection 1 is not required:
- a. Waiver. When the planning board grants a waiver under Article VII.
 - b. Minor Expansion of Previously Approved Use. For expansion of an existing use which has previously received site plan review if the expansion is not a substantial expansion (see subsection 1 b.)
 - c. Home Office, Accessory Apartment, Agricultural Stand. For any new or expanded nonresidential use which does not involve the construction of a new building or structure, if the use will be:
 - (1) A home office, shop or industry as defined in Section 2.5 of the zoning ordinance;
 - (2) An accessory apartment to a business use as defined in Section 2.5A of the zoning ordinance; or
 - (3) An agricultural retail farm stand meeting all of the requirements described in Section 5.2, B, 5 of the zoning ordinance.
3. Notices. The planning board shall prepare a summary of the requirement of this section which shall be provided to any person who applies for a building permit or receives a special exception or variance for a use which requires site plan review under these regulations.

II. PROCEDURES

- 1. ***The application should be submitted for initial examination and payment of fees to the Planning Board Associate at the Town Office.*** Site plan review shall be conducted in accordance with the procedural requirements contained herein for review of final plats including the notice to abutters and a public hearing and in accordance

with RSA 676:41 as from time to time amended. There shall be a final plat prepared in accordance with the provisions of Section IX (Recordation).

2. ***The list of all abutters and property owners should be checked with the PB Associate using the records at the Town Office.***
3. The applicant shall bear all the costs of review, including the costs of notifying abutters, the board's administrative expenses, the costs of **studies**, special investigations, the review of documents, and other costs required by particular applications (see RSA 674:44 V). All costs associated with known expenses should be paid before the application is deemed complete. All other expenses should be paid by an escrow account set up as early in the process as possible.
4. The applicant shall submit in writing a list of requests for waiving any requirement in the Required Exhibits ***and/or deviation from pages 6 – 10 V. General Standards when submitting the Site Plan application and materials.***
5. ***When the application is judged by the PB Associate to have “sufficient information” to “allow the board to proceed with consideration”, it will be given to the Planning Board Secretary to schedule the public hearing and send out the required notices (RSA 676:4 (d) (1). This should be at least 21 days but within 30 days following submission.***
6. ***Notice of the Public Hearing to be held will be given to “the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters and the public”. Notices should be sent out by “verified mail” at least 10 days prior to the hearing date (and in “as required by the subdivision regulations”). Public notice shall also be given in a “paper of general circulation” and posted “in at least 2 public places” in town, “at least 10 calendar days before the hearing”. (RSA 675:7).***
7. ***The Board should begin consideration of the application for development in terms of completeness, and firstly “shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.” (RSA 36:56,1). The criteria for assessing Regional Impact are laid out in RSA 36:55 (question – should we list those here??)***

8. ***Regional Impact. If voted of Regional Impact, the Board “has an additional 30 days to act”. (RSA 676:4,1,c) The Regional Planning Commission and neighboring municipalities will be noticed, in accordance with RSA 36:57. Minutes of the hearing at which DRI was voted should be sent to those bodies within 5 days and then notices of the continued hearing should be sent out with at least 14 days notice.***

9. ***If voted NOT of Regional Impact, the Board can consider if a site walk is required. (RSA 674:1,IV) If a site walk by the Planning Board or portion thereof is required because a member of the board feels that it might be helpful or informative, then the landowner and the applicant will receive a courtesy notification by first class mail and the hearing will be continued. (Should we confer with NHMA for any other refs in RSAs as to exactly when to do this?)***

10. ***Waiver requests may be considered either before or after a site walk, depending on the information the Board requires to assess the waiver requests. If no site walk is required to consider the waivers, the board can consider the waivers as submitted.***

11. ***If all waiver requests are NOT granted, the hearing is continued until further submissions are provided. If board votes to grant all waivers or after additional submissions are provided and are accepted as complete, the Board will then consider the application on it’s merits?***

12. ***If the hearing is continued over a period of time following the determination of completeness, abutters and interested parties who received the initial certified notices should then receive first class mail notification and the application will be noticed publicly in town***

13. **Written notice of Approvals, Approval with Conditions and Disapproval shall be mailed to the applicant within 7 days of the decision.**

14. **If the Site Plan meets the evaluation criteria and is approved by the Planning Board, then the applicant may apply for a building permit. No building permit will be issued until approval of the site plan by the Planning Board is granted.**

III. SUBMISSION REQUIREMENTS

1. Completed Application for Site Plan Review
2. Site Plan:
 - a. *Sheet size: 22" x 34"*
 - b. *Scale: not less than 1"=100'*
 - c. *Match lines when needed*
 - d. *Three (3) prints of each plan sheet (blue or black line)*
 - e. *Date, title, scale, north arrow, location map*
 - f. *Name and address of developer, designer/engineer, and owner of record*
 - g. *Show all easements*
 - h. *Topography with contour lines at two (2) foot vertical intervals*
 - i. *Locus map (should all these be moved to Site Plan below?)*
3. List of current names and addresses of all abutters and owners of land within 200' of any property line, as shown on records at the Town Office.
4. Written notification of the intent to request the waiving of any criteria. Specify which criteria and why.
5. Fees as set by the planning board.

IV. REQUIRED EXHIBITS AND DATA - *(should be consistent with the webpage checklist and should III. 2. a-i be included in 2. below as part of required exhibits so ALL the site plan requirements are on one place?)*

1. Narrative description of the proposal to include its purpose, hours of operation, parking needs, lighting, employment figures, land use compatibility, aesthetics, **impact on** school population projection, noise and traffic;
2. Site plan showing:
 - a. Existing natural features including water courses and water bodies, wetlands, soil types, trees and other vegetation, topographical features, any other features which should be considered in the site design process;
 - b. Surveyed property lines showing their deflection angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
 - c. Existing and proposed contours and finished grade elevations, all contours shall be a minimum of 2-foot intervals;
 - d. The location, elevation and layout of catch basins and other surface drainage features;
 - e. The location, width, curbing and type of access ways and egress ways (driveways), plus streets **and sidewalks** within and around site;
 - f. The lines, names, widths and class of all existing, proposed and adjoining streets, lanes, ways, **rights of way** or easements intended to be dedicated for public use;
 - g. Location of existing and proposed utilities (water, sewer, electric, gas, telephone, cable, etc.) wells, septic systems and leach fields;

- h. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities and all distances from existing *and proposed* water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
 - i. The size and location of all public service connections, gas, power, telephone, fire alarms, overhead and underground; **shall we distinguish between utilities – electric – public/private?**
3. The site plan shall include the seal and signature of the engineer(s) and the signature of the owners of record;
 4. A plan of all *existing and proposed* buildings with their type, size and location (setbacks) and first floor finished elevation, including an elevation view or photograph of all buildings indicating their height, bulk and surface treatment;
 5. A landscaping plan showing the type, extent and location of existing and proposed landscaping and open space areas indicating *which* existing landscaping and open space areas will be retained;
 6. A description of the *parking plan should be shown on the site plan* including the location of off-street parking and loading spaces with a layout of the parking indicated; (*question – should this be under 2.or offsite parking?*)
 7. A description of the location, size and design of proposed signs and other advertising or instructional devices;
 8. A description of the type and location of *all outdoor* waste disposal facilities;
 9. A description of provisions for snow removal and disposal;
 10. An erosion, *storm water* and sediment control plan;
 11. A noise study;
 12. A traffic study;
 13. A lighting study showing the location and type of lighting for all outdoor facilities, including direction and area of illumination;
 14. Copies of all applicable state and federal applications or permits;
 15. Any other exhibits or data that the planning board may require in order to adequately evaluate the proposed development for site review;
 16. If a subdivision, all subdivision regulations shall apply.

V. GENERAL STANDARDS

A. Design of development should fit the existing natural and man-made environments with the least stress:

1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.
2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate.

3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward, or across abutting properties.
 4. If excavation material is not being reused on site, an excavation permit shall be required.
- B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential sites. Buffer strips (the number of feet depending largely on the density of development in the area) must be maintained between non-residential use and residential zones. Buffer strip between non-residential and residential zone must contain vegetation or appropriate fencing which will screen non-residential uses from sight from residential area throughout the year.
- C. Screening must be provided to reduce visual pollution:
1. Storage areas must be fenced or screened throughout the year from onsite or adjoining parking and neighboring properties.
 2. Litter (garbage) storage areas must be screened throughout the year.
 3. All rooftop mechanical equipment shall be screened from view with either building walls or roof forms. All sides visible to the public and abutters should have screen materials.
 4. The ground view of all mechanical equipment accessory to the building (not vehicles) with a footprint of 50 sq. ft. or greater should be fully screened from contiguous properties and adjacent streets and roads.
 5. Screening shall be accomplished by architecturally integrating the equipment into the principle structure or by surrounding it with materials compatible with the principle structure. The use of either fencing or hedges as screening is also permitted, so long as it is high and dense enough to screen the area in question.
- D. Parking, Loading and Pedestrian Safety:
1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties.
 2. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
 3. Access, parking and loading areas are to be constructed so as to minimize dust, erosion and run-off conditions that would have a detrimental effect on abutting or neighboring properties and public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
 - a. Permeable surfacing may be used which might reduce the need for installation of drainage facilities to accommodate run-off, however,
 - b. The board may require that access, parking and loading areas be

conventionally paved if appropriate or necessary.

4. Sidewalks. Sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrances to business, housing or industrial establishments and parking areas. In the event that pedestrian traffic is reasonably anticipated, provisions shall be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways shall be at least six (6) inches above grade and protected by curbing.
5. Provision shall be made for removal and/or storage of snow.

E. Erosion and Sedimentation Control Plan shall:

1. Make provision to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Sediment basins or other acceptable techniques may be required. Diversions, sediment retention basins, and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface material.
2. Show control measures both during construction and any permanent controls to remain after construction.
3. Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
4. Identify and locate proposed erosion and sediment control measures and structures during and after development.
5. Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with Storm Water Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire by the Rockingham County Conservation District in Cooperation with the NH Department of Environmental Services and the USDA Soil Conservation Service, dated August 1992, successor publication comparable equivalent.
6. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.
7. Ensure that stripping of vegetation, regrading or other development will be done in such a way that will minimize soil erosion. Temporary seeding and/or mulching may be required by the board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

F. Illumination:

1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
2. Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking or flashing lights or signs are not permitted.
3. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.

G. Access to Public Streets:

Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, as adopted and amended.

H. Water Supply and Sewage Disposal:

Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control and/or the town subdivision regulations. It shall be the responsibility of the developer or his agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer shall provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control, for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

I. Special Flood Hazard areas:

- a. The planning board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the "Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C, 1334.
- b. The planning board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (RFE) data within such proposals (i.e., floodplain boundary and 100-year flood elevation).

- c. The planning board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

J. Offsite Improvements:

The board may condition site plan approval on the applicant's contribution towards off-site improvements that are reasonably related to the applicant's site plan proposal.

K. Lot Coverage:

The development of any site subject to these regulations shall not result in coverage of more than 35% of the lot by impervious surfaces. The area of the lot which is deemed to be covered by impervious surfaces shall include all buildings and structures, whether open or closed, and all paved *and or graveled* surfaces, including parking areas and sidewalks. When warranted by soil conditions, topography or the type of use proposed, the planning board may alter the lot coverage requirements as necessary *to* achieve the purposes of site plan review.

L. Building façade.

1. In order to preserve the aesthetic character of the community and to approve high-quality new development within the town, the building façade may be regulated at the discretion of the planning board.
2. All site plans must ensure that they are consistent with or improve the architectural character of the town.
3. New roof forms should be compatible with the roof forms of adjacent structures where appropriate.
 - a. A pitched roof should be provided for structures with a building footprint of 5,000 square feet or less in order to have new development better fit with the rural and residential character of the community.
 - b. Common roof forms should be required to be duplicated on the primary structure whenever possible.
 - c. For structures with a footprint larger than 5,000 square feet, flat roofs should be permitted, provided that mansard roof is employed.
 - d. Varied offsets, roof heights and forms and window placement should be

incorporated into all new structures, or additions to existing structures.

VI. TOWN ENGINEER

Throughout the process of planning board consideration of an application, the board may consult with engineers, architects, soil scientists, attorneys, planners or others, at the expense of the applicant. A registered engineer hired by the planning board shall inspect all site improvements. The developer shall pay the cost of the board's employment of said engineer or other consultants and the cost of any inspection(s) and test(s) deemed necessary by the board or the engineer.

VII. WAIVERS OF SITE PLAN REVIEW REGULATIONS

The planning board may waive any requirements listed in the Site Plan Review Regulations, where it finds that such regulation does not apply to the proposed development.

VIII. PERFORMANCE BOND

The planning board may require that a performance bond or other security, in an amount to be determined by the planning board, in the form of an irrevocable letter of credit, bond or other security, be posted by the developer and held by the town until the board of selectmen is satisfied that all conditions of the site plan approval and any other pertinent zoning ordinance(s), subdivision regulation(s), and other town ordinance(s) or regulation(s) have been met. The bond or other security may be released in part as the project is completed in part as determined by the planning board.

IX. RECORDATION

The final approved plat shall be drawn on Mylar or equivalent material. Said plat shall be prepared in compliance with all applicable statutory requirements and shall be prepared on 22 X 34 inch standard sheets measured from cutting edges. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. All dimensions shall be shown to hundredths of a foot and bearing to at least thirty seconds. The error of closure shall not be more than 1:15,000

The reproducible Mylar of the site plan, which shows, at a minimum, lot lines and proposed constructions, roads and other improvements, and planning board approval and has a signed licensed land surveyor's seal shall be recorded with the Registry of Deeds. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made

to such recording on the face of the map. The board or its agent shall record the site plan map and other documents at the registry. The cost of recording, and of having the registry provide attested copies of the recorded documents, shall be paid by the applicant.

X. JOINT HEARINGS

In accordance with adopted Rules of Procedure, the planning board may hold a hearing on site plan review in conjunction with a subdivision hearing if both are required for a proposal. A hearing for site plan review by the planning board may be held at the same time and place that a hearing for special exception is held for the project by the board of adjustment.

XI. AMENDMENTS

Amendments to these site plan review regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may from time to time be amended.

XII. SEVERABILITY

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate, in any manner, any other provision contained herein.

XIII. DEFINITIONS

The Definitions section of the zoning regulations are hereby adopted by reference.

XIV. PENALTIES

As provided in RSA 676:15 & 17, as from time to time amended, the town may obtain an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove any erection, construction, alteration, or reconstruction which is not in compliance with this regulation. Any violation of this regulation may be punishable, as determined by the selectmen, by either (a) a civil fine *of not more than the maximum allowed by state law* for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he or she is in violation of this regulation, whichever is earlier, or (b) a criminal penalty, which shall be a misdemeanor if the violation is committed by a natural person, or a felony if committed by any other person.

In any legal action brought to enforce these regulations, the prevailing party may recover its costs in pursuing or defending itself in such legal actions.

XV. CONCEPTUAL CONSULTATION

A. Conceptual consultation purpose.

To expedite site plan review by identifying potential problems as early as possible, all prospective applicants are encouraged, but not required, to engage in a conceptual consultation as described below.

B. Parameters of consultation.

1. At the meeting, the potential applicant may address the board concerning a potential application, but must limit the presentation to the intent and the location of the proposal, without going beyond a description of the basic concept of the proposal.
2. The board may briefly outline the steps that an applicant may take to obtain board approval. It may discuss the content of the Master Plan of the town and its relation to the potential applicant's proposal. The board may also cite specific sections of these regulations or the Zoning Ordinance. The proposal may be discussed in general terms only, such as the desirability of types of development and proposals under the Plan for Tomorrow. The board may make suggestions which might be of assistance in resolving problems with meeting the requirements of a formal application.
3. The board shall not approve or disapprove the proposal.
4. No comments made during this consultation shall bind either the applicant or the board.
5. Statements made by board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on an application.

C. Information requested to be supplied.

It is recommended that the prospective applicant submit the following information in writing at least 1 week prior to the next regularly scheduled planning board meeting:

1. The location of the proposed development
2. Correct names and mailing addresses of owner(s) of record (and the applicant, if different)
3. A brief narrative description of the proposal
4. Drawing or sketch of plan
5. Any other information that the applicant feels will be helpful

D. Notice.

Such discussion may occur without formal notice to the abutters, but may occur only at formal meetings of the board when the discussion has been placed on the agenda. [See RSA 676:4, 11(a).]