

SITE PLAN REVIEW REGULATIONS

Adopted May 13, 1980, and as Amended

SECTION I: AUTHORITY AND PURPOSE

Pursuant to the authority vested in the Jaffrey Planning Board by the voters of the Town of Jaffrey at Town Meeting March 12, 1979, and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, the Jaffrey Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multifamily 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.

The general purpose of these regulations is to promote the health, safety, and prosperity of the town and to preserve and enhance the quality of life, including protection of the community's environment. Specific aims include safe and attractive development preservation of scenic views consistent with the surrounding properties with particular consideration given to structures or features of historic, cultural, or natural significance; safety from fire, flood, and other dangers; prevention of the overcrowding of land; protection of the quality and availability of water supply and of the quality of light and air; promotion of healthful, safe, and pleasant conditions of habitation; and assurance that the environment will be preserved and protected from avoidable harm and from undesirable and preventable elements of pollution. (Amended 2001)

SECTION II: DEFINITIONS

The definitions contained in the Jaffrey Zoning Ordinance and in the Subdivision Regulations shall apply to the Site Plan Review Regulations where applicable.

SECTION III: PROCEDURE

(A) General

Whenever any development or change of use of a site governed by these regulations is proposed or whenever any changes are proposed that differ from an existing site plan as previously approved by the Planning Board, before any construction, land clearing, 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 his 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.

Where there is any doubt as to whether a project requires Site Plan Review, the affected party should request a determination from the Planning Board. Said determination as provided for in Section IV of RSA 674:43 shall be recorded in the minutes of the Planning Board.

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) Activities most likely to be subject to site plan review.
 - a) new construction
 - b) change of use category
 - c) external modification or impact, including parking areas

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d) projects involving a property which has never been subject to site plan review for previous non-residential or multi-family use.

(2) Activities not likely to be subject to site plan review.

- a) projects that involve no change in use or level of activity
- b) internal modification to non-residential use that do not affect scale of impact of existing use
- c) re-use of premises for which site plan review has been conducted, provided the new use is not different in type or impact.

(B) Filing of Application

- (1) Application forms and a checklist are available from the Planning Board Clerk at the Jaffrey Town Offices during regular business hours. Upon completion of all submission requirements including four copies of the plat, the applicant shall return the materials to the Planning Board Clerk no later than 21 days prior to the next regularly scheduled Board meeting.
- (2) The Building Inspector or other designated agent of the Board will then review the plan for completeness. If the plan is incomplete, the applicant will be advised of the need for a meeting to discuss the necessary steps to take in completing the application. An incomplete application will not be submitted to the Board.
- (3) Upon determination that the application is complete, the Planning Board Clerk will be advised in writing that the application is ready for submission to the Board. A copy shall be sent to the applicant.
- (4) Submission and acceptance of an application shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4,I(d). Acceptance will be by affirmative vote of a majority of the Board members present.
- (5) When a completed application has been accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of acceptance, which is the start of the 65-day review. (Amended 2001)

(C) Board Action on Completed Application

- (1) The 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 65 days of submission. (Amended 2001)
- (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 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 144 hours of the decision. (Amended 2001)

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(D) 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 submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the hearing.
- (2) The public will be given notice at the same time by posting in the Town Offices and the Post Office and publication in the local weekly newspaper.
- (3) The notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal that 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 an adjourned session of a hearing provided that the date, time, and place of the adjourned session is made known at the meeting.

(E) Concurrent and Joint Hearings

The Planning Board may hold a hearing on a site plan review in conjunction with a subdivision hearing if both are required for the same project. A hearing for site plan review may also be conducted at the same time and place as hearing before the Historic District Commission or the Zoning Board of Adjustment.

(F) 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 resubmit a new site plan application. A further public hearing is not required when such conditions:

- (1) are administrative in nature; or
- (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 (e.g., the Department of Transportation, the Wetlands Board, or the Water Supply and Pollution Control Division). Any subsequent change to the plan based upon such approvals shall require a new application submission.

Site plan approval shall be considered void if no substantial work is done on the project in one year's time. The Planning Board may specify the scope of work to be completed within a year's time that will constitute active and substantial development in order for the four-year exemption to apply. All conditions shall be noted on the plat.

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(G) Developments Having Regional Impact

All applications shall be reviewed for potential regional impacts according to a determination of the Board. 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 is made. The copies shall be sent by certified mail within 144 hours of the meeting. At least 14 days prior to the scheduled public hearing, the 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. (Amended 2001)

(H) Special Flood Hazard Areas (Amended March 2006)

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.

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). The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading, and land treatment plans) 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.

(I) Failure of the Planning Board to Act

In the event that the Planning Board does not act on an accepted application within the prescribed 65 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. (Amended 2001)

SECTION IV: FEES

All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications. The following fee schedule is in effect:

- (1) Minor Site Plan: \$50
- (2) Nonresidential Construction
 - (a) less than 10,000 square feet: \$250
 - (b) 10,000 square feet or more: \$500
- (3) Multifamily Construction (per dwelling unit): \$100

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- (4) Plus \$3.50 for each abutter.

All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.

Pursuant to RSA 676.4 I (g), it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses, and other matters that may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

SECTION V: PERFORMANCE GUARANTEE

As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets, public improvements (*e.g.*, drainage structures, water and sewer drains, landscaping, lighting, and signage). The amount of the security shall be based on an estimate of costs provided by the applicant and, at the discretion of the Planning Board, reviewed by a licensed engineer. All costs of any such review shall be paid by the applicant.

- (A) The security shall be approved as to form and sureties by the Board and the municipal counsel. The amount of the security shall include fees to cover the cost of periodic inspections.
- (B) Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- (C) Each approved plat shall contain a time limit for the completion of streets and public improvements.
- (D) The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee in accordance with the plan approved by the Board.

SECTION VI: SUBMISSION REQUIREMENTS

- (A) Existing Data

- (1) Name of project, if applicable, location of site, names and addresses of owners of record, all abutting landowners, and uses of abutting land.
- (2) North arrow, date of the plan, scale (1"=40' suggested); 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.

Name and address of person or firm preparing other data and information, if different from preparer of map.

- (3) 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 square feet.

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- (4) The existing grades, drainage systems, structures, and topographic contours at intervals not exceeding five feet with spot elevations where the grade is less than 5 percent. A bench mark to be located in an area not likely to be disturbed during construction. (Amended 2003)
- (5) The shape, size, height, and location of existing structures located on the site and those within 200 feet of the site.
- (6) Natural features such as streams, marshes, lakes, or ponds. Wetlands, as defined by the Town of Jaffrey Wetlands Conservation District Ordinance.
- (7) Man-made features such as, but not limited to, existing roads, utility connections, and structures.

The map will also show clearly which man-made features are to be altered or removed.

- (8) The capacity or 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.
- (9) A vicinity sketch (suggested scale 1"=500') showing the location of the site in relation to the existing public streets; the zoning district and boundaries for the site and within 1,000 feet of the site shall be shown where applicable.
- (10) Soil survey data from the Town of Jaffrey Soils Map.

(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 of all proposed streets, driveways, and sidewalks, with indication of direction of travel for any that are one way.
- (4) Location and total number of parking spaces, loading spaces, and other similar facilities associated with the structure shall be shown.
- (5) The size and location of all proposed public and private utilities, to include location and distance to all fire hydrants.
- (6) The location, types, and size of all proposed landscaping and screening.
- (7) The location, type, and nature of all proposed exterior lighting.
- (8) 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.
- (9) A circulation plan for the interior of the lot showing provisions for both auto and pedestrian circulation. 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.

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(10) Road Standards

- (a) For all roads intended to be dedicated for public use, the applicant will meet the town road standards, as detailed in the "Jaffrey Subdivision Regulations."
- (b) For all roads, approaches, and driveways intended to remain in private ownership, the applicant will meet town road standards unless he can demonstrate to the satisfaction of the Board that a lesser standard will meet all usage and safety needs.

(C) Necessary Permits

The application shall be accompanied by any necessary Federal, State, or local permits and approvals (refer to Site Plan Review Checklist).

(D) Additional Information

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.

(E) "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 on mylar.

SECTION VII: DESIGN AND CONSTRUCTION REQUIREMENTS

- (A) Traffic access to the site from town streets shall ensure the safety of vehicles and pedestrians.
- (B) Improvements to existing streets shall include signal devices if necessary because of increased traffic generated by the project.
- (C) Landscaping and screening shall be provided relative to adjacent properties, the public highway, and within the site, including interior landscaping of large (over three rows) parking areas.
- (D) Circulation (vehicle and pedestrian) shall be designed to ensure safety and also passage of emergency vehicles.
- (E) Storm drainage shall be designed for a 25-year flood, and if the existing drainage system to which the site drains is inadequate, provisions shall be made for retention and gradual release of storm water in order to meet the 25-year flood demand. In cases and situations where the terrain and location make it advisable, the Planning Board may require that the design meet requirements for a 25-year flood.
- (F) Provision shall be made for snow storage during winter months.
- (G) Provision shall be made for the site to be serviced by necessary utilities that may include fire prevention, domestic use, sanitary sewer, electricity, fuel storage, and gas.

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- (H) Underground fuel storage tanks shall comply with the standards of the NH Water Supply and Pollution Control Division, as set forth in Part Env-WS 411, NH Code of Administrative Rules.
- (I) Provision shall be made for outdoor lighting. Exterior lighting shall be of such design and construction as to ensure safe lighting for the site, but not to intrude onto structures not part of the site, onto any road, or overhead.
- (J) Provision shall be made for the protection of natural features including scenic views, both on and off site. (Amended 2001)
- (K) All development shall meet the standards and requirements of applicable town ordinances and regulations dealing with the use of land.
- (L) Construction requirements shall be in accordance with the established standards of the State of New Hampshire and the Town of Jaffrey. Alternate provisions, where permitted, may be considered by the Planning Board. The exterior surface materials shall be specified to include nature, color, and texture.
- (M) The proposal must be consistent with the need to minimize flood damage. All public utilities and connections will be so designed and constructed as to reduce to a minimum exposure to flood hazards and to minimize infiltration of floodwaters into water supply systems or sanitary sewer systems. On-site waste disposal systems shall be designed and located as to avoid impairment of contamination from them in the event of flooding.
- (N) Specifications and construction features that will attenuate or otherwise prevent the emission of undesirable and preventable elements of pollution (*e.g.*, as noise, smoke, soot, particulate, or any other discharge into the environment that might prove harmful to persons, structures, or adjacent properties) will be included in supporting documentation.
- (O) For reasons of public safety the Planning Board may require that the applicant furnish an easement enforceable by the Town of Jaffrey to control present or future vegetation which might impinge on sight distances on public or private roads.
- (P) The Planning Board may require as a condition of approval for a subdivision or site plan that development shall be so designed and so executed as to preclude runoff onto public or private ways or adjacent properties to include wetlands. In this connection, the Planning Board recommends that new development or changes to existing development adhere to the best management practices as published in the NH Department of Environmental Services booklet "Nonpoint Source Pollution" dated January 2004. (Amended 2004)

SECTION VIII: STANDARDS OF PERFORMANCE

- (A) Nothing in these regulations is intended to supersede Federal or State standards, to which, as a minimum, all construction and operations must conform.
- (B) All construction shall also conform with the standards and provisions of the current version of ICC and Life and Safety Codes as applicable.
- (C) The standard for avoidance of undesirable and preventable elements of pollution (*e.g.*, noise, smoke, soot, particulate, or any other discharges into the environment that might prove harmful to persons, structures, or adjacent properties) is that the applicant will employ the best technology economically available at the time.

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- (D) The goals for elimination or attenuation of noise pollution shall be: The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity regulated by these regulations shall be as established by the time period and type of land use district as listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four feet above the ground.
- (1) Daytime (7:00 am - 7:00 pm) sound pressure limit measured in dBA of 65 at internal property boundaries within the commercial or industrial districts, and 60 dBA measured at the nearest edges of a residential district as defined in the *Jaffrey Zoning Ordinance*.
 - (2) Nighttime (7:00 pm - 7:00 am) sound pressure limit measured in dBA of 60 at internal property boundaries within the commercial or industrial districts and 50 dBA measured at the nearest edges of a residential district as defined in the *Jaffrey Zoning Ordinance*.

SECTION IX: ADMINISTRATION AND ENFORCEMENT

These regulations shall be administered by the Planning Board. Enforcement shall be by the Board of Selectmen. The Building Inspector or the Selectmen acting in that capacity shall not issue any building permit for construction that 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: 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 XIII: AMENDMENTS

Amendments to these regulations may be made by the Planning Board following a duly constituted public hearing on such amendments.

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Adopted September 15, 1992, after Public Hearing held on September 15, 1992.

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APPLICATION FOR SITE PLAN REVIEW, NONRESIDENTIAL, MULTIFAMILY

Town Clerk's Signature _____

Date: _____ Fee: _____

Applicant's Name: _____

Applicant's Address and Phone #: _____

Owner's Signature: _____

Owner's Name: _____

Owner's Address: _____

Property Address: _____

Map/Lot: _____

Site Plan Proposal for: _____

Names, addresses, and zip code of all abutters (include a separate document if necessary)

List and attach supporting documents (*see checklist*)

Filing Fee:

Nonresidential construction 10,000 square feet or more: \$500.00
Nonresidential construction less than 10,000 square feet: \$250.00
Multifamily residential site plans: \$100.00 per dwelling unit
All others: \$50.00
Plus \$3.50 for applicant, owner, and each abutter

****Incomplete applications will not be scheduled for public hearing (as noted on title page 17) and may be subject to additional fees ****

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Date: _____

Applicant: _____

Property Location: _____

Proposal: _____

Additional Comments:

Bill Oswalt
Police Chief

**** Comments will be obtained by Town Personnel ****

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Building Occupancy Permit No. _____

Date: _____

Applicant: _____

Property Location: _____

Proposal: _____

The applicant hereby agrees to adhere to any requirements of *The National Building Code (ICC)* and the *Life Safety Code* as applicable for this proposal.

Signature
Applicant/Owner

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SITE PLAN APPLICATION CHECKLIST

Date: _____ Building Permit/Occupancy Permit No. _____

Applicant's Name: _____

Project Address: _____

Application Deemed Complete/Reviewed by: _____

PLEASE NOTE:

This checklist must be completed by and signed by the applicant before it can be considered by the reviewing committee.

Applications which are not complete will not be scheduled for public hearing and may be subject to additional fees.

If the applicant is seeking a waiver by the Planning Board of any conditions stated in the Site Plan Review Regulation, *written* request for that waiver must accompany the application.

GENERAL PLAT REQUIREMENTS

<u>Applicant</u>	<u>Existing Data</u>
_____	1. Location of site, names and addresses of owners of record and all abutting landowners, and uses of abutting land.
_____	2. Name and address surveyor, date of survey, scale, and North arrow.
_____	3. Boundary lines of the area included in the site, angles or bearings of the lines, dimensions, and lot area.
_____	4. Existing grades and drainage - Identify and provide topographic contours for any areas where slopes are 15% or greater.
_____	5. Size, shape, height, and location of existing structures on the site and within 200 feet of the site's boundary.
_____	6. Streams, marshes, lakes, ponds, wetlands, and other natural features. Soils data is available from the Town of Jaffrey soils map. Delineation by Soils Scientist may be required by the Town.
_____	7. Existing roads, structures, and other man-made features, including any that are to be altered or removed.
_____	8. Capacity or size and location of all existing public utilities, including any that are off site and to which connection is planned.
_____	9. A vicinity sketch (1"=500') showing the location of the site in relation to the existing public streets and any prominent natural features.
_____	10. Zoning district and boundaries for the site and, where applicable, within 1,000 feet of the site.
_____	11. Soil survey data from the Town of Jaffrey soils map.

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SITE PLAN APPLICATION CHECKLIST

Date: _____ **Building Permit/Occupancy Permit No.** _____

Applicant's Name: _____

Project Address: _____

<u>Applicant</u>	<u>Proposed Plan</u>
_____	1. Proposed grades, drainage systems, and topographic contours at intervals of two feet must be delineated as required by the town.
_____	2. Shape, size, height, location, and use of the proposed structures, including exterior design and appearance.
_____	3. Any proposed expansion or alteration of existing structures.
_____	4. Width and inside radii of curves for proposed streets, driveways, and sidewalks, with indication of direction of travel for any streets that are one way.
_____	5. Location, area, and total number of parking spaces.
_____	6. Size and location of loading spaces and other similar facilities.
_____	7. Size and location of all proposed public and private utilities, and location and distance to fire hydrants.
_____	8. Location, type, and size of all proposed landscaping and screening.
_____	9. Comprehensive storm drainage plan and snow removal or storage.
_____	10. Auto and pedestrian circulation plan for the interior of the lot.
_____	11. Plan showing means of access to the site, existing streets, including any necessary traffic control devices.
_____	12. Application for wireless communication facilities shall include provisions (in writing) for the removal of the structure if it ceases to be employed for the permitted use. These provisions may require a performance guarantee to ensure their implementation (<i>see Site Plan Regulations Section V</i>). (Amended 2001)

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SITE PLAN APPLICATION CHECKLIST

Date: _____ **Building Permit/Occupancy Permit No.** _____

Applicant's Name: _____

Project Address: _____

<u>Applicant</u>	<u>Items to Accompany Site Plan Review Application</u>
_____	1. Driveway access approval from the New Hampshire Department of Public Highways.
_____	2. Town Water - Approval from the Jaffrey Water Department.
_____	3. Town Sewer - Approval from Selectmen.
_____	4. Written disclaimer for hazardous materials, with a copy to the state.
_____	5. Written statement of the amount of any hazardous waste.
_____	6. Comments and recommendations by Jaffrey's Fire Chief, Police Chief and Department of Public Works.
_____	7. Statement: Project will adhere to ICC family of codes and Life Safety codes as adopted.
_____	8. Statement: Project will conform to exterior lighting requirements as contained in Site Plan Review Regulations.
_____	9. Statement: Project will conform to noise limitation requirements as stated in Site Plan Review Regulations.
_____	10. Copy of variance or special exception granted by the Zoning Board of Adjustment, if applicable.
_____	11. Approval from the Division of Public Health Services.
_____	12. Statement concerning any potential unpleasant or noxious emissions.
_____	13. All permits and approvals granted by other boards or agencies (e.g., Department of Transportation, Water Supply and Pollution Control Division).
_____	14. If the applicant is not the property owner a letter of authority must be submitted with the application.