

# SITE PLAN REVIEW REGULATIONS

Town of Hinsdale, NH

Adopted October 16, 1990

Amended May 21, 1996

Amended March 16, 1999

Amended January 20, 2004

Amended January 18, 2005

Amended May 16, 2006

### Section I - Authority:

Pursuant to the authority vested in the Hinsdale Planning Board by the voters of the Town of Hinsdale on March 13, 1973 in accordance with the provisions of RSA 674:43, the following rules shall govern the review and approval or disapproval of site plan applications.

### Section II - Purpose:

The purpose of site plan review is to ensure the orderly, safe, attractive, and proper design of non-residential and multi-family residential sites, whether or not such development includes the subdivision or re-subdivision of the site, consistent with the public health, safety, comfort, and welfare of the Town of Hinsdale.

For the purposes of these regulations, all non-residential and multi-family residential development shall be considered major, excluding kennel, stable, gift shop, antique shop, craft shop, roadside stands, customary home occupations, and similar uses upon the findings of the Board or its designee. Such impacts as traffic, number of employees, parking, etc. shall be considered in the decision.

Non-residential and multi-family redevelopment, alteration of the existing situation, conversion of use, installation, removal, replacement, reconditioning, etc. shall be considered major at the discretion of the Board or its designee.

For the purposes of these regulations, multi-family shall be defined as any residential structure containing more than two dwelling units. The term development shall mean any construction, or other improvements on a site, and shall specifically include any additions or alterations to an existing structure that changes its outward appearance. These regulations shall also apply to proposals which would change the use of an existing building or site, such as from residential to commercial, or from industrial to multi-family residential, etc.

### Section III - Procedure:

Whenever any development of a site governed by these regulations is proposed, or whenever any change to an approved site plan is proposed, before any pre-construction site work (except that which is necessary to perform required on-site tests) or building construction is begun, and before any building permit is issued, the owner or his authorized agent shall apply for, and secure approval of such proposed development in accordance with the following procedures:

- A. Pre-application consultations may take place between the applicant and the planning board as follows:

- 1) Such discussions shall take place at scheduled planning board meetings to discuss the general concept of the proposal and local regulations and procedures.
- 2) Such discussions shall be non-binding on either party, and shall not be grounds for future disqualification of any board member.
- 3) The planning board, or its designee, may engage in non-binding discussions with the applicant which involve more specific design and engineering details only after notice has been given as outlined in paragraph G.
- 4) During the pre-application meeting, the planning board shall determine which, if any, of the submission requirements will be waived for the application.
- 5) All such consultations shall be at the option of the applicant, and when involving a planning board designee, all his/her fees shall be paid by the applicant.
- 6) Persons wishing to meet with the planning board for a pre-application discussion shall contact the board's secretary at least one week before a scheduled meeting to be placed on the agenda. If abutter notification is required, the applicant must submit a list of all abutters at least 15 days prior to a scheduled meeting of the board, along with necessary fees to cover the costs of notification.

B. An applicant may submit a completed application for final site plan approval to the planning board, Town of Hinsdale, N. H. on the form provided by the planning board at least 15 days prior to a regularly scheduled meeting of the board at which the application will be formally submitted. The application shall be made by the owner of the property or his duly authorized agent. Notice shall be sent to abutters per paragraph G.

C. A completed application shall include:

- 1) Four copies of the site plan showing all data required in Section IV (Submission Requirements) of these site plan review regulations, and information proving compliance with the requirements in Section V (Construction Requirements) of the Hinsdale Subdivision Regulations,
- 2) The names and addresses of all abutters as indicated in town records five days prior to submission of the application, also name and business address of every engineer, architect, land surveyor or soils scientist whose professional seal appears on any plat submitted to the planning board, and
- 3) The payment of fees to cover the administrative and all notification costs as well as reasonable fees to cover the costs of special investigative studies, review of documents and other matters when warranted by particular applications.

D. The time frame for consideration and action shall be as follows:

1) The planning board shall, at the next regular meeting or within 30 days following the delivery of the application, determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve or disapprove within 65 days, subject to extension or waiver. The planning board may apply to the selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. The applicant may waive the requirement for planning board action within the time periods specified, and consent to such extension as may be mutually agreeable. Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the selectmen shall certify on the applicant's application that the plan is approved pursuant to this paragraph, unless within those 40 days the selectmen have identified in writing some specific site plan regulation provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15. Failure of the selectmen to issue an order to the planning board under the above, or to certify approval of the plat upon the planning board's failure to comply with the order, 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 regulations. If the court determines that the failure of the selectmen to act was not justified, the court may order the municipality to pay the applicant's reasonable cost, including attorney's fees, incurred in securing such order.

2) A public hearing shall be held on the application unless it is for disapprovals based on failure of the applicant to: supply information required by the regulations, including abutters' identification, meet reasonable deadlines established by the board, or pay costs of notice or other fees required by the board.

3) The planning board may grant conditional approval, which shall become final upon certification that the conditions imposed have been met without further public hearing when the conditions are minor plan changes, administrative conditions with no discretionary judgment of the planning board involved, or conditions regarding permits and/or approvals granted by other boards or

agencies.

- E. The grounds for disapproval of any application shall be adequately stated upon the records of the planning board, and in written notice given to the applicant.
- F. Upon approval of the final site plan, the chairman of the planning board shall certify said approval by written endorsement on the plan, signed and dated by the chairman. Approval of the final site plan by the planning board shall not constitute an acceptance by the town of the dedication of any street, highway, park, or other public open space. Approval shall be valid for one (1) year from approval date.

Once a plan has received final approval from the Board, no modification shall take place unless the modification of the plan has been approved by the Board. Modifications shall normally be treated by the Board as a new plan application, which will require notification of abutting property owners, a public hearing, and formal Board action.

Minor alterations, which will not cause increased impact and do not violate any of the conditions imposed by the Board as part of its approval may be approved by the Board designee. When the designee approves minor changes, the Board shall be notified in writing of such approvals within 30 days of the approval.

- G. Notice is required for submission of a completed application and public hearing and shall be given as follows:
  - 1) Sent by the planning board to the abutters and the applicant, and every engineer, architect, land surveyor or soils scientist whose professional seal appears on any plat submitted to the board, by certified mail, mailed at least 10 days prior to the meeting
  - 2) Posted for the general public at least 10 days prior to the meeting
  - 3) The notice shall give the time, date, and place of the planning board meeting, shall include a general description of the proposal, and shall identify the applicant and location of the proposal.
  - 4) If notice of a public hearing is included in a prior notice (such as that for acceptance of the completed application), then additional notice is not required. Also, additional notice is not required for an adjourned hearing provided that the date, time, and place of the continued hearing is made known at the adjourned meeting.
  - 5) All costs for such notice shall be paid in advance by the applicant, and if not, shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

H. The applicant shall tender offers of cession in a form certified as satisfactory by the applicant's counsel of all land included in streets, highways, or parks not specifically reserved by him, but approval of the final site plan by the board shall not constitute an acceptance by the town of the dedication of any street, highway, park, or other public open space. The final site plan shall be accompanied by either:

1) Certificates of street and utility improvements: A certificate from the town engineer and the road agent stating that all streets shown on the plat have been graded with gravel and improved, sanitary sewers, water utilities, storm drainage, and other facilities and monuments have all been installed in accordance with the town engineer's specification and the requirements of the planning board; or

2) Performance guarantee: The developer shall file a duly completed and executed bond, escrow agreement, or other collateral, certified by the town attorney as valid and enforceable by the town, with the planning board. This guarantee shall be in an amount satisfactory for securing and making the installation of all improvements required by the planning board, pursuant to Section V. Furthermore, the sub-divider shall be financially responsible for the maintenance of all streets and other facilities owned by him until such time as they are accepted by the town. The board shall normally require a bond in an amount determined by it as adequate to cover the cost of said maintenance. These guarantees shall be retained by the selectmen until the improvements have been satisfactorily completed. Twenty five percent (25%) of said bond shall not be released until the improvements, as finally completed, shall have survived one winter to the town's satisfaction.

#### Section IV - Submission Requirements:

The site plan shall measure 22" x 34" and shall be drawn at a standard scale suitable to adequately depict the detail required. If necessary, a plan shall be submitted which shows the boundaries of the entire parcel and the location of the proposed development along with any existing development. The remaining three required site plan copies shall measure 11" x 17".

Site plans shall include the following information, unless a waiver is requested in writing and is granted by the planning board:

- A. Names and addresses of owners of record; names and addresses of abutting land owners; name, address, and stamp of preparer; and the scale, north arrow, and date.
- B. A legal survey, with the proper state stamps, of all property lines and markers showing the length and direction from mark to mark, and their relation to surrounding streets, public walks, and abutting properties.

- C. A vicinity sketch showing the location of the site in relation to the streets.
- D. The location of all existing and proposed:
  - 1. buildings, structures, and signs within the site;
  - 2. all off-street parking and loading facilities, including a layout of parking and loading spaces and proposed access points to the site;
  - 3. pedestrian walks providing ingress and egress to the property as well as within the site;
  - 4. walls and fences on and contiguous to the property, including their height;
  - 5. trees, shrubs, and other landscaping.
- E. The location and size of existing and proposed public and private utilities including but not limited to:
  - 1. water lines on and within 100' of the site;
  - 2. public sewer lines on and within 100' of the site;
  - 3. on-site sewage disposal systems, including septic tanks, sewer lines, sewer pumps, and leach fields;
  - 4. fire hydrants or fire ponds on or within 100' of the site; all fire ponds must be enclosed by a minimum eight foot high chain link fence;
  - 5. power transformers, utility poles, underground power lines, underground utility or phone lines, utility manholes, street lighting and on-site lighting including sign lighting.
  - 6. stormwater drainage system including storm drain ditches, swales, retention ponds, and drainage structures such as catch basins, pipes, and outlets, showing the proposed method for disposing of surface runoff.
- F. Existing and proposed topography at a minimum contour interval of two feet.
- G. The location of natural features such as wetlands, ponds, rivers, streams, or other bodies of water.
- H. Base Flood Elevation (BFE) data (i.e. floodplain boundary and 100-year flood elevation) where the proposal for development is greater than 50 lots or

5 acres, whichever is the lesser.

- I. Soil types and boundaries.
- J. Erosion and sedimentation control provisions.

#### Section V - General Standards and Requirements:

The proposed use, building design, and layout of the site shall meet the provisions of the zoning ordinance and other applicable regulations and ordinances of the town, and shall meet the intent of the land use plan. Furthermore, in reviewing a site plan, consideration will be given to the following:

- A. The layout of the site to obtain a balance between open space, pavement, and buildings in regards to safety, convenience, aesthetics, and prosperity.
- B. The relationship of access points to the adjacent street network.
- C. The relationship of proposed buildings to the surrounding area.
- D. The physical environment and topography, including the proposed grading of the site.
- E. The provision of amenities such as recreational areas, outdoor eating facilities, etc.
- F. The landscaping plan, including the retention of existing trees, shrubs, gardens, walls, and fences as well as proposed plantings and landscaping.
- G. For sites which are adjacent to residential property, the adequacy of screening consisting of a solid fence or evergreen plantings, at least six feet in height and maintained to shield the residential use from the proposed commercial or industrial use.
- H. The provision and adequacy of utilities, including water supply, sewage disposal, storm water drainage, electric, gas, telephone, and other utility lines.
- I. The provision and adequacy of fire protection measures, including access and maneuvering areas for fire suppression apparatus, location of existing and/or new fire hydrants, and location of fire and emergency access lanes or roads.
- J. The layout of vehicular and pedestrian circulation on the site, including the number and location of access points in relation to existing traffic controls and nearby streets and driveways, the width of driveways, the arrangement of parking areas in regards to safety and convenience, and the separation of pedestrian and

vehicular traffic.

K. The ability of the site to be used for building purposes without danger to health or safety due to the physical characteristics of the site.

L. For site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

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 (BFE) 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.

#### Section VI - Waiver:

Upon request by the applicant or upon the motion of any regular member, the planning board may vote to waive in whole or in part the requirements of Section IV when, in the opinion of the board, strict conformity would pose an unnecessary hardship to the applicant, and such waiver(s) would not adversely compromise the spirit and intent of the Site Plan Review Regulations.

#### Section VII - Separability:

The invalidity of any provision of these regulations shall not affect the validity of any other provision.

#### Section VIII - Amendments:

These regulations may be amended by the planning board only after a public hearing on the proposed amendments, in accordance with RSA 675:6.

Section IX - Enforcement:

The board of selectmen is charged with the responsibility of enforcing the provisions of these regulations.

Section X - Penalties:

A violation of any provision contained in these regulations may be punishable by a civil fine of \$100 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 Town of Hinsdale that he is in violation of these regulations, whichever date is earlier. In addition, nothing herein shall prohibit the Town of Hinsdale from seeking injunctive or equitable remedies as provided by law