

SITE PLAN REVIEW REGULATIONS



DUBLIN

NEW HAMPSHIRE

2006

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**SITE PLAN REVIEW REGULATIONS
FOR NON-RESIDENTIAL DEVELOPMENT**

TOWN OF DUBLIN, NEW HAMPSHIRE

SECTION 1

AUTHORITY, PURPOSE AND SCOPE

A. AUTHORITY

Pursuant to the authority vested in the Planning Board by the voters of the Town of Dublin on March 13, 1984, and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Dublin Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts involving 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.

B. PURPOSE

The purpose of the Site Plan Review procedure 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. The Site Plan Review Procedure in no way relieves the developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance or regulation that pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.

C. SCOPE OF REVIEW

1. 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 or demolition, 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.

2. The Planning Board shall have the responsibility for making 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 should request a determination from the 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:
 - a. If the proposal involves a change of use category, e.g., from residential to commercial, or from single family to multi-family.
 - b. If the proposal involves external modifications or construction, including parking lots.
 - c. If a change of use or expansion would involve significant impacts in terms of traffic & circulation, parking, or lighting; for example: a change from an attorney's office to an accountant's office would probably not involve significant impact, but a change from a Bed & Breakfast to a restaurant would.

3. As authorized in RSA 674:44,IV, the Board:
 - a. May issue conditional approvals and stipulate precise requirements that shall be met. See Section 6.
 - b. May also require an applicant to complete or to contribute funds to the construction of off-site improvements bearing a direct relationship to the project.
 - c. Shall require a bond or other type of security for the completion of street work and utility installations and may, at its discretion, require satisfactory evidence of the financial ability of any surety or financial institution to pay such a security.

SECTION 2

A. **DEFINITIONS**

The definitions contained in the current Dublin Zoning Ordinance and Land Use Regulations and in the current Dublin Subdivision Regulations shall apply to the Site Plan Review Regulations.

1. The term "street" in connection with Site Plan Review refers to streets both on and off the site.

SECTION 3

APPLICATION PROCEDURES

A. **APPLICATION PROCEDURES**

1. Conceptual Consultation (*Optional*)
 - a. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve at this early stage any issues that might become a problem later on. Such preapplication consultation shall be informal and directed toward:
 - (1). Reviewing the basic concepts of the proposal.
 - (2). Reviewing the proposal with regard to the master plan and zoning ordinance.
 - (3). Explaining the state and local regulations that may apply to the proposal.
 - (4). Determination of the submission items that will be required in the application, based on scale of the proposal.
 - (5). Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a regular meeting of the Board.

2. Design Review Phase (*Optional*)
 - a. Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
 - b. The design review is a public meeting. Design review phrase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I(d).
 - c. Persons wishing to engage in preapplication design review shall submit a request to the Board not less than 20 days before the regularly scheduled meeting of the Board. The request shall include:
 - (1). List of abutters and their addresses taken from town records not more than five (5) days before submission.
 - (2). Payment to cover mailing and advertising costs, which may be determined by consulting the Planning Board Secretary.
 - d. Statements made by Board members at this meeting shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

B. SUBMITTING THE APPLICATION FOR ACCEPTANCE

- a. A copy of the application shall be left with the Planning Board Secretary, the Town Clerk or the Town Administrator. However, it shall not be received by the Planning Board until its next regularly scheduled meeting. At that meeting the Board shall:
 - (1). Review the application to determine whether the application falls under the jurisdiction of Site Plan Review.
 - (2). Review the application to determine whether it is sufficiently documented to be evaluated for completeness. A complete application shall consist of all data required in Section 11 and other Sections of the Site Plan Review Regulations, as applicable.
 - (3). Notify the applicant of its decision to accept the application, or explain in writing to the applicant why it can not accept the application as submitted.
 - (4). An application may be rejected by the Board without public hearing on the grounds of failure of the applicant to supply requisite information or to pay fees as required by these regulations.

C. DETERMINING THAT THE APPLICATION IS COMPLETE

1. At the Planning Board meeting at which the application is accepted, the Board will schedule a vote on its Completeness at a Planning Board meeting within 30 days, or at the next meeting for which legal notice can be posted.
2. At the duly-noticed public meeting, the Board will determine if the application is complete. A complete application shall consist of all data required in Section 11 and other Sections of the Site Plan Review Regulations, if applicable. If incomplete, Board shall reject the application and notify the applicant in writing within 72 hours of the grounds for rejection.
3. A completed application will be accepted by affirmative vote of a majority of the Board members present. The Board shall provide a receipt to the applicant indicating the date of acceptance.
4. An application shall be disapproved by the Board on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.

D. BOARD ACTION ON COMPLETED APPLICATION

1. The Board shall act to approve, conditionally approve, or disapprove the completed application within 65 days of acceptance.
 - a. 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.

- b. 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)).
2. Approval of the Plat shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. The Secretary shall transmit a copy of the Plat with such approval endorsed in writing thereon to the Registry of Deeds of Cheshire County. The applicant shall be responsible for the payment of all recording fees.
3. If any submitted Plat 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.

SECTION 4

A. NOTIFICATION

1. Notice must be given of the meeting at which an accepted application will be submitted for determination of completeness, or of a public hearing to be held prior to approval of the site plan. Requirements for notification are as follows:
 - a. Notice that an application will be evaluated for completeness at a Public Hearing shall be given by the Board, mailed at least ten (10) days prior to the submission, by certified mail.
 - b. Notice shall be given to the abutters, the applicant, all holders of conservation, preservation, or agricultural preservation restrictions, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat.
 - c. If the Board anticipates that approval of the application as complete and approval of the site plan may occur at the same meeting, one notice indicating that possibility may serve for both procedures.
 - d. The public will be given notice at the same time, by posting at the Town Hall and the Post Office, and publication in a newspaper of general circulation.
 - e. The notice shall give the date, time, and place of the Planning Board meeting at which the application will be formally evaluated by the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.
 - f. Additional notice is not required of a hearing provided that the date, time, and place of the

continued session were made known at the prior meeting.

SECTION 5

A. FEES

1. The Planning Board shall assess appropriate administrative fees. All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications.
2. 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.
3. Pursuant to RSA 676.4,I(g) it shall be the responsibility of the Applicant to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.
4. 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 6

A. 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.

SECTION 7

A. CONDITIONAL APPROVAL

1. 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. A further public hearing is not required when such conditions:
 - a. Are administrative in nature;
 - b. Involve no discretionary judgment on the part of the Board;

- c. Involve the applicant's possession of permits and approvals granted by other boards or agencies; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.
2. 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 application.

SECTION 8

A. 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 a hearing before the Zoning Board of Adjustment.

SECTION 9

A. SITE INSPECTIONS

1. Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant. Inclusion of the public at the site is at the discretion of the Planning Board. (see 3 below).
2. The owner shall allow access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.
3. If there will be a Planning Board quorum present at the site inspection, the site inspection shall be publicly posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A, and minutes shall be kept.

SECTION 10

A. DEVELOPMENTS HAVING REGIONAL IMPACT

1. All applications shall be reviewed for potential regional impacts. 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.
2. 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

with the status of abutters to offer testimony concerning the proposal.

SECTION 11

A. **SUBMISSION REQUIREMENTS**

Every application shall be accompanied by the names and addresses of all abutters, as shown in Town records not more than five (5) days before the day of filing, all holders of conservation, preservation, or agricultural preservation restrictions, and any engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat. All plats shall show information relevant to the proposal; at a minimum, they show the submission items listed below, unless a waiver from any of these is granted by the Board. All existing conditions shall be drawn in solid lines; proposed conditions shall be drawn in dotted lines. Two (2) copies of the plat shall be submitted with the application.

1. Plat Submission Items
 - a. Name of project or identifying title; names and addresses of owners of record; and tax map and lot number.
 - b. North arrow, date of the plat, scale appropriate to the scope of the development; name and address of person preparing the plat; signature block for Planning Board approval.
 - c. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets; and the zoning district(s).
 - d. All abutting landowners, physical features and uses of abutting land within 200 feet of the site.
 - e. Boundary lines, their source, approximate dimensions and bearings, and the lot area in acres and square feet. A certified survey may be required, if deemed necessary by the Board.
 - f. 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.
 - g. Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site.
 - h. Location of existing and proposed sidewalks and driveways, with indication of direction of travel for any which are one-way. Both vehicular and pedestrian circulation shall be shown.
 - i. Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets; and copy of any driveway permit(s).

- j. Location and total number of parking spaces; loading spaces and other similar facilities associated with the use.
- k. A landscape plan, describing the number, location, types, and size of all existing and proposed landscaping and screening.
- l. Identification of snow storage areas.
- m. Size, type, location of signs.
- n. The location, type, and nature of all existing and proposed exterior lighting.
- o. Natural features such as streams, marshes, lakes, or ponds. Wetlands, as defined by the Town of Dublin Wetlands Conservation District Ordinance.
- p. The existing and proposed grades and topographic contours at two (2) foot intervals, with spot elevations where appropriate.
- q. The size and location of all existing and proposed water mains, sewers, culverts, to include location and distance to any fire hydrants and/or fire ponds.
- r. Copy of certification by a licensed septic designer that an existing system is adequate to meet the needs of the proposed use.
- s. Location and type of proposed waste disposal system, with an outline of the 4,000 sq. ft. areas reserved for leach fields for any new system; location of test pits and record of percolation tests.
- t. Location of existing and proposed on-site well (showing 75-foot radius).
- u. Soil survey data from the Cheshire County Soil Survey.
- v. Location of any existing or proposed easements, deed restrictions, covenants, etc.

2. Other

- a. The application shall be accompanied by any necessary Federal, State or local permits and approvals, including but not limited to Board of Adjustment, Department of Transportation, or Water Supply and Pollution Control Commission.
- b. Erosion Control Plan which meets the design standards and specification set forth in the "Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire" (USDA Soil Conservation Service) shall be submitted where one or more of the following conditions are proposed:
 - (1). a cumulative disturbed area exceeding 20,000 square feet;
 - (2). construction of a road or street;

- (3). construction of three or more dwelling units.
- c. An impact analysis may be required, which takes into account the following items to the extent the Board deems applicable:
 - (1). Demographic Description.
 - (2). Community Facilities Impacts (sewage disposal, water system, traffic, schools, public safety, recreation).
 - (3). Environmental Impact Analysis.
- d. An adequate stormwater drainage system developed by a certified engineer.
- e. Copies of any proposed or existing easements, covenants, deed restrictions, etc.
- f. Such other information as deemed necessary by the Board in order to apply the regulations contained herein. Should the Board determine that some or all of the above-described information is to be required, the applicant will be notified in writing within ten (10) days of the meeting at which the determination was made.

3. "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.

SECTION 12

A. **PERFORMANCE GUARANTEE**

- 1. As a condition of approval, the Planning Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets and public utilities. The amount of the security shall be based on an estimate of costs provided by the developer; the amount of the security shall 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 such review shall be paid by the applicant. The security shall be approved as to form and sureties by the Board and municipal counsel, and conditioned on the completion of such improvements within two (2) years from the approval of the site plan, unless released or extended by a vote of the Planning Board after a written request of the developer. In no case shall the amount of the performance guarantee be less than one-hundred and fifty percent (150%) of the total estimated cost of improvements.
- 2. In the event of the failure of the owner or his/her agent to complete the project within the two (2) year period from the approval of the site plan or not having received an

extension from the Planning Board, the Board shall cause all the monies held in the performance escrow to be taken and shall request the Board of Selectmen to proceed to complete the project in compliance with the approved plans. After all construction, engineering and administrative costs have been paid, all remaining money shall be returned to the owner.

3. 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. Each approved plat shall contain a time limit for the completion of streets and public improvements. 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 13

A. **GENERAL STANDARDS**

1. Design of development should fit the existing natural and manmade environments with the least stress:
2. 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, as delineated in a landscape plan.
3. Landscape treatment shall consist of natural, undisturbed vegetation or features, or newly-installed ground cover, shrubs, or trees where appropriate.
4. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting landowner is obtained.

B. **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. 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 property.
4. To protect against excessive glare and light trespass, all exterior lighting fixtures shall be fully shielded to point the light downward.
5. The maximum height of a lighting fixture shall not exceed the height of the building, or 25 feet, whichever is less.

C. **PEDESTRIAN SAFETY:**

Sidewalks shall be provided for pedestrian traffic to provide connection between the main entrances of business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provision shall be made for sidewalks running from the street line to the establishments. All such sidewalks shall be at least six (6) inches above grade and protected by curbing.

D. **OFF-STREET PARKING AND LOADING REQUIREMENTS:**

1. 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.
2. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties.
3. 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 deemed appropriate.
4. For off-street parking requirements, see Appendix #1.

E. **SCREENING:**

Appropriate screening/buffers are to be maintained or installed around side and rear property boundaries to provide privacy and noise reduction to residential areas abutting nonresidential sites:

1. Buffer strips (10 feet minimum - distance largely dependent upon the density of development in the area) must be maintained between proposed use and residential uses. Buffer strip between nonresidential and residential uses must contain vegetation which will screen nonresidential uses from sight of the residential uses during winter months.
2. Storage areas must be fenced or screened from on-site or adjoining parking and neighboring properties.
3. Litter (garbage) collection areas must be screened.
4. The use of either fencing or hedges is permitted.

F. **STREET ACCESS/TRAFFIC PATTERN:**

Access to public streets will meet the requirements of the NH Department of Transportation and/or the Town of Dublin. Any new road construction shall conform to the road standards as specified in the Dublin Subdivision Regulations. The internal traffic pattern will accommodate the proposed use, as well as providing easy, unimpeded access for emergency vehicles.

G. **WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS**

These must be sized to adequately meet the needs of the proposed use under the regulations of the NH Water Supply and Pollution Control Commission and/or the Town of Dublin regulations. 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, and that existing systems are adequate to serve the needs of the proposed development.

H. **UNDERGROUND FUEL STORAGE TANKS**

All underground fuel storage tanks shall comply with applicable regulations of the Town of Dublin and the standards of the NH Department of Environmental Services as set forth in their Underground Storage Tank Program and in their Code of Administrative Rules PART Env-Wm 1401, as may from time to time be updated.

I. **STORMWATER DRAINAGE:**

The basic premise of any site design should be that the project should not produce a net increase in water flowing from the subject parcel to parcels downstream than was present prior to development. In addition, it should be provided that the amount of water flowing from the subject parcel should not cause detrimental effects on properties downstream. The project's engineer shall provide such information as the Board deems necessary to determine the effect of the project on downstream drainage facilities outside the area, and shall so certify by signing the drainage plan, when required. Where the Board anticipates that the additional runoff incident to the project will overload an existing downstream drainage facility, cause damage to private property or an increase in the expenditure of public funds, the Board shall not approve the project until adequate provisions are made for the downstream drainage at the expense of the applicant.

No increase in the peak flow of surface runoff should be permitted if such increased runoff passes beyond the property lines of the parcel upon which the project occurs, unless it is within an approved public storm drainage system.

J. **POLLUTION CONTROL:**

To avoid undesirable and preventable elements of pollution such as noise, smoke, soot, particulate, or any other discharges into the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties is that the applicant will employ the best standards and technology economically available at the time.

K. **HANDICAPPED ACCESS:**

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

L. **UNDERGROUND UTILITIES:**

Where appropriate, installation of any new utilities and/or transmission lines shall be buried underground.

M. **SIGNS:**

New and/or expanded signs shall be designed, as much as is reasonable, to be in keeping with the character of the neighborhood. The examples contained in the appendix of the Sign Ordinance are encouraged.

SECTION 14

A. **ADMINISTRATION AND ENFORCEMENT**

These regulations shall be administered by the Planning Board. Enforcement shall be by the Board of Selectmen. The Selectmen 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 Board.

SECTION 15

A. **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 16

A. **REVOCAION OF PLANNING BOARD APPROVAL**

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

SECTION 17

A. **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 18

A. **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.

Enacted: May 17, 1984

Amended: December 20, 1990
March 18, 1995
December 5, 1995
January 7, 1999
December 16, 1999
February 1, 2001
October 14, 2004
May 4, 2006

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