

# **TOWN OF GRANTHAM NH**

## **SITE PLAN REVIEW REGULATIONS**

### **ARTICLE I. AUTHORITY**

Pursuant to the authority vested in the Grantham Planning Board by the Town Meeting of March 13, 1990 and in accord with the provision of RSA 674:43-44 as amended, the Grantham Planning Board adopts the following rules to review and approve or disapprove site plans for the development of tracts for non-residential uses and for greater than two-family dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. Such review shall include usage changes and/or site plan changes for existing uses. One family, and two-family dwelling sites, are specifically excluded from the application of these regulations.

### **ARTICLE II. PURPOSE**

The purpose of the Site Review procedure is to protect the public health, safety, and welfare; to promote balanced growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development; and any other purpose permitted or required pursuant to RSA 674:44. The Site Review Procedure in now way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations.

### **ARTICLE III. PROCEDURE FOR SITE PLAN REVIEW**

A. General: There are three phases in the site plan review process: non-binding consultation and conceptual review (Phase I), preliminary review (Phase II), and final application (Phase III). Phase, I, which involves a discussion of the proposed concept only in general terms, is optional and does not require a public hearing. Phase II involves a more detailed discussion and review of the site plan proposed. This phase is also optional, although a public hearing is required by state law if this phase is held. Both phases are intended to help the applicant by providing the applicant with guidance and feedback prior to submission of the final application, thereby helping to avoid major alteration of the final drawings. The last phase is submission and review of the final application (Phase III). This phase is required for all developments and/or modifications subject to site plan review. A public hearing is required. Once a completed application has been received by the Board or its designee (Amended 10/2/97), the Board must approve or disapprove the final application within ninety (90) days unless an extension has been granted.

The following sections describe Grantham's site plan review procedure in more detail..

B. Phase I: Non-binding Consultation & Conceptual Review: In order to save expense and unnecessary changes later on, a person may request to be on the agenda of a meeting of the Board for a discussion of his proposed concept in general terms and for a review of applicable Site Plan Review Regulations, application forms, necessary supporting maps, and documents. There is no application fee or time limit for this nor is this consultation and review binding in any way on either the applicant or the Board.

C. Phase II: Preliminary Review: If a person wishes a review of his project which goes beyond discussion of the proposed site plan in conceptual form, he shall apply to the Board in writing on the appropriate application form and pay the required fees. The Board shall then give public notice of the preliminary site plan review hearing in accordance with these regulations. Submission requirements are listed in Section V.

The preliminary review shall be conducted only at meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the Board. The Board shall give a response to the applicant with respect to the proposal as a whole or any portion of the proposal by informing the applicant in writing of disapproval or any modifications which will be required. Response shall be given within ninety (90) days from the time the completed application for Preliminary Review is received by the Planning Board or its designee (Amended 10/2/97), although the review shall bind neither the applicant or the Board. A meeting on a particular preliminary review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

D. Phase III: Final Application Review: Any person desiring approval for site plans, as defined in these regulations, shall apply to the Board in writing on the designated application form and pay the required fees. Submission requirements are listed in Article V.

The Board shall:

- (1) give public notice and notify the abutters, the persons who have signed or sealed any plan to be considered [Amended 1/4/96] and the applicant, and any holders of conservation, preservation and agricultural preservation restrictions on land abutting the property being considered for Site Plan Review [Amended 10/2/97] of the Meeting (Hearing) at which the application will be considered for acceptance;
- (2) vote to accept the application BUT ONLY if the application is complete and all costs of notice of the application have been paid. Only after such acceptance will the legal time limits be in effect;
- (3) give a response to the applicant with respect to the decision of the Board on the proposal. A hearing on the particular final review may be adjourned to

continue on a specific date with no further notice of reconvened meeting required.

E. Application for Site Plan Review Approval: The completed application shall (1) be on the form as provided by the Board to the applicant; (2) conform to the requirements and specifications outlined in these Regulations; and (3) specify the scheduled meeting of the Board at which the application will be submitted to the Board.

F. Filing of Application: The applicant shall file the completed application by delivering the application to the designated agent of the Board at least fifteen (15) (not including holidays and weekends) days prior to the scheduled public meeting of the Board at which the applicant will submit the application to the Board. The application shall include the names and addresses of the applicant, persons who have signed or sealed any plan to be considered [Amended 1/4/96], each abutter shown in the Town records, and anyone holding conservation, preservation and agricultural preservation restriction on land abutting the property being considered for Site Plan Review [Amended 10/2/97] not more than five (5) days before the filing date.

G. Notice of Application & Fees: The Board shall notify the abutters, the persons who have signed or sealed any plan to be considered [Amended 1/4/96], and the applicant and any holders of conservation, preservation and agricultural preservation restrictions on land abutting the property being considered for Site Plan Review by certified mail of the date upon which the completed application will be submitted by the Board. Such notice shall be mailed at least ten (10) days (not including holidays and weekends) prior to such submission. At the same time the notice is mailed to the applicant and abutters, such notice shall be given to the general public by publication of the notice in a newspaper of general circulation and by posting a copy of the notice in two public places in the Town. The subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

All costs of such notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing. The application will not be accepted for review until the fees set forth in the Board's current fee schedule are paid. Additional fees may be imposed by the Board during the review process to ascertain compliance and to cover fees and disbursement of consultants to the Board including, but not limited to, engineers, surveyors, lawyers, and community planners.

H. Submission of Completed Application: The completed application shall be submitted to an accepted for review by the Board at a public meeting of the Board specified in the notice. The Board shall vote to accept the application only if the application is complete and all costs of notice of the application have been paid.

I. Formal Consideration: Time Limits: The Board shall bring consideration of the final application with thirty (30) days after the date of the regular public meeting at which

the completed application is submitted to and accepted by the Board. The Board shall act to approve or disapprove the application within ninety (90) days from the time the application is received by the Board or its designee [Amended 10/2/97], provided, however that the Board may apply to the Selectmen of the Town for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove the application. The applicant may waive the requirement for Planning Board action within the foregoing time periods and consent to such extension as may be mutually agreeable.

Upon failure of the Board to approve or disapprove the application within the above-noted time periods, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing site plan review and subdivision regulations and zoning and other ordinances. If the court determines that the failure to act within the time specified was the fault of the Board and was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

J. Public Hearing & Notice of Public Hearing: No application shall be denied or approved without a public hearing on the application. Notice of the hearing shall be given in the same way and with the same time limits as notice of submission of the application under these Regulations (See Art. III, Sec. F.). The Board may give notice of submission and notice of the public hearing in the same notice. Additional notice of an adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Planning Board.

K. Notice of Decisions: The Board shall issue a written final decision on all applications for Site Plan Review. If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required by the Board as a part of the approval decision. If the application is denied, the Board shall state the reason for denial. The decision of the Board (approval or denial) shall be mailed to the applicant and be available at the town clerk's office for public inspection 72 hours after the decision is made.

L. Assessing Impact Fees: The Board may, at its discretion, levy Impact Fees whether on-site or off-site for a proposed Major Subdivision assuming that such fees bear a rational connection with the needs created by and special benefits conferred upon said Subdivision. [Added 97/95]

#### **ARTICLE IV: PROCEDURE WHEN SPECIAL EXCEPTION, VARIANCE OR SUBDIVISION APPROVAL IS REQUIRED**

When a special exception or variance is required by the Zoning Ordinance, the applicant shall first obtain the special exception or variance before applying for site plan approval.

Any conditions imposed by the Zoning Board of Adjustment shall take precedence over the requirements contained in these regulations, although additional conditions may be required by the Planning Board as a part of the Site Plan Approval. When both subdivision and site plan approval are required for a proposed development, the Board may hold the Site Plan Review hearing at the same time as the hearing required by the subdivision regulations.

## **ARTICLE V: APPLICATION REQUIREMENTS**

A. Application for the final Site Plan approval shall be accompanied by six (6) sets of the proposed Site Plan with a map drawn to the scale of 1" = 20', or on a scale acceptable to the Board. The following information shall be included if applicable:

1. A perimeter boundary survey by a licensed land surveyor, including angles and bearings of lines, dimensions and the lot area;
2. Title of drawing, including name and address of applicant as well as Town tax map and lot number;
3. Appropriate signature block for the signature of the Planning Board Chairperson.
4. Names and address of owners of record and abutting landowners, and any holders of conservation, preservation and agricultural preservation restrictions on land abutting property being considered for Site Plan Review [Amended 19/2/97].
5. A site Location Map, shown as an inset on the Site Plan Map, which shall show the proposed development in relation to major roads of the Town;
6. North point, bar scale, date of preparation and dates of any revisions;
7. Name, address and seal of person or firm preparing the map;
8. The shape, size and location of existing and proposed structures;
9. Existing and proposed grades, as deemed necessary; in general grades should be shown by contours at intervals of not more than five (5) feet of elevation if grades exceed five percent (5%) or portions of the site that have moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding;
10. Any existing streams or wetlands, marshes, lakes or ponds, whether natural or man-made; abutters water rights, if any;

11. Existing and proposed streets, driveways, parking spaces and sidewalks with indications of direction of travel for one-way streets or driveways. The width of streets, driveways and sidewalks and the layout of parking spaces and facilities;
12. Layout of sewage disposal systems, including septic tank(s), leach field and associated piping, location of abutter's wells, septic systems;
13. Proposed landscaping plan including buffering plans along adjacent properties and public highways;
14. Plans for water supply, fire protection, power and telephone, including location of wells, water supply pipes, power and telephone poles and lines, including the location and size of all existing and proposed utility lines and easements;
15. Exterior lighting plan and proposed signs to be located on the site;
16. Drainage design showing location and size of existing and proposed drainage structures including culverts, pipes, catch basins, manholes, ditches, holding basins, etc. This shall be supported by copies of the design computations based on a 10-year flood design frequency for all major culverts and brooks that affect any Town or State highway;
17. Right-of-way and travel surface of all fronting streets;
18. Location of any retaining wall, fences, and outside storage areas;
19. A notation on the site plan outlining the proposed use(s) and area of building(s) in square feet devoted to each use;
20. Plans for any toxic waste storage or discharge;
21. Location of inside storage of hazardous materials and posting of such for emergency crews;
22. Location of fire alarms and sprinkler systems.

B. One copy of each of the following shall be submitted, if required.

1. A copy of "Special Exception" or "Variance" approval by the ZBA;
2. All material submitted to the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services for sewage disposal system approval and said approvals including:

- (1) sewage disposal system;
  - (2) alteration of terrain per RSA 149:8-A when over 100,000 sq. ft. or near State waters; and required Corps of Engineer's permits;
  - (3) water supply for over 15 units from WSPCD;
  - (4) dredge and fill permit from NH Wetlands Board, if applicable.
3. All material submitted to the New Hampshire Department of Public Works and Highways for access driveway approval for any access onto a State highway and said approval;
  4. A statement of proposed hours and days of operation;
  5. Entrance/exit approvals from the Grantham Planning Board for proposals with access points on Town roads;
  6. A statement of deed restrictions, easements and covenants upon the involved parcel;
  7. Any and all other required permits or authorizations.

C. The Planning Board may require such additional other information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations including but not limited to environmental impact studies, engineering reviews, etc.

#### **ARTICLE VI: STANDARDS AND CRITERIA**

The Planning Board shall approve the proposed Site Plan only upon a determination by the Board that the Site Plan conforms with the following standards and criteria. The Appendix included in these regulations is intended as a guideline and not necessarily as a specific requirement.

- A. Adequacy, safety and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls.
- B. Adequacy, safety and arrangement of pedestrian traffic access and circulation including: separation of pedestrian from vehicular traffic, and pedestrian convenience.
- C. Adequacy of the location, arrangement, size and design of buildings, lighting and signs.

- D. Adequacy, type and arrangement, size and design of buildings, lighting and signs.
- E. In the case of an apartment house or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- F. Adequacy of structure, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- G. Adequacy of storm water and sanitary waste disposal facilities.
- H. Adequacy of protection of adjacent properties against noise, glare, unsightliness, odor, or other objectionable features.
- I. Adequacy of fire protection measures including adequate access, building construction, water supply and other protections such as sprinkler systems or alarm systems.
- J. The development should conform to the extent appropriate to the natural topography of the site. Major cut and fill proposals should be discouraged. Site clearing should be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air.

Natural cover should be retained to supplement required landscaping to the extent possible and reasonable. Landscaping should be provided which is in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements.

- K. Adequacy of location, arrangement, appearance and sufficiency of off-street parking and loading.

## **ARTICLE VII: WAIVER PROCEDURE**

The Planning Board may waive provisions of these regulations provided that:

1. Such waiver will not be contrary to the purpose or intent of these regulations and;
2. No such waiver creates a conflict with other applicable regulations and;
3. Compliance would pose an unnecessary hardship on the applicant.

Such waivers shall be recorded in the minutes of the Planning Board and shall be shown on the approved Site Plan, if applicable.

## **ARTICLE VIII: BONDING**

The Planning Board shall, where any site improvements are proposed by the applicant or required by the Planning Board, as a condition of approval, require the applicant to complete said improvements or provide security for the completion of said improvements within the time period established by the Planning Board, as the Planning Board determines to be appropriate. Such security may be in the form of a performance bond, letter of credit from a New Hampshire bank or such other form as the Planning Board shall determine to be appropriate. The amount of security required shall be no less than a fair estimate of the costs of the improvements plus an appropriate amount to account for future inflation and diminishing size of the project. Where the cost is nominal, the Planning Board may waive this requirement. The security shall not expire until the improvements are completed and accepted by the Town, or at a reasonable future time, allowing post construction inspection to assure adequacy.

## **ARTICLE IX: APPEALS**

Any person, aggrieved by an official action of the Board, may appeal there from in accordance with the provisions of RSA 677:15.

## **ARTICLE X: BUILDING PERMIT**

No building or zoning permit shall be issued for the construction of any structure, including additions, covered by these Site Plan Regulations unless the applicant first presents a Site Plan approved by the Planning Board to the Board of Selectmen or Agent.

## **ARTICLE XI: COMPLIANCE HEARINGS**

In cases where the Board has placed conditions precedent (one to be fulfilled before the project can be built), there must be a noticed public hearing in which abutters have a change to review and comment on compliance with the conditions precedent. Approval of a site plan, subject to a condition(s) precedent is conditional approval. It is not final approval. Site plans shall not be signed by the Board until all conditions precedent have been met.

## **ARTICLE XII: DEFINITIONS**

The definitions contained with the Grantham Zoning Ordinance shall apply.

## **ARTICLE XIII: AMENDMENTS**

Amendments to these Site Plan Review Regulations shall be made in the same manner in which amendments to Subdivision Regulations are made.

