

SITE PLAN REVIEW REGULATIONS TOWN OF PLAINFIELD, NEW HAMPSHIRE

ARTICLE 1: PURPOSES, AUTHORITY AND APPLICABILITY.

1.1 Authority

Pursuant to the authority vested in the Planning Board by the voters of the Town of Plainfield at the annual Town Meeting in March 1987, and in accordance with the provisions of RSA 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Plainfield Planning Board hereby adopts the following regulations governing the development, 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 re-subdivision of the site.

1.2 Purpose

The purpose of the Site Plan Review process is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing of development; 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 by assuring that sites are designed and developed in a manner which assures that adequate provisions are made for traffic safety and access; pedestrian and bicycle safety and access; emergency access; water supply; sewage disposal; site aesthetics; management of storm-water, erosion, and sedimentation; protection of groundwater; protection of wildlife habitat, fisheries and unique natural areas; protection of historic and archaeological resources; reduction of adverse impacts on adjacent properties; and harmonious placement into the fabric of the community.

1.3 Scope of Review

Whenever any development, change, or expansion of use of a site is proposed for nonresidential uses or multi-family dwelling units with more than two units, 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 and 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 these regulations.

The Planning Board shall make the final decision as to the necessity of Site Plan Review. Where there is any doubt as to whether or not a project requires Site Plan Review, the affected party may request a determination from the Board.

1.4 Applicability.

1.4.01. Uses Requiring Site Plan Approval. All nonresidential uses of land and multifamily structures of more than two units shall require site plan approval prior to the issuance of a building permit, whether or not such development includes a subdivision or re-subdivision of land. Specific developments that require site plan approval shall include, but are not limited to, the following:

- a. The construction or placement of any new nonresidential structure and additions, including outbuildings and accessory structures, of a total floor area of one thousand (1,000) square feet or more.
- b. All additions to site plans approved in the previous three years.
- c. The conversion of an existing building, in whole or in part, from a residential use to a nonresidential use or a mixed use.
- d. The establishment of a new nonresidential use even if no structures are proposed, including but not limited to uses such as gravel pits, cemeteries, golf courses and other nonstructural nonresidential uses.
- e. The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the use such that it increases the intensity of on or offsite impacts.
- f. The construction of a multifamily structure or the conversion of an existing residential structure containing one or two dwelling units to a multifamily structure of three or more units.
- g. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives and parking lots, involving an area of more than two thousand five hundred (2,500) square feet within any three (3) year period.
- h. Any out building or accessory structures with a floor area of 4,000 sq. ft or greater regardless of location, purpose or use, shall be considered nonresidential and subject to review under this regulation.

ARTICLE 2: COMPLIANCE WITH OTHER REGULATIONS

The Site Plan Review process shall in no way relieve an applicant from compliance with the Plainfield Zoning Ordinance, Plainfield Subdivision Regulations, or any other local or State ordinances, regulations or bylaws which pertain to the proposed development. No Site Plan Application shall be approved unless such plan complies with all applicable ordinances and regulations. If, for some reason, there is a conflict in regulations, the more restrictive provisions shall apply.

ARTICLE 3: DEFINITIONS

For the purposes of these Site Plan Review Regulations, the meaning of terms or words used herein shall conform to the definitions in the Plainfield Zoning Ordinance and the Subdivision Regulations.

ARTICLE 4: PROCEDURE FOR SITE PLAN REVIEW

Except as stated herein regarding the form of application and unless as otherwise specifically provided for herein, the review procedures outlined in Article IV of the Plainfield Subdivision Regulations shall apply to the procedures for development review under the Site Plan Review Regulations.

ARTICLE 5: 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 the Planning Board as a part of site plan approval may require additional conditions. 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 6: APPLICATION REQUIREMENTS

A complete application shall consist of the following items unless a written request for waiver(s) is granted by the Board:

A. The completed application checklist, accompanied by:

1. names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
2. names, addresses and seal of all persons preparing the plat, as applicable;
3. names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
4. payment of the filing and notification fees;
5. two full size paper copies of the Site Plan Map along with nine reduced (11"x17") copies, prepared according to the standards of the NH Land Surveyors Association and the County Register of Deeds, as follows:
 - a. Plats shall be drawn to a scale of 1" = 20' by a certified surveyor or engineer. If the plat drawn to this scale will not fit on a 28" by 40" sheet of paper, the Board may authorize an appropriately smaller scale.
 - c. All plats shall have a minimum ½" margin on all sides.
 - d. All title blocks shall be located in the lower right hand corner, and shall indicate:
 1. type of survey
 2. owner of record
 3. title of plan
 4. name of the town(s)
 5. tax map and lot number(s)
 6. plan date and revision dates
6. A letter of authorization from the owner, if the applicant is not the owner.

B. The completed Site Plan Map shall show:

1. Name of project or identifying title; names and addresses of owners of record; and tax map and lot number.
2. North arrow, date of the plat, scale appropriate to the scope of the development; name and address of the person preparing the plat; signature block for Planning Board approval.
3. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets and zoning district(s).
4. Physical features and uses of abutting land within 200 feet of the site.
5. Boundary lines, their sources, approximate dimensions and bearings, and the lot area in acres and square feet.
6. The shape, size, height, location and use of existing and proposed

- structures located on the site and those existing within 200 feet of the site.
7. Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the provisions contained in the Plainfield Subdivision Regulations.
 8. Final road profiles, centerline stationing and cross sections.
 9. Location of existing and proposed sidewalks and driveways, with indication of direction of travel for any of which are one-way. Both vehicular and pedestrian circulation shall be shown.
 10. Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes to existing streets and a copy of any driveway permits.
 11. Location and total number of parking spaces, loading spaces, and other similar facilities associated with the use.
 12. A landscape plan.
 13. The location, type and size of all existing and proposed exterior lighting and signage.
 14. Water courses, ponds, standing water, rock ledges, stone walls; existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features.
 15. The size and location of all existing and proposed water mains, sewers, culverts, proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
 16. The location and distance to any fire hydrants and/or fire ponds.
 17. Existing and proposed topographic contours based upon the USGS topographical data, with spot elevation where necessary.
 18. Soil and wetland delineation.
 19. Location of percolation tests and test results; certification of Town official witnessing the tests; and outline of 4,000 square-foot septic area with any applicable setback lines.
 20. Location of existing and proposed well, with 75-foot radius on its own lot.
 21. Copy of certification by a licensed septic designer that an existing system is adequate to meet the needs of the proposed use.
 22. Base flood elevations and flood hazard areas, based on available FEMA maps.

- C. In addition to the above items, the Planning Board may also request, with an appropriate number of copies, that each of the following be submitted:
1. Plan for Stormwater Management and Erosion Control.
 2. State approval for septic systems, septic design approval, or certification by septic designer of adequacy of existing system.
 3. Alteration of Terrain Permit from NH Department of Environmental Services.
 4. State/Town driveway permit.
 5. Reports from the Fire Chief, Police Chief, and/or Town Conservation Commission.

6. Approval for municipal water/sewer connections.
7. Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property.
8. Any other state or federal permits.
9. Impact analysis demonstrating intensity of use including proposed hours and days of operation, the number of additional people generated by the change, lighting and deliveries.
10. Traffic study demonstrating access to the site, sight distances at access points, and any proposed changes, traffic to be generated, and traffic analysis.

The Planning Board may require such additional information in such number of copies as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.

ARTICLE 7: DEVELOPMENTS HAVING REGIONAL IMPACT

All applications shall be reviewed for potential regional impacts. Upon such a finding, the Board shall furnish the regional planning commission(s) 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 Board shall notify the regional planning commission(s) and the affected municipalities by certified mail of the date, time, and place of the hearing, and of their right to appear and offer testimony concerning the proposal.

ARTICLE 8: 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.

The Board shall require that all subdivision proposals and other 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.

ARTICLE 9: Performance Guarantee

As a condition of approval, the planning board shall have the right, as a condition of any approval, to require the posting of a security in such amount and in such form as it deems appropriate, to assure the completion of construction of streets, public utilities and other public structures or improvements. The amount of the security shall be based on an estimate of costs provided by the applicant and the reasonable judgment of the Board. The amount of the security

may, as deemed necessary by the Board, also include fees to cover the cost of periodic inspections. At the discretion of the Planning Board, the proposed security shall be reviewed by a licensed engineer. All costs of for the security and any such review shall be paid by the applicant.

ARTICLE 10: Applicable Review Standards

In order to grant site plan approval, the Planning Board shall make findings of fact that the application satisfies all review standards of this Section. New Hampshire Best Management Practices will be considered minimum requirements regardless of the size of the development. In making its findings, the Board may determine that a standard does not apply to the Application or that a standard may be satisfied with conditions. The Planning Board may require an applicant to provide such information it deems necessary in order to find that the application satisfies the review standards. The burden of proof that an application satisfies all review standards set forth herein or included herein by reference rests with the applicant.

1. Aesthetic, Cultural and Natural Values. The Planning Board shall determine that the proposed development will not have an undue adverse effect on the scenic or natural beauty of the area, historic sites, significant wildlife habitats, or rare and irreplaceable natural areas or any public rights for physical or visual access to scenic views, the shoreline or the general livability of the area.
2. Architectural Compatibility. The Planning Board shall determine that the proposed development shall be compatible with its surroundings in terms of its size, scale, mass and design. Adherence to Plainfield's voluntary Design Guidelines is encouraged.
3. Erosion and Sedimentation. The Planning Board shall determine that the proposed development will be constructed in accordance with Best Management Practices and will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy situation results. Where significant excavation is proposed the Board will ensure enforcement of Plainfield Excavation Standards and DES Ground Alteration Regulations.
4. Flood Hazard Area. The Planning Board shall determine that the proposed development activity, if it occurs within a flood hazard area, minimizes the risk of flooding and meets all Flood Plain Ordinance requirements.
5. Ground Water. The Planning Board shall determine that the proposed development will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
6. Life Safety Code Compliance: All projects are required to demonstrate compliance with applicable life safety codes. Applicants are encouraged to use a licensed fire protection engineer for this purpose. A list of New Hampshire Fire Marshall endorsed engineers is available at the town office and through the state Fire Marshall's office.
7. Lighting. The purpose of these regulations is to preserve the rural atmosphere and dark

skies of the community and minimize the amount of glare and sky glow resulting from outdoor lighting. Natural dark skies are the nighttime aspect of rural character. Increasing light pollution and glare from inappropriate lighting degrades such rural character. These regulations are also intended to enhance public safety and welfare by providing for adequate and appropriate outdoor lighting and providing for lighting that will complement the character of the Town. The lighting requirements of this Section shall apply to all outdoor lighting in nonresidential developments requiring site plan approval from Planning Board, as well as all new and replacement outdoor lighting in nonresidential properties. All proposed lighting installations or modifications shall conform to the Illuminating Engineering Society of North America (IESNA) standards.

8. Natural Features. The Planning Board shall determine that the proposed development maximizes the preservation of natural features of the landscape, and does not occur within or cause harm to any land that is not suitable for development. In making its determination, the Planning Board shall consider current Plainfield Ordinances as well as N.H. Department of Environmental Services's ("DES") Water Resource Standards and Best Management Practices and landscaping Best Management Practices.
9. Nuisances. The Planning Board shall determine that the proposed development will not contribute to unreasonable nuisances to the general public, both during construction and after the development has been completed.
10. Pedestrian and Bicycle Access and Safety. The Planning Board shall determine that the proposal is designed to accommodate bicyclists and pedestrians, and addresses issues of bicycle and pedestrian access, safety and circulation both within the site and to points outside of the site.
11. Regulation Provisions. The Planning Board shall determine that the proposed development complies with all applicable provisions and requirements of these regulations and existing Plainfield ordinances and regulations. In making this determination, the Planning Board shall consider the following:
 - A. All use, density, or dimensional requirements of the zoning district or any overlay zone in which the application is located. These requirements may not be waived.
 - B. Any applicable conditions of a Special Permit, Zoning Variance, or Special Exception, may not be waived.
 - C. Any special conditions imposed on a lot in a prior Application or Subdivision and registered on previous Subdivision or Site Review Plans and with the County Registry.
12. Sewage Disposal. The Planning Board shall determine that where on-site disposal is proposed, the system is designed in accordance with all applicable Plainfield and DES requirements. The Planning board will ensure that on-site waste storage and disposal meet DES Best Management Practices.
13. Solid Waste Disposal. The Planning Board shall determine that the proposed

development will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.

14. Storm Water Management. The Planning Board shall determine that the proposed development adheres to recommended storm water management standards and Best Management Practices regardless of the size of the development or the disturbed surface.
15. Traffic. The Planning Board shall determine that the proposed development will not cause unreasonable public road congestion or unsafe conditions with respect to the use of the public roads existing or proposed, and the traffic associated with the development shall maintain the existing level of service within 200 feet of any existing or proposed curb-cut. The Board shall also consider a statement or report from a traffic engineer indicating that the proposed development will not create or further contribute to unsafe traffic conditions, and consider statements from the Fire Department, Police Department and Public Works Department in evaluating the project for highway or public road congestion or safety.
16. Utilities, Oversize and Off-Site Improvements. The Planning Board may require that utilities, pavements and other land improvements for the proposed site plan be designed oversized, and/or underground to the power grid, to allow for future growth to serve nearby land that is an integral part of the neighborhood. When underground utilities are proposed or required, it is required that they be underground to an existing above ground pole or the existing power grid.
17. Water Supply. The Planning Board shall determine that the proposed development has a water source that is adequate to serve the proposed development, and that will have no adverse impact on existing water supplies.
18. Wetlands, Surface Waters. The Planning Board shall determine that the proposed development will not adversely affect any wetland, water body or its shoreline or affect water quality. The Board shall also consider reports or statements from a hydrogeologist, DES, or other agent deemed appropriate by the Planning Board, which evaluates the impact of water discharges on the water quality, as applicable and necessary.

ARTICLE 11: COMPLIANCE HEARINGS

The Planning Board may impose conditions as it deems reasonable in conjunction with its review and approval of any application. The Planning Board shall designate which conditions are conditions precedent, being those which must be completed before a building permit may issue, and which conditions are conditions subsequent, being those which must be completed during the course of construction or development in order to obtain a certificate of occupancy or other approval necessary for the use or occupancy of the development. The Planning Board shall further designate which of the conditions require a further hearing of the Board and which conditions are administrative in nature and shall be approved by an administrative officer of the Town without a hearing of the Board. Notice of hearings by the Board on matters of compliance

with conditions shall be given in the same manner as for initial applications.

ARTICLE 12: ADMINISTRATION AND ENFORCEMENT

- A. Administration/Enforcement: These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen. The Selectmen 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 Board.
- B. Waivers: The Planning Board may waive or modify any of these regulations, including the materials to be included with an application, at the request of an applicant if the applicant demonstrates that given the nature and scope of the development, the imposition of the regulation(s) would be unreasonable and that such waiver would not be contrary to the spirit and intent of these Regulations. The Planning Board may also propose alternative means by which a review standard may be satisfied.
- C. Appeals: Any person aggrieved by a decision of the Planning Board may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance, in which case an appeal may be taken to the Board of Adjustment pursuant to RSA 676:5.

ARTICLE 13: VALIDITY

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

ARTICLE 14: AMENDMENTS

These regulations may be amended by a majority vote of the planning board after at least one noticed public hearing.

ARTICLE 15: EFFECTIVE DATE

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

Effective Date: June 18th 2007, being the amended regulations replacing the July 20th 1987 version.

Jane Stephenson, Plainfield Planning Board Chairman

Filed with the Plainfield Town Clerk on: July 20, 2007