

TOWN OF STODDARD, N. H.
SITE PLAN REVIEW REGULATIONS

ADOPTED: February 05, 1996

Amended 4/1996, 5/2010

TOWN OF STODDARD, NEW HAMPSHIRE SITE PLAN REVIEW REGULATIONS

SECTION I. AUTHORITY

Pursuant to the authority vested in the Stoddard Planning Board voted on at the August 09, 1988 Special Town Meeting (Article #3), and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Stoddard Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multi-family dwelling units (more than two units), whether or not such development includes a subdivision or resubdivision of the site. These regulations shall be known as the "Site Plan Review Regulations, Town of Stoddard, N. H."

SECTION II. PURPOSE

The purpose of the Site Plan Review procedure is to protect the public health and safety, to promote balanced growth, to promote the timing of development of land to prevent premature and uncoordinated development of land without 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.

The Site Plan Review Procedure in no way relieves the developer or authorized agent 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.

SECTION III. DEFINITIONS

The definitions contained in the Stoddard Community Planning Ordinance and in the Subdivision Regulations shall apply to the Site Plan Review Regulations, where applicable.

SECTION IV. PROCEDURE

A. General

Whenever any development or change or expansion of use of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as previously approved by the Planning Board; before any construction, building development or change is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; the owner of the property or authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

The Planning Board shall have the responsibility for making the final decision as to the application of these regulations to any proposed development, change or expansion of use.

In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

1. If the proposal involves a change of use category, e.g., from residential to commercial, or from single family to multi-family.
2. If the proposal involves external modifications or construction, including parking lots (repair, maintenance and replacement in kind is exempted).
3. If a change of use or expansion involves significant impact upon traffic & circulation, parking, or lighting; for example: a change from a ladies' shoe store to a men's shoe store of the same size would not involve significant impact, but a change from a sit-down restaurant to a fast-food restaurant possibly would.

B. Preapplication Review (Optional)

Pursuant to RSA 676:4,II (a), (b) & (c), an applicant may, at their discretion, meet with the Board to discuss the concept of the proposal prior to formal submission of the application. This preapplication review will occur only at public meetings and will be nonbinding on both parties.

C. Filing of Application

1. Application forms and checklists are available at the Stoddard Town Offices during regular business hours. The application shall be filed with the Secretary of the Planning Board at least 15 days prior to a regular meeting of the Board.

2. Acceptance of an application shall occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4, I (d). The Board shall review the application, plans and accompanying documentation, and determine whether they are complete, as provided in these regulations, prior to a vote to accept the application and prior to consideration of the merits of the application. Incomplete applications will not be accepted by the Planning Board. Acceptance shall be by affirmative vote of a majority of the Board members present.

3. The applicant shall provide 4 copies of the plan for the Planning Board's review.

D. Board Action on Completed Application

1. The Planning Board shall begin consideration of the Accepted Application within 30 days of its submission. The Board shall act to approve, conditionally approve or disapprove the Accepted Application within 90 days of submission.

2. The Board may apply to the selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. (RSA 676:4, I (f)).

3. Approval of the application shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Planning Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within 72 hours of the decision.

E. Failure of the Planning Board to Act

In the event that the Planning Board does not act on an Accepted Application within the prescribed 90 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days. If the Planning Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find, in writing, that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

F. Public Hearing

Prior to the approval of a site plan, a public hearing shall be held as required by RSA 676:4, I (d) with notice given to the applicant, abutters and the public, as follows:

1. Notice of the public hearing shall be given by the Planning Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the public hearing.
2. The public will be given notice at the same time, by posting at the Town Hall and Town Bulletin Board and the daily Keene newspaper.
3. The notice shall give the date, time and place of the Planning Board meeting at which the Application will be formally reviewed by the Planning Board. It shall include a general description of the proposal which is to be considered and shall identify the Applicant and the location of the proposal.
4. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of a continued session of a hearing provided that the date, time and place of the continued session were made known at the meeting.

G. Approvals

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one year, the approval is considered null and void and the applicant must submit a new site plan application. A further public hearing is not required when such conditions:

1. are administrative in nature,
2. involve no discretionary judgment on the part of the Board, or
3. involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board or Water Supply and Pollution Control Division. Any subsequent change to the plan based upon such approvals shall require a new submission of application.

Site Plan approval shall be considered void if no substantial work is done on the project in one year's time.

H. Developments Having Regional Impact

If the Board votes to accept an application as complete in accordance with Section III (C) (2), then it shall immediately proceed to a review of the application for potential regional impacts in accordance with RSA 36:54-57. Upon such a finding, the Board shall furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Planning Board shall notify, by certified mail, the Regional Planning Commission and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

I. Site Inspections

1. Whenever the Planning Board deems it necessary, for the consideration of an application, to visit the site the Board shall request permission from the applicant.
2. Such a site visit shall be posted as a meeting of the Planning Board pursuant to the Right-to-Know provisions of RSA 91-A. A quorum of the Board must be present and minutes shall be kept.
3. All applications are conditioned upon the property owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access terminates further consideration of the proposal.

SECTION V. ADMINISTRATIVE FEES

A. Filing Fees

All applications shall be accompanied by a check of (refer to fee schedule) to reimburse the Planning Board for its administrative and notification costs involved in processing applications. In the event the notification costs exceed the scheduled amount, the applicant will be so notified. All costs of notices, whether mailed, posted or published, shall be paid in advance by the Applicant.

B. Processing Fees

Pursuant to RSA 676:4, I (g) it shall be the responsibility of the Applicant, if the Planning Board deems it necessary, to pay reasonable fees for special investigative studies, review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration of the application.

SECTION VI. PERFORMANCE GUARANTEE

The Planning Board may require that a performance bond, irrevocable letter of credit or other acceptable means of security, the amount and form to be determined by the Planning Board, be posted by the applicant and held by the town until the town is satisfied that all conditions of the site plan approval and any other pertinent zoning, subdivision or building regulations have been met.

A licensed engineer may be hired by the Town, to inspect all site improvements to guarantee compliance with the conditions of bonding. All costs of any such review shall be paid by the applicant. The performance bond shall be released in phases as portions of the secured improvements or installations are completed and approved by the Planning Board or its designee. If a performance bond or other means of security is required by the Planning Board, then the Board of Selectmen and/or Compliance Officer shall be responsible for insuring that the applicant complies with all conditions as set forth by the Planning Board. The criteria for release shall be established by the Planning Board prior to conditional approval.

SECTION VII. SUBMISSION REQUIREMENTS

The plat shall show or be accompanied by the following information, unless any of these items are waived by the Planning Board. One Mylar and three (3) paper copies shall be submitted.

A. Existing Data

1. Name of project, if applicable; location of site; names and addresses of owners of record; all abutting land owners and uses of abutting land within 200 feet of the proposed site, obtained within 30 days of submission.

2. North arrow, date of the plan, scale (1"=60'); a vicinity sketch (suggested scale 1"=500') showing the location of the site in relation to the existing public streets; and the zoning district(s).

3. Name, address, license number and seal of person preparing the plan. Such map shall be prepared by a licensed land surveyor or registered professional engineer, in accordance with the procedures and technical standards adopted by the New Hampshire Board of Licensure for Land Surveyors.

4. The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions and the lot area in acres and/or square feet.

5. The existing grades, drainage system, structures and topographic contours, at intervals not exceeding twenty feet, with spot elevations where the grade is less than 5 percent.

6. The use, size, height and location of existing structures located on the site and location and use of those within 200 feet of the site.

7. Natural features such as streams, marshes, lakes or ponds. Wetlands, as defined by the Town of Stoddard Wetlands Conservation District Ordinance.

8. Man-made features such as, but not limited to, existing roads and structures. The map will also show clearly which man-made features are to be altered or removed.

9. The size and location of all existing public utilities. This shall include the location and size of existing public utilities located off-site and to which connection is planned.

10. Soil survey data from the Cheshire County Conservation District Soils Map.

11. Location of on-site well and waste disposal system, meeting NHWSPC standards.

B. Proposed Plan

1. The proposed grades, drainage systems, structures and topographic contours at intervals not exceeding 2 feet, with spot elevations where appropriate.

2. The shape, size, height, location and use of proposed structures, including expansion or alteration of existing structures. Drawings should show exterior design and appearance.

3. Width and inside radii of curves or all proposed streets, driveways and sidewalks, with indication of direction of travel for any which are one-way. Both vehicular and pedestrian circulation shall be shown.

4. An access plan showing means of access to the site, curb cuts and proposed changes (if any) to existing streets, including traffic control devices necessary in conjunction with the site development.

5. Location and total number of parking spaces, loading spaces and other similar facilities associated with the structure.

6. The size and location of all proposed public and private utilities, to include location and distance to all fire hydrants, if applicable.

7. The location, types and size of all proposed landscaping and screening.

8. The location, type and nature of all proposed exterior lighting.

9. A storm drainage plan, including plans for the retention and slow release of storm water where necessary, and plans for snow removal and/or storage.

10. Soil erosion and sediment control plan in accordance with town and Cheshire County Conservation District standards.

11. Location of on-site well and waste disposal system, meeting NHWSPC standards.

C. Other

1. The application shall be accompanied by any necessary Federal, State or local permits and approvals.

2. The Planning Board may require such additional information, as it deems necessary in order to apply the regulations contained herein. The cost of obtaining such information or conducting necessary study shall be borne by the applicant. Such additional information may take the form of an impact analysis, which takes into account the following items to the extent the Board deems applicable:

a. Demographic Description.

b. Community Facilities Impacts (sewage disposal, water system, traffic, schools, public safety, stormwater management, recreation).

c. Environmental Impact Analysis.

Should the Board determine that some or all of the above-described information is to be required, the applicant shall be notified in writing within ten (10) days of the public hearing at which the determination was made.

D. "As Built" Plans

Supplemental information may be required by the Board to update the final plat to reflect "as built" conditions and details. The plan shall show any easements and dedicated roadways. A security bond may be required to guarantee performance of the applicant's obligations as described herein. "As built" plans shall be submitted to the Board.

SECTION VIII. GENERAL STANDARDS

A. Design of development should fit the existing natural and manmade 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 where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped within 12 months from the start of construction or in the time frame designated by the Planning Board.

2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs or trees where appropriate.

3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties.

B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas adjoining nonresidential sites:

Buffer strips (10 feet minimum - distance largely dependent upon the density of development in the area) must be maintained between commercial use and residential uses. Buffer strip between adjacent nonresidential and residential uses must contain vegetation, approved by the Planning Board, which will screen nonresidential uses from sight of the residential uses during winter months.

C. Screening must be provided to reduce visual pollution:

1. If storage or inventory is to be maintained on the area visual screening may be required.

2. Litter (garbage) collection areas must be contained and screened.

3. The use of either fencing or hedges is permitted.

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 into public streets.

2. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking and /or loading or unloading 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 runoff conditions that would have detrimental effect on abutting or neighboring properties.

a. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate runoff; however, the Board may require that access, parking and loading areas be conventionally paved if appropriate.

E. Erosion and Sediment control:

1. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins and other such devices, shall be constructed prior to any on-site grading or disturbance of existing surface material.

2. Control measures, both during construction and any permanent controls to remain after construction, shall be shown and shall conform to NHDES standards.

3. Ensure that stripping of vegetation, regrading or other development will be done in such a way that will minimize soil erosion. Temporary seedlings 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 and be consistent with the town sign ordinance. Moving, fluttering, blinking or flashing lights or signs are not permitted.

3. Outdoor lighting is restricted to that which is necessary for advertising and security of the development and determined by the applicant and the Planning Board.

G. Access to Public Streets: will meet the requirements of the NH Department of Transportation and/or the Town of Stoddard, as applicable. Road construction shall conform to the road standards as specified by the governing body, which has jurisdiction.

H. Water supply and Sewage Disposal Systems: must be sized to adequately meet the needs of the proposed use under the regulations of the NH Water Supply and Pollution Control Commission. It shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewerage disposal system.

I. Special Flood Hazard Areas: 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. All proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

1. all such proposals are consistent with the need to minimize flood damage;

2. all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and

3. adequate drainage is provided so as to reduce exposure to flood hazards.

J. Underground fuel storage tanks: shall comply with the standards of the NH Water Supply and Pollution Control Division.

K. Stormwater Drainage: An adequate stormwater drainage system developed by a certified engineer for the entire development area may be required.

L. Specifications and construction features: which will attenuate or otherwise prevent the emission of undesirable and preventable elements of pollution such as noise, smoke, soot, particulate or any other discharge into the environment which might prove harmful to persons, structures or adjacent properties will be included in supporting documentation, including the following:

1. Groundwater Protection: The quality of the groundwater will not be adversely affected by the proposed development. In addition to meeting the above requirements, the applicant may be asked to show that the proposed development will not otherwise violate the rules and regulations of the NH Department of Environmental Services with regard to groundwater.

2. Air Quality: Smoke, soot, particulates or other discharge into the air, which might prove harmful to persons, structures or adjacent property, shall not exceed the levels established under the New Hampshire ambient air quality standards.

3. Odor: No odors, which cause annoyance to abutting property owners, shall be permitted.

4. Noise: Levels at the property boundaries shall not exceed levels determined to be harmful to health and welfare under regulations adopted by the Environmental Protection Agency, 42 USC Chapter 65, Noise Control, et. seq.

M. Where required by law, all buildings shall have access for handicapped persons.

SECTION IX. ADMINISTRATION AND ENFORCEMENT

These regulations shall be administered by the Planning Board. Enforcement shall be by the Board of Selectmen and/or Compliance Officer, who shall not issue any building permit for construction which requires site plan approval until or unless such planned construction has received site plan approval by the Planning Board.

SECTION X. WAIVERS

Any portion of these regulations may be waived where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant, and such waiver would not be contrary to the spirit and intent of the regulations.

SECTION XI. APPEALS

Decisions of the Planning Board are appealable to Superior Court as set forth in RSA 677:15.

SECTION XII. REVOCATION OF PLANNING APPROVAL

An approved site plan may be revoked by the Planning Board in whole or in part, under certain circumstances, as set forth in RSA 676:4-a.

SECTION XIII. VALIDITY

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

SECTION XIV. ADOPTION

These regulations, and any amendments thereto shall take effect upon their adoption, and all other site plan review regulations, or apart thereof, inconsistent therewith are hereby repealed.

Adopted: February 05, 1996

Section XV - National Flood Insurance Program

The applicant shall conform to NFPI as adopted by the Town of Stoddard on May 11, 2010.

For site plan reviews that involve land designation as: Special Flood Hazard Areas (SFHA) by the National Flood Insurance Program (NFIP):

A. The Planning Board shall review all 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 494 of the Federal Water Pollution Control act Amendments of 1972, 33 USC 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 Floor 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.

SITE PLAN REVIEW CHECKLIST
DOES THIS PROPOSAL CONSTITUTE A DEVELOPMENT HAVING
REGIONAL IMPACT (RSA 36: 54)? /YES /NO

Submitted _____ General Plat Requirements
Yes No Waived (date) Existing Date:

____ _ 1. Location of site, names and addresses of
owners of record and all abutting landowners
and uses of abutting land.

____ _ 2. North arrow; vicinity sketch, zoning
district(s); date of plan, scale.

____ _ 3. Name, seal and address of engineer/surveyor.

____ _ 4. Boundary lines of the area included in the
site, angles or bearing of the lines, dimensions and lot area.

____ _ 5. Existing grades, drainage systems, and
topographic contours at intervals not
exceeding twenty (20) feet; spot elevations
where the grade is less than 5%.

____ _ 6. Size, shape, height, location of existing
structures on the site and within 200 feet of
the site boundary and location of proposed
structures within 200 feet of the site
boundary.

____ _ 7. Streams, marshes, lakes, ponds, wetlands,
other natural features on the proposed site
and within 200 feet of the proposed site.

____ _ 8. Existing roads, structures and other
man-made features, including any which are
to be altered or removed.

____ _ 9. Type and location of all existing public
utilities, including any which are off-site and
to which connection is planned.

____ 10. Soil survey date from the USDA Soil Survey of
Cheshire County Soils Map.

____ 11. Location of on-site well and waste disposal
system conforming to the New Hampshire
Water Supply and Pollution Control
Commission regulations.

GENERAL PLAT REQUIREMENTS

Submitted

Yes No Waived (date) Proposed Plan:

____ 1. Proposed grades, drainage systems and topographic contours at intervals not exceeding five (5) feet, with spot elevations where appropriate.

____ 2. Exterior design, exterior surface materials including nature, color and texture, and appearance, shape, size, height, location and use of the proposed structures, including any proposed expansion or alteration of existing structures.

____ 3. Width and inside radii of curves for all proposed streets, driveways and sidewalks, indication of direction of travel for any streets which are one way.

____ 4. Access plan, curb cuts, traffic control devices; vehicular and pedestrian circulation.

____ 5. Location, area, and total number of parking spaces and loading areas.

____ 6. Type and location of all proposed public and private utilities.

____ 7. Location, type and size of all proposed landscaping and screening.

____ 8. Location and type of exterior lighting.

____ 9. Plans for storm drainage and snow removal and/or storage.

____ 10. Soil erosion and sediment control plan.

____ 11. Location of on-site well and waste disposal system.

ITEMS TO ACCOMPANY SITE PLAN REVIEW APPLICATION

Required		Submitted	
Yes	No	Yes	No

___	___	___	___	1. State Road access: approval from the NH Department of Public Works and Highways.
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___	___	___	___	2. Waste disposal approval, if required, from the New Hampshire Water Supply and Pollution Control Division.
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___	___	___	___	3. A statement of evaluation of the plan by the Stoddard Fire Chief.
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___	___	___	___	4. Copy of any approvals granted by Zoning Board of Adjustment either a variance or special exception.
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___	___	___	___	5. Approval from NH Division of Public Health Services for all food service establishments.
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___	___	___	___	6. Statement concerning any potentially unpleasant or noxious emissions, including noise, light, smoke, soot, odors or particulates.
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FEE SCHEDULE

Application fee: \$100.00

Certified Mailings to Abutters: \$8.00 each

Advertising: actual cost

Date Received: _____

APPLICATION FOR SITE PLAN REVIEW

To: Stoddard Planning Board

Name of Applicant: _____ Telephone #: _____

Address: _____

Location of Property: _____
Tax Map # Lot #

Street # Street Subdivision

Owner of Property: _____

This Application is for:

_____ A new business

_____ An expansion of an existing business

_____ A change of Use

Please describe your proposed project (use an attachment if necessary):

By applying for this Site Plan Review, the applicant agrees to allow site visits by the Board members and the public as a public meeting.

Signed: _____
Applicant

The Stoddard Planning Board strongly suggests a preliminary consultation with the Board to determine what documents will be needed for their review of your application. To schedule an appointment with the Stoddard Planning Board contact: Secretary, Patricia E. Putnam at 446-7104 or email to papasmurf@inc-net.com.