

SITE PLAN REGULATIONS

HEBRON, NEW HAMPSHIRE

Site Plan Review Regulations - Adopted March 7, 1990

Effective February 6, 1991

Amended Jan. 7, 1998

Amended December 3, 2014

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SECTION I: GENERAL PROVISIONS

A. AUTHORITY

Pursuant to the authority vested in the Hebron Planning Board by the voters of the Town of Hebron March 7, 1990, in accordance with the provision of NH RSA 674:43, the Hebron Planning Board hereby adopts the following Site Plan Review Regulations, and as amended.

B. PURPOSE

The purpose of these Site Plan Review Regulations (hereafter referred to as “Regulations”) is to implement the vision statement of the 2005 Comprehensive Master Plan and its 2010 update. It is the intent of these Regulations to provide for balanced, responsible and attractive growth and maintenance of the Town by encouraging appropriate land use, providing for harmonious and aesthetically pleasing development, protecting public health and safety, and creating conditions of enduring stability harmonious with natural surroundings.

These Regulations are further intended to insure adherence to sound site utilization principles including: providing open and green spaces of adequate size; requiring coordination and configuration of streets in relation to other existing or planned streets; requiring streets and driveways of sufficient width to allow for traffic and access by firefighting and emergency apparatus; and otherwise employing innovative land use controls consistent with the Master Plan.

C. COMPLIANCE WITH OTHER REGULATIONS

The site plan review procedure shall in no way relieve an Applicant from compliance with the Subdivision Regulations, the Zoning Ordinance and any other regulations or ordinances of the Town of Hebron and the State of New Hampshire.

D. DEFINITIONS

For the purpose of these Site Plan Review Regulations, the meaning of terms or words used herein shall conform to the definitions found in the *Town of Hebron Subdivision Regulations* and *Town of Hebron Zoning Ordinance*. The term “Board” shall mean the Hebron Planning Board.

SECTION II: MINOR SITE PLANS

A. GENERAL

Site Plan proposals with no expansion of a building and only minor changes to the site not requiring any action by the Zoning Board may be designated by the Board as a Minor Site Plan.

Note that Site Plan Review is not required for one or two-unit family dwelling units or their accessory buildings provided such buildings are strictly for residential purposes.

B. APPLICATION

The owner of the property, or designated agent (authorized in writing), shall file a completed Minor Site Plan Application no less than fifteen (15) days prior to a regularly scheduled meeting of the Board. The Applicant shall be responsible for payment of the application fee and the full costs of notifying Abutters and advertising the Public Hearing. The Board may expedite review and approval, provided that Public Notice requirements are fulfilled. The Board cannot act on an application it deems to be incomplete.

1. Requirements

Minor Site Plan applications shall include the following:

- Names, addresses and telephone numbers of Applicant and owner;
- Location of site (Tax Map & Lot number; street address);
- Brief description of proposed plan, including its existing use;
- Detailed description of the types of services and/or products to be involved in non-residential use, including hours of operation and any changes of an existing use;
- Names and mailing addresses of all Abutters;
- Ten copies of a sketch showing buildings, structures, roads, parking area, and related items on a sheet size no less than 8 1/2 x 11", with a North Arrow and scale;
- Copy of Hebron Tax Map showing lot under consideration, abutting parcels with owners' names, and zoning district;
- Previous Zoning Board or Planning Board decisions.

2. Supporting Documents

In addition, the Board may require any or all of the following:

- Written statement with calculations depicting parking areas and driveways;
- Any right of way documents or easement documents that pertain to the parcel;
- Copies of any relevant permits or approvals;
- Description of changes in exterior lighting;
- Description of signs;
- Other (as requested by the Board).

SECTION III: SITE PLAN REVIEW

A. GENERAL

If a proposal does not qualify as a Minor Site Plan, Site Plan review is required for any of the following:

1. New construction of non-residential principal and/or accessory buildings.
2. Additions of 500 or more square feet of floor area to existing principal and accessory buildings.
3. Any change in use of a site and/or existing building.

B. PROCEDURES

Before any permit for the erection of any building or authorization for development on such site shall be granted, the developer or their authorized agent shall apply for and secure Approval of such proposed Site Plan in accordance with the following procedures.

1. Responsibility of Applicant. It shall be the responsibility of the Applicant(s) to become familiar with all applicable Federal, State, County and Town regulations including but not limited to, subdivision/site plan regulations, zoning ordinances, health and safety regulations, building codes and standards, and driveway and road specifications.
2. Pre-application Consultation and Review. The Board may provide for pre-application or informational review of a Site Plan Application as provided in RSA 676:4.II. Preliminary conceptual consultation shall be directed at review of the basic concept of the proposal and suggestions that might be of assistance in resolving problems and meeting requirements. Such consultation shall not bind either the Applicant or the Board, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any future action. Applicants are advised that they should not make any substantial financial commitments based on statements made at a Pre-application hearing. The Board and the Applicant shall discuss proposals in conceptual form only and of the desirability of the proposal. Such discussion may occur without the necessity of giving formal public notice (RSA 676:4 subparagraph I(d)). Time limits shall not apply until an Application has been accepted as complete.
3. Design Review Phase. The Board or its designee may engage in further non-binding discussions with the Applicant beyond conceptual and general discussions which involve more specific design and engineering details; provided however, that the Design Review Phase proceeds after notice to Abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by RSA 676:4 subparagraph I(d).
4. Public Hearing and Notice. A Public Hearing is required prior to any Approval. Notice of a Site Plan Review shall be given to Abutters, holders of conservation, preservation or agricultural preservation restrictions, and each Engineer, architect, land Surveyor or soil scientist whose professional seal appears on any Plat. Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Town Clerk's Office, the Select Board Office, and publication in local newspapers. The notice shall give the date, time, and place of the Planning Board meeting with a general description of the proposal, the name of the Applicant, and the location of the proposed Site Plan. If the notice for the Public Hearing was included in the

notice of submission or any prior Notice, additional notice is not necessary. If the Board determines the development has Regional Impact, the relevant Towns shall be given Notice and the opportunity to participate in the hearings.

5. Action of the Board. The Board shall begin formal consideration of the proposal upon acceptance of the Completed Application. The Board shall then act to Approve, Conditionally Approve, or Disapprove the Completed Application within sixty-five (65) days of acceptance, subject to extension or waiver. The Board may apply to the Select Board for an extension not to exceed an additional ninety (90) days before acting to Approve, Conditionally Approve or Disapprove an Application. If Applicant and Board both consent to an extension, Select Board approval is not required. At any Public Hearing for consideration of the Plan, the Board will study the Plan in relation to these Regulations, the Zoning Ordinance, State and local regulations, the Master Plan and Official Map, the topography of the area, the character of the surrounding neighborhood, the impact on public services, and any other pertinent considerations.
6. Waivers. Upon request of the Applicant, and for good cause, the Board may waive any of the requirements contained herein, except that no relaxation may be granted which is in conflict with the Hebron Zoning Ordinance or other applicable regulations, provided that one or both of the conditions described in RSA 674:44,III(e) have been satisfied. All such waivers shall be recorded in the meeting minutes, the Notification to the Applicant, and on the approved Site Plan.
7. Approval. The Applicant shall sign and return a copy of the Board's Notice of Decision as evidence of acceptance and shall furnish any security as required. Within forty-five (45) days following the date of the Notice of Decision, the Applicant shall deliver two (2) Mylar copies and four paper copies of the approved Site Plan signed by a Licensed Land Surveyor or Civil Engineer for signatures by the Chair or by such person as may be designated by the Board. One Mylar shall be retained by the Board and one shall be returned to the Applicant. The Board or Applicant will record the final Site Plan with the Grafton County Registry of Deeds, the fees to be paid by Applicant within ninety (90) days of Approval. The Board may waive this requirement upon written request. Any Site Plan not filed within this timeframe shall be considered void. In case of disapproval, the Board shall clearly set forth in the Notice of Decision to the Applicant the reasons for its action, with specific reference to standards contained in these Regulations.

No changes or alterations shall be made in an approved Site Plan without the consent of the Board. The Board may grant such consent for good cause upon request of the Applicant and upon such notice and hearing as may be required in the discretion of the Board.

Approved site plans shall lapse if active and substantial building or development (see RSA 674:39,IV) has not begun within two years from the date the Site Plan was approved by the Planning Board or if specific conditions of Approval have not been met within one year (12 months) from the date of Approval by the Board. Approved Site Plans may be extended once for a period of not more than one year (12 months) by the Board upon receipt of a written request for extension received at least thirty (30) days prior to the expiration date of the Site Plan Approval following a Public Hearing upon the request. The Applicant shall be responsible for the cost of notification as required by the site plan regulations.

8. Conditional Approval. The Board may grant Conditional Approval of an Application with certain specified Conditions, 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 (1) 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 are administrative in nature, involve no discretionary judgment on the part of the Board, or 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 NH Department of Environmental Services; however, any substantial change to the plan required by such Approvals may constitute grounds for a new Application at the discretion of the Board.
9. Special Exceptions and Variances When a Special Exception or a Variance is required by the Zoning Ordinance, the Applicant shall first obtain the Special Exception or Variance prior to the hearing for Site Plan Approval. A hearing for Site Plan Review by the Planning Board may be held at the same time and place as the hearing for a Special Exception or Variance is held by the Board of Adjustment. Any conditions imposed by the Zoning Board of Adjustment shall take precedence over the requirements contained in these Regulations.
10. Subdivision Approval When both Subdivision and Site Plan Approval are required on a proposed Development, the Board may hold the Site Plan Review hearing at the same time as the hearing required by the Subdivision Regulations, using time limits required by the Subdivision Regulations.
11. Failure of the Board to Act. In the event that the Board does not act on an accepted Application within the prescribed time period, the Applicant may petition the Select Board to issue an order directing the Board to act within thirty (30) days. Failure to act within forty (40) days of receiving this directive, the Select Board must approve the Application unless they find in writing that the plan does not comply with a local regulation. In the event the Select Board fails to act, the Applicant may petition the Superior Court to approve the plan.
12. Security for Construction of Improvements. The Board may specify in its Approval the amount of security to be posted by the Applicant for the development of the Site. The purpose of the security is to allow the Town to construct and install improvements as required by the Approval in the event of default or failure by the Applicant. The security shall be reduced at the discretion of the Select Board as improvements are completed.
13. Separability. If any provision in these Regulations shall be held to be invalid for any reason by any court, such holding shall not invalidate any other provisions contained herein.

C. APPLICATION AND DOCUMENTATION

An Application for Site Plan Review shall be filed to the Board Chair or designee on the form prescribed by the Town and in accordance with its Rules of Procedure. It shall be accompanied by the Application Fee and all relevant Review Fees. Failure to pay such costs shall constitute valid grounds for the Board to not accept the Application as complete. The Planning Board may waive part or all of the fees.

When the Planning Board determines that the impact of the Application is not adequately addressed by the minimum submission requirements, the Board may require additional plans,

studies, investigations, assessments or other information determined to be reasonably necessary to make an informed decision that protects the health, safety and general welfare of the citizens of Hebron and the region. It shall be the responsibility of the Applicant to pay the fees for said special investigative studies, environmental assessments, legal review of documents, administrative expenses and other associated expenses. The Planning Board shall have the authority to hire its own consultant(s) to review such additional information and recoup such costs from the Applicant pursuant to RSA 676:4, I (g). If an Application has been continued past one year (twelve months) from the date of its Acceptance as Complete, new notices shall be sent to Abutters, and new Application Fees and Mailing fees shall be assessed to the Applicant.

1. Additional Documentation. The Applicant is responsible to also furnish:
 - a. Anticipated completion dates of the proposal and any planned phasing of the project.
 - b. Drainage calculations based on 25, 50, and 100-year storm events utilizing the standards of the NH DES's Best Management Practices.
 - c. Cost estimate and security for any improvements or work in the Town's right-of-way.
 - d. Erosion and sedimentation control plans.
 - e. Copies of proposed or existing easements, covenants, deed restrictions, ZBA rulings, or other similar document pertinent to the Site Plan.
 - f. Provisions for snow removal/storage.
2. Optional Documentation. If deemed necessary by the Board, the Applicant shall submit:
 - a. Environmental Impact Study (impact of noise, dust, odor, etc.).
 - b. Traffic study.
 - c. Fiscal impact study.
 - d. Cost estimate and project performance bond (security).

D. REQUIREMENTS

The proposed development shall conform to the extent appropriate to the natural topography of the site. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air to the extent possible and reasonable. Natural cover shall be retained to supplement required landscaping to the extent possible and reasonable. The Board shall approve the proposed Site Plan upon determination that the following requirements have been met:

1. Landscaping. Landscaping and screening shall be provided to indicate the impact on adjacent properties, the public highway and the site itself. A landscaped buffer may be required to assure that the proposed development conforms with the character of the adjoining land and its uses. Buffer areas shall be of sufficient width to provide privacy and noise protection, ideally conforming to zoning setbacks. Visual screens of solid fencing or hedges shall hide storage, litter, and garbage collection areas from adjoining parking areas, neighboring properties, and public highways. The location, type, material and dimensions of all fences, walls and outdoor recreation facilities shall be included on the Plan.
2. Access and Parking. Access to public streets shall conform to the requirements of the NH Department of Transportation and to the Hebron Driveway Regulations. The Site Plan shall include adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the orderly flow of traffic on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses, including the plowing and storage of snow. The

number and size of parking spaces and loading area shall conform to the Zoning Ordinance, with the calculations determining the number of parking spaces indicated on the Site Plan.

3. Erosion Control. Whenever practical, natural vegetation shall be retained, protected and supplemented. The Site Plan shall make provisions to accommodate the increased run-off caused by changed soils and surface conditions during and after development and shall incorporate the Best Management Practices for Storm Water Management as published by NH DES. It shall include drawings, details and specifications for proposed flood hazard prevention measures and structures for proposed storm water retention basins. The Site Plan shall identify and locate the proposed erosion and sediment control measures and structures during and after development. The development shall ensure that stripping of vegetation, re-grading or other development will be done in such a way to minimize soil erosion. Temporary seeding and/or mulching may be required to protect exposed critical areas during development. Diversion, sediment retention basins, and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface materials.
4. Pollution Control. Provisions shall be made to prevent ground and surface water contamination due to on-site storage or use of petroleum products and hazardous substances in compliance with NH RSA 146-C, 147-A, 153, 430, and such other Federal, State and Local statutes, ordinances and regulations as are applicable.
5. Flood Hazard Areas. For Site Plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program, the Board shall review the proposed development to assure that permits have been received 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 may require Base Flood Elevation (BFE) data (i.e. floodplain boundary and 100-year flood elevation) as determined by a Licensed Land Surveyor or Civil Engineer. The Board shall require the Applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) to determine potential flood damage; all public and common utilities and facilities, such as sewer, gas, electrical, and water systems, and drainage to reduce impacts of flood hazards.
6. Signs. The applicant shall submit designs for all new proposed signage and indicate existing signs on the Plan. Sign size, type, location, height and illumination shall conform to the Hebron Zoning Ordinance. Any sign that refers to a discontinued use shall be removed. All signs shall be maintained in good condition and in good repair. Signs may be illuminated with down-lit light sources, but must not present a hazard to driving or neighbors.
7. Exterior Lighting. Outdoor lighting shall be down-lighted and shielded so as not to shine onto abutting properties or onto public highways or streets, and shall be restricted to that which is necessary for advertising and security.
8. Public Facilities. Off-site public facilities, including, but not limited to, streets, fire-fighting apparatus and road maintenance equipment shall be adequate to meet any additional burden placed on such public facilities by the Site development. Where off-site improvements are necessary, the developer shall provide, in an amount and manner to be determined by the Board, its share of off-site improvement costs. Site Plans requiring excessive or premature expenditure of public funds to improve existing or new facilities may be denied.

CHECKLIST

The owner of the property, or the designated agent (authorized in writing), shall file a completed Application no less than fifteen (15) days prior to a regularly scheduled meeting of the Planning Board. A completed Application shall include a properly completed Application on a form provided by the Planning Board and including:

A. Application:

1. Names, addresses and telephone numbers of Applicant and owner (if other than Applicant);
2. Location of site (Tax Map & Lot #; street address);
3. Brief description of proposed plan;
4. Detailed description of the types of services and/or products to be involved in any non-residential use, including hours of operation and any changes of an existing use.
5. Names and mailing addresses of all Abutters (legibly printed or typed).

B. Four copies of the site plan, prepared by a Licensed Land Surveyor or Civil Engineer, drawn accurately and to scale (1" = 20' preferred), and including:

1. Tax map numbers and those of adjoining properties;
2. North arrow;
3. Boundary distances, monuments and bearings;
4. Existing and proposed contour lines at two (2) foot intervals;
5. All features located within fifty (50) feet of the lot boundaries including natural features and existing and proposed building outlines showing the location of steps, entries and loading platforms;
6. Lines of all existing streets within one hundred (100) feet of the lot boundaries;
7. Wetland delineation by a professional licensed by the State of New Hampshire;
8. Surface cover including but not limited to wooded, cleared, paved, gravel, standing water, etc.;
9. Proposed landscaping plan;
10. Zoning Board of Administration decisions;
11. Any right-of-ways/easements.

C. Ten (10) reduced scale copies of the site plan with a sheet size of 11" x 17".

D. A copy of all applicable Town, State, County or Federal approvals or permits such as, but not limited to, dredge and fill, wetland alteration, curb cuts, site specific, septic approval, 101 Life Safety Code.

E. Site Plan must contain:

1. Title block containing at a minimum:
 - a. Identification of plan, including name(s) or owner(s) and Applicant(s), if different.
 - b. Tax map and lot numbers.
 - c. Name(s) or person(s) responsible for preparation of the plan.
 - d. Date of plan preparation.
 - e. Scale of plan.
2. Location plan.
3. Abutters listed on the plan.

4. Waivers being requested listed on the plan.
5. Zoning district of lot.
6. Minimum building requirements (Setbacks, Lot Size, etc. for the zoning district).
7. Indication of flood zone per NFIP FIRM (National Flood Insurance Program; Flood Insurance Rate Map)(e.g. Is this lot in the 100 year flood plain?)
8. Present use of lot.
9. Proposed use for lot.
10. Purpose of the plan – should include size of buildings and use proposed.
11. Total area of the parcel in acres and square feet.
12. Reference to established benchmark based on N.G.V.D. (National Geodetic Vertical Datum) 1929 established by USGS (US Geological Survey) or other Datum acceptable to Planning Board.
13. Soil type(s) and boundaries of lot per Grafton County Soil Conservation Soil Maps by a professional approved by the Board.
14. Existing and proposed utilities including but not limited to water lines, wells, sewage/septage lines, utility poles and drainage facilities (including sources of supply, tanks, building drains, pipe sizes, etc.)
15. Impervious areas as a percent of total lot area.
16. Parking requirements: e.g. Office: 1 sp/300 s.f. x 3,000 s.f. = 10 spaces).
17. Total parking being provided.
18. Location of driveways and parking spaces. Dimensions of parking spaces indicated.
19. Off-street loading facilities.
20. Location of walks, fences and screening.
21. Location, size and type of signs.
22. Designated outside service, storage and/or display.
23. Exterior site lighting, including type, location, intensity, direction, etc.
24. Landscaped buffer area (where required).
25. Building setback lines.
26. 50 foot, 125 foot and 250 foot setback lines from water bodies subject to the requirements of the Water Quality Protection Act, RSA 483-B or the Hebron Zoning Ordinance
27. Impervious surface area and percent coverage by impervious surfaces for all lots subject to the requirements of the Water Quality Protection Act, RSA 483-B.
28. Building height.
29. Appropriate stamps and signatures of Licensed Land Surveyor or Civil Engineer.
30. Planning Board Approval Block of a size that is at least 2 x 4 inches and similar to, and containing at a minimum, all of the information in the example below:

<p>Approval Block – Planning Board Use Only</p> <p>Date of Planning Board Approval: _____</p> <p>Planning Board Chair Signature:</p> <p>_____</p>
