



Town of Boscawen

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Amendments to the Boscawen Land Development Regulations

The Planning Board is proposing the following amendments to the Boscawen Land Development Regulations as well as updating of numbering of pages and sections:

1. Section 2.2: Clarification for scheduling Pre-Application Consult;
2. Section 2.7: Changing shall to may;
3. Section 3.12: Insertion of Village District;
4. Section 4.1: Insertion of requirement to meet with PCD Director;
5. Section 8.6: Insertion of references to mailbox requirement of USPS;
6. Section 8.17: Insertion of Fire Protection Standards;
7. Section 10.2 6, a New Current Use Map for all Subdivisions in Current Use;
8. Section 10.6: Insertion of Building Inspector into the Technical Review Committee.

The current LDRs are on our website at the following link:

https://www.townofboscawen.org/sites/g/files/vyhli4166/f/uploads/boscawen_ldr_final_for_ph_09.01.2020.pdf

The proposed amendments are attached so you may compare the changes.

Should you have any questions, please contact me at 603.753.9188 x2309 or by email at keasler@townofboscawen.org.

Kellee Jo Easler
Planning & Community
Development Director

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TOWN OF BOSCAWEN

LAND DEVELOPMENT REGULATIONS



May 2019

Land Subdivision Regulations

Adopted by the Boscawen Planning Board on July 23, 1967

Amended September 6, 2016

Amended April 2022

Site Plan Review Regulations

Adopted by the Boscawen Planning Board on September 14, 1981

Amended April 2, 2019

Amended April 2022

Land Subdivision Regulations Amendments

December 10, 1996	Major Revision
February 8, 2005:	Section III- General Requirements, B 16, (sprinkler systems), added.
August 9, 2005	Section IV, D 1 number of copies and Section III #17 added.
September 13, 2005	Section VIII, A; Streets, 7. Dead-end Streets, b. Permanent turnaround shall be a "T" shape.
October 11, 2005	Section II- Definition of "buildable land" amended.
July 11, 2006	Section II-Definitions, The word "Wetlands" was added. Chapter VIII, Section C: Lots: #7 A 100-foot buffer shall be maintained from Wetlands.
March 20, 2007	"Not on locus maps" added to Section VI #6.
August 14, 2007	Section III-Added #18. All new driveways shall be a minimum of 16 feet in width the entire length of drive.
November 13, 2007	Section III #18 Revised to "A 16 foot curb cut and 13 feet wide the entire length of the driveway.
January 15, 2008	Section II-Definitions, added "Substantial Development"
March 18, 2008	Section IV-Procedure, D4f. Change 90 days to 180 days.
February 9, 2010	Section III-General Requirements added 19. Floodplain Regulations and deleted the definition of "flood zone" from Section II-Definitions.
August 10, 2010	Amend the definition of Minor Subdivision. Section III-B General Requirements #14(a) – Insert, "Obtain a Determination Letter from the Code Enforcement Officer as required by Article 10.02 of the Zoning Ordinance." and re-letter the section. Section IV Procedure, Subsection D Application: Insert "Determination Letter issued by Code Enforcement Officer" into 1(a)i., insert "10-22" x 34" plans", into 1(a)iii, and re-letter the section.
May 14, 2013	Insert DD. Voluntary Lot Merger in Section II – Definitions; Amend Section IV – Procedures, Subsection D Application for number of copies and document size; Insert new subsection, Section IV – Procedures, Subsection G-Voluntary Lot Mergers; Insert new Section XIV-Reference Documents and update references to the New Subdivision Regulations Amended – September 6, 2016 Page 3 Hampshire Department of Environmental Services throughout this document.

July 9, 2013	Amend Sections VII – Required Improvements & VIII – Design Standards to update references to road & driveway design and construction.
December 8, 2015	Amend Section IV – 1) Added in Section B, 5, b) Fees and/or Failure to Pay 2) Added in Section D., 1., a), vi The Notification of Impact Fee Assessment Worksheet and 3) Added Section H. - Time Limits, Amend Section VI., B., 26. Added Electronic File requirement.
September 6, 2016 <i>Public Hearing</i>	Amend Section VIII-Design Standard – C. 7. Change 100 foot Public Hearing buffer to 25 foot buffer shall be maintained from all wetlands.

Site Plan Review Regulations Amendments

December 10, 1996	Regulations amended.
August 9, 2005	Section IV 2d, numbers of copies.
January 15, 2008	Regulations amended.
February 9, 2010	To include Floodplain Regulations.
November 9, 2010	To add “Determination letter from Code Enforcement Officer” to Section IV D 1 and renumber the section. Amend Section IV D 3a to read: 25 sets of 11” x 17” plans; amend Article IV, Section D 3d to read: Ten sets of 22” x 34” plans.
May 10, 2011	The amendments were: The introduction of an exemption clause in the Authority Section, the definition of Abutter was amended, Article IV Application Requirements, Section B, C, D & E were amended. Article V General Standards Section D 5 was added.
October 9, 2012	The amendments were: Amend the Authority section to include Home Business, Major to the site plan review exemptions, Article IV, Section C for clarity, Section D (3) (d) for number of copies and add Article XIX – Final Site Plan Review Plat
April 9, 2013	The amendments were: Amend the Authority section by striking the reference to Home Business, Major from Exception #2, and adding the provisions for the Technical Review Committee at Article III, Procedures, Sections B & C.
August 10, 2013	The amendments were: 1) Add definitions of Temporary Event and Change of Use to Section I, Definitions, 2) add Site Plan Amended April 2, 2019 Page 2 Temporary Events to Section III, Procedures, Subsection C – Procedure for Minor Site Plan Review and 3) amend Section XIV – Final Site Plan Review Plat to remove recording requirements and adjust the number of copies required from five to two.
December 8, 2015	The amendments were: 1) IV. D.,6. Added Impact Fees as assessed by the Planning Board, 2) VI Fees and/or Failure to pay, 3) XIV A. Electronic Files, 4) XV Added Time Limits

April 2, 2019

The amendments were: 1) III. Procedures update to include the procedures from Site Plan Review to match Technical Review Committee, III, B, 2 replace Land Use Coordinator with Planning and Community Development Director and add Code Enforcement Officer 2) IV Application D.3. Decrease amount to 15 sets 17x22 Reg PB & 10 sets-17x22 & 1 set-22x34 for TRC, 3) XIV Final Site Plan Review Plat change to 1 paper copy and correct office name.

April 5, 2022

The amendments were: **1) Sections 2.2, & 2.7, 2) Section 3.12, 3) Section 4.1, 4) Section 8.6 & 8.17, 5) Section 10.2, 6 a & 10.6**

DRAFT

Town of Boscawen

Land Development Regulations Outline

May 2019 Draft

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SECTION 1 GENERAL PROVISIONS

Section 1.1 Introduction

The Planning Board, after a public hearing, adopted these development regulations. They include, in one integrated format, the application and review process and development standard requirements for the Planning Board's review and approval of both subdivisions and site plans.

The subdivision process is required for the creation of an opportunity for a new or separate real estate ownership, a new tax map parcel or the establishing of a new boundary line. Subdivisions include, therefore, the creation of new land parcels, lot line adjustments and ownership opportunities such as condominiums. Condominium ownerships are, for example, those where building owners also own shares in common land or some recreational facility. Whether the lot is to be owned, rented or leased is not germane.

The subdivision process includes consideration of the impact, access and utility of those lots being proposed, the potential impacts of the subdivision on the natural environment, as well as all legal documentation necessary to put the subdivision into effect. Approval also includes the completion of all required construction, both public and private, and both on-site and off-site, including, for example, roads, sidewalks, provisions for fire protection and emergency access, landscaping and recreation facilities. The subdivision process is not required, however, for voluntary lot mergers. This is where a property owner merges adjacent lots into a single lot, usually for tax purposes. A subdivision is required, however, to undo voluntarily merged lots.

Site plan review, on the other hand, does not create separate ownership opportunities. Site plans show the proposed development on a parcel of land, including, for example, buildings, parking, sidewalks, service areas, drainage, lighting, waste disposal, and landscaping. Approved site plans are required for any development, except single-family homes or a single duplex building to be constructed on a single parcel of land.

The impact of the proposed development subject to site plan review includes an evaluation the impacts on public facilities including but not limited to streets and roadway, water, sewer, and storm drainage. In Boscawen, the appearance of proposed buildings and site improvements is important to the community and is evaluated during the site plan review process. The site plan review process includes consideration of and mitigation of impacts to both public facilities and private utilities both on-site and off-site, natural resource impacts and mitigation, and the harmonious integration of the new development into the community.

Some subdivision proposals may include the consolidation and re-subdivision of land, or lot line adjustment and the subdivision of one or more of the re-configured parcels in two separate steps. Likewise, some development proposals may require both subdivision and site plan approvals. In all of these cases, it is recommended that one combined review process be utilized, so that the applicant has either an approval or a denial of the full proposal. It should also be noted that these regulations do not modify the requirements of the Boscawen Zoning Ordinance, or any local or state building code requirements, or the need to obtain any local, state or federal permit(s).

Section 1.2 Authority

Pursuant to the authority vested in the Boscawen Planning Board by the voters of the Town of Boscawen and in accordance with the Chapter 674, Sections 35-42, as from time to time amended, the Boscawen Planning Board regulations governing the subdivision of land in the Town of Boscawen, New Hampshire.

Pursuant to the authority vested in the Town of Boscawen Planning Board voted on at the March 14, 1975 Town Meeting, in accordance with the provisions of RSA 674:44 as from time to time amended, the Town of Boscawen Planning Board adopted regulations governing the review of non-residential site plans and multi-family development in excess of two (2) units, whether or not such development includes a subdivision or re-subdivision of the site.

Section 1.3 Title

These regulations shall be known and may be cited as “**Land Development Regulations, Town of Boscawen, New Hampshire.**”

Section 1.4 Purpose

The purpose of these regulations are:

1. To promote the development of an economically sound and stable community by preventing such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, sewerage, municipal solid waste disposal, transportation, schools, fire department, or other public services or necessitate excessive expenditures of public funds for the supply of such services;
2. To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, through proper arrangement and coordination of with existing or planned streets;
3. To assure, in general, the wise development of areas in harmony with the Master Plan of the Community;
4. To promote the amenities of the Town through provisions for parks, playgrounds, or other public areas, preservation of trees and natural or historic features and planting of street trees;
5. To secure equitable handling of all applications by providing uniform procedures and standards for the applicant and the Planning Board;
6. Protecting the health, welfare, safety and general convenience of the inhabitants of the Town of Boscawen;
7. Ensuring compliance with Zoning, health regulations, driveway permit regulations, building standards, and other applicable laws;
8. Ensuring compliance with the State of New Hampshire's health regulations, sewage disposal regulations and other applicable regulations;
9. Securing adequate provisions for water, drainage, electricity and other required utilities;
10. Reducing danger to life, limb and property from the operation of motor vehicles;
11. Lessening congestion in the streets;
12. Providing adequate parking facilities;
13. Preventing pollution of air, brooks, streams, ponds, lakes and groundwater supplies;

14. Preventing blighted areas;
15. Securing safety in the case of fire, flood, panic and other emergencies by providing adequate access for fire trucks and other emergency vehicles;
16. Promoting neat, attractive businesses and industries that will be compatible with their surroundings and in keeping with the character of the Town of Boscawen.
17. Encouraging the development of businesses and industries that will broaden and strengthen the tax base of the Town of Boscawen;
18. All of the foregoing purposes are to be accomplished with a minimum expenditure of public funds.

Section 1.5 Approval Required before Work Begins

After the proposed project's plans and application have been found complete and taken under jurisdiction of the Planning Board, no utility installation, no grading or construction of roads, no grading of land or lots, no clearing land of natural vegetation, including trees, no placing of fill nor performing any other act or acts which will alter the natural state of the land or environment, and no construction of buildings shall be done on any part of the land or lots within a development unless:

1. A plan of such development has been submitted, declared complete, reviewed and approved by the Planning Board.
2. The Planning & Community Development Director has certified that the final plans are in compliance with all conditions of approval by the Planning Board.
3. Where applicable all legal documents and financial guarantees have been provided to the Town.
4. For subdivision plats, said plats shall be properly endorsed and recorded in the Merrimack County Registry of Deeds, along with any legal documents including the Notice of Decision, easements and rights-of-way.
5. All permits required from State and Federal agencies have been obtained.
6. Permits required from other Town regulations and ordinances have been obtained.

Nothing precludes the Board from approving a development from being constructed in phases provided that each phase can function independently with safe and sufficient access, adequate public facilities, and erosion and sediment control measures are installed and maintained including revegetation of any disturbed areas.

Section 1.6 Conformity with Master Plan and Zoning Ordinance

Subdivision and site plans shall conform to the substance and intent of the Town of Boscawen Master Plan and Zoning Ordinance.

Section 1.7 Scope of Review – Site Plan Review

The following use(s) shall be considered exempt from the requirement for site plan review:

1. A single family or duplex residential dwelling unit on an individual lot.

2. A business use of residential property that meets but does not exceed the requirements of Home Business, Minor as defined by the Zoning Ordinance.
3. A business owner or tenant intends to occupy an existing building or space where a prior use is similar in nature and, the existing site plan approval meets the needs of the new owner or tenant.

Whenever any development or change or expansion of use of a site 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 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 this regulation. The Planning Board shall have the responsibility for making the final decision as to the necessity of Subdivision and/or Site Plan Review. Where there is any doubt as to whether or not a project requires development review, the affected party should request a determination letter from the Code Enforcement Officer. In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

1. If the proposal involves new construction of nonresidential or multi-family development.
2. If the proposal involves a change of use category, e.g., from residential to commercial, or from single family to multi-family.
3. If the proposal involves external modifications or construction, including parking lots (except for single family or duplex housing).
4. If the proposal involves expansion of a building or intensification of use that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc.
5. If the proposal involves a property that has never received Site Plan Review from the Planning Board for previous non-residential or multi-family use.

Section 1.8 Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare of Boscawen, NH.

Section 1.9 Conflict with other Public Provisions

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of those regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

Section 1.10 Conflict with Private Provisions

These regulations are not intended to abrogate any easement, covenant, or any other private agreement or restriction provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provision of the easement, covenant, or private agreement or restriction

imposes duties and obligations more restrictive or imposes higher standards than the requirements of these regulations, or in enforcing these regulations and such private provisions are not inconsistent with these regulations or determinations there under, then such private provisions shall be operative and supplemental to these regulations'

Section 1.11 Separability

If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such decision shall not affect the validity of the remaining portions thereof, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

Section 1.12 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing Site Plan Regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.

Section 1.13 Conformance to Applicable Laws, Rules, and Regulations

No subdivision, site construction, or change of use of land, shall occur in violation of these regulations and the Town of Boscawen Zoning Ordinance. No building permits may be issued for any building, structure, site improvement, or change of use prior to site plan approval and the satisfactory completion of any pre-construction conditions of Planning Board approval. The Building Official shall not approve any certificate of occupancy, nor shall any use of a building or site commence, unless the proposed improvements, and the proposed use of land or buildings, is found to be in compliance with the approved subdivision and/or site plan and the conditions of Planning Board approval.

In addition to the requirements established herein, all developments shall comply with the following laws, rules, regulations, and adopted plans:

1. All applicable State statutes and Federal law and all rules and regulations promulgated in accordance with such statutes and laws;
2. The Zoning and Health Ordinances, Building and Housing Codes, and all other applicable ordinances and regulations of the Town of Boscawen.

Section 1.14 Self Imposed Restrictions

If the owner either voluntarily before the Planning Board or as a condition of approval, places on any property restrictions which are greater than those required by the Zoning Ordinance or by these regulations, such restrictions shall be noted or otherwise described on the plan and shall be formally established by either an easement to be conveyed to the Town, or to other responsible parties as may be required by the Planning Board, to be recorded at the Merrimack County Registry of Deeds in a form to be approved by the Planning Board Chair

and the Town; or a formal written agreement between the Town and the applicant, binding the applicant and successors in title to said restrictions, to be recorded at the Merrimack County Registry of Deeds in a form to be approved by the Planning Board Chair and Town Counsel.

Section 1.15 Planning Board Rules of Procedure

The Planning Board's Rules of Procedure are adopted under the authority NH RSA 676:1, as amended. The Board's Rules of Procedure address the duties of officers, quorums, administrative procedures, the procedures for testimony by the public and applicants at public hearings, and the overall conduct of public meetings. The Rules of Procedure are available on the Town's website under the Planning Board's pages.

SECTION 2 PLANNING BOARD REVIEW PROCESS

Section 2.1 General Requirements

Applications shall be filed at the Town Municipal Offices with the Planning & Community Development Director twenty-one (21) days before the next regular meeting of the Planning Board with the proper application, notice and review fees.

An application may be withdrawn prior to the hearing, however, all application fees shall be forfeited and the applicant shall remain liable for all consultants' fees incurred prior to withdrawal of the application.

By filing an application with the Board, the applicant, including all the applicant's agents, consultants and representatives, consents to the review of the application by independent consultants retained by the Board at the applicant's expense for the purpose of, and not limited to:

1. Confirming that the application conforms with the applicable state and local requirements; and
2. Any additional studies or investigations and/or information from land surveyors, engineers, architects, attorneys, soil scientists, wetland scientists, or other with expertise in a particular field, and which could facilitate the Board's actions on the application

Section 2.2 Pre-Application Consultation

The applicant may request a pre-application consultation with the Technical Review Committee (TRC). The purpose of the consultation is to familiarize the TRC with the applicant's proposal, to discuss with the applicant the scope and extent of the required submission materials, the schedule for application submittal, and the Planning Board review process. The TRC may advise the applicant of potential issues with the development in regard to conformity with these regulations, the Zoning Ordinance, and other regulatory requirements. For major subdivisions or major site plans it is strongly recommended that the applicant avail themselves of this opportunity to discuss the project with the TRC.

The intent of the pre-application consultation is to discuss the proposed development on an informal basis prior to an application being submitted. All plans and documents discussed are assumed to be preliminary in nature, and any comments made are not binding on the Town or the Applicant.

The applicant need only advise the Planning & Community Development Director at least one week to schedule a TRC meeting and to be placed on the agenda. The applicant at that time needs to identify the property proposed

for development and type of development proposed. It is recommended that the applicant submit a conceptual plan and a narrative describing the project to allow the TRC members to begin review of the proposed development before the TRC meeting. Any information submitted by the applicant is part of the public record and will be available for review by members of the public after the TRC meeting. The applicant can meet with the TRC on more than one occasion prior to making a formal application.

Section 2.3 Conceptual Plan

For any site development, the Applicant may request at least fourteen (14) days prior to next regularly scheduled Planning Board agenda, to be placed on the agenda for a non-binding discussion, conducted in general terms, of the basic concept of the proposed development. The Applicant or the Board may end the conceptual review at any time. Public notice of the conceptual review is not required but any discussion must occur in a regular advertised public meeting of the Planning Board.

At the time of requesting a conceptual review, the Applicant shall provide the following information to accurately and clearly show the following in the form of a sketch the following information:

1. Existing property lines of the parcel under review and the abutting properties;
2. General topography, to include highlight of slopes in excess of 25%;
3. Prominent natural features of the site, to include but not limited to tree lines, specimen trees, watercourses, floodplains, and wetlands;
4. Existing physical improvements, and in conceptual terms only, the locations suitable for proposed buildings and/or lots, parking areas, roadways, drainage areas, or open lot uses.

The conceptual review shall be limited to a discussion of the concept in general terms, for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance. The Board shall consider whether the development is compatible with existing and proposed development in the area, whether sufficient roads, utilities, and services are available, or could be provided by the applicant, to serve the proposed development. The Board shall consider if the proposed development fits into the natural environment and the cultural landscape, including historical resources. The Board may advise the applicant what types of supporting studies are likely to be required for this type and scale of an application.

Section 2.4 Design Review Plan

Preliminary Design Review meetings are strictly optional, but such meetings can be helpful in identifying and resolving problems in an application prior to major design investments by the applicant. The applicant may request a meeting with the Board to discuss a proposal in more specific form and terms prior to completing final engineering and architectural plans. The following information must be submitted at a minimum in order for the Board to consider a Preliminary Design Review Application:

1. A complete application including the information set forth in Section 4: Submittal Requirements for All Applications. As applicable, Section 5: Site Plan Specifications for Plans and Documents, and Section 6: Subdivision Specifications for Plans and Documents.

2. A Development Impact Summary Report as set forth in Section 5.1 along with a graphic and narrative site inventory.
3. A conceptual plan drawn to scale and clearly showing all significant existing site features, including, but not limited to: buildings, parking, abutting roads, existing utilities and drainage, vistas, ridge lines, wetlands, vernal pools, floodplains, slopes, stone walls, significant rock outcrops, tree masses and/or tree lines, rare and endangered species habitats, streams and other water bodies. The conceptual plan shall show the approximate location and size of proposed site alterations and improvements, including to but not limited to buildings, parking areas, new and improved streets, internal private drives, driveways, proposed drainage improvements and the approximate location of storm water retention/detention facilities and outlets, conceptual site grading and clearing limits, the location and size of new utility services including on-site wells and septic systems, and the approximate location and size of any new lots.
4. The application shall be based on an existing condition survey and shall show the proposed layout of the site prior to completing final engineering.
5. The applicant shall show significant site features on abutting properties within 100 feet of the site boundary.

The Board and Applicant may engage in non-binding discussions beyond conceptual and general discussions, addressing more specific design, planning and engineering details provided that the design review may proceed only after formal public notice is provided. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.

Section 2.5 Final Application Submissions and Procedures

Development Review for subdivision and site plan applications conducted in accordance with the following procedures:

1. A complete application shall be provided.
2. The application materials to be included in a completed application shall include the information set forth in Section 4: Subdivision Application Requirements or Section 5: Site Plan Review Application Requirements, as applicable. The Technical Review Committee and/or the Planning & Community Development Director shall provide a recommendation to the Board in regard to the completeness of the application.
3. All application fees, including fees placed in escrow for independent review of plans, documents and specifications, and special studies.
4. Minor Site Plan as defined in Section 12: definitions shall be considered by the Technical Review Committee as set forth in Section 2.7 and Section 10.6.
5. Provided that an application is received at least 21 calendar days before a regular Planning Board meeting, a determination as to its completeness shall be made at that meeting and a public hearing date set.
6. The Board shall begin formal consideration of the application within 35 days after the application is declared complete.

7. Throughout the process of Board consideration of an Application, the Board may consult with independent consulting engineers, architects, soil scientists, attorneys, planners or others, at the expense of the Applicant.
8. Before approval of a an application is given, the Planning Board shall solicit written statements from the following Town Officials regarding the proposed application and other town officials as determined by the Planning Board:
 - a. Obtain a Determination Letter from the Code Enforcement Officer Certifying Zoning Compliance, as required by Article 10.02 of the Zoning Ordinance.
 - b. The Public Works Director and Engineer as to the design of the street system, location of easements, and design of the water, sewer, and drainage systems, including appurtenances;
 - c. The Police Chief, or representative, as to vehicular and pedestrian traffic safety and access for emergency vehicles;
 - d. The Fire Chief, or representative, as to adequacy of fire protection and access for emergency vehicles;
 - e. The Recreation Commission, or its Director, and the Conservation Commission as to the suitability and location of any lands proposed to be dedicated for Town open space, park or playground or other recreational purposes;
 - f. Building Inspector, or representative, as to
 - g. Agricultural Commission, or representative, as to
 - h. MVSD Facilities Director, or representative, as to
 - i. Penacook Boscawen Water Precinct, or representative, as to
 - j. Town Officials may opt to attend the regular Planning Board meeting to express their concerns regarding the application.
9. A duly noticed public hearing shall be held on the application prior to any action by the Planning Board.
10. After consideration of public comments, the applicant's testimony, and comments from Town officials, independent consultant reviews, as well as staff review comments and recommendations, the Board shall act to approve, conditionally approve, or disapprove within 90 days after submission. However, the applicant may waive the requirement for Board action within a time period specified and consent to such extensions as may be mutually agreeable. The Planning Board may apply to the Select Board for an extension not to exceed an additional 90 days before acting upon the application.
11. A Notice of Decision shall be prepared within five (5) working days including any conditions attached to the application by the Planning Board and sent to the Merrimack County Registry of Deeds for recording.
12. If the Board acts to disapprove any application, the reasons for the approval shall be outlined in the Notice of Decision.

Section 2.6 Joint Hearings

The Planning Board may hold a joint public hearing on an application requiring Site Plan Review, a Conditional Use Permit, and a Subdivision plat. A separate action by the Board is required for each application.

In accordance with adopted Rules of Procedure, the Planning Board may hold an application hearing at the same time and place that a hearing for a Special Exception is held for the project by the Zoning Board of Adjustment. Separate actions by each Board are required in this circumstance.

In accordance with adopted Rules of Procedure, the Planning Board may hold a joint public hearing with the Planning Board of an adjacent municipality for an application that is located in both communities. Separate actions by each Board are required in this circumstance.

Section 2.7 Technical Review Committee Procedures

Minor site plans **may** be reviewed by the Technical Review Committee (TRC) based on the following procedures: (Please see Section 10.6 for the makeup of the TRC)

1. The Planning & Community Development Director has determined the application meets the criteria for a minor site plan.
2. Public and abutter notice shall be as set forth in Section 3.3.
3. The TRC, shall prior to consideration, determine that the Minor Site Plan application is complete in the same manner as the Planning Board in Section 3.2.
4. The TRC shall process and take action on applications as set forth in Section 10.6.
5. If an application is complete, the TRC, may approve a minor site plan, approve with conditions, deny the application, or refer the minor site plan application to the Planning Board.
6. A Notice of Decision shall be prepared within five (5) working days including any conditions attached to the application by the Technical Review Committee and sent to the Merrimack County Registry of Deeds for recording.
7. The TRC, at its discretion, may refer a minor site plan to the Planning Board for consideration.
8. An applicant or abutter may appeal to the Planning Board within ten (10) days of the issuance of a Notice of Decision by the TRC.
9. The process for addressing precedent conditions, issuance of any building or occupancy permits, or any Certificate of Occupancy shall be as set forth in Section 10: Administration and Enforcement.

Section 2.8 Voluntary Lot Mergers

1. The Technical Review Committee (TRC) shall consider applications for a voluntary lot merger on behalf of the Planning Board in accordance with RSA 674:39-a, as amended.
2. Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them for municipal regulation and taxation purposes may do so by applying to the Planning & Community Development Director.

3. The Technical Review Committee shall take action on any voluntary lot merger at a duly advertised public meeting.
4. Except where such merger would create a violation of existing ordinances or regulations, or increase the non-conforming status under the terms of the Boscawen Zoning Ordinance, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the TRC, shall be filed for recording in the Merrimack County registry of deeds, and a copy shall be mailed to the municipality's assessing officials.
5. No such merged parcel shall thereafter be separately transferred without subdivision approval.
6. The Town of Boscawen may not merge preexisting subdivided lots or parcels except upon the consent of the owner.

Section 2.9 Expiration

Any site plan for which a Building Permit has not been obtained, and/or the approved change of occupancy, within two (2) years of the date of approval of the site plan shall be considered void unless the Planning Board grants an extension for good cause. The Planning Board may approve a second one (1) year extension provided that the approved Site Plan remains in compliance with the current zoning and site plan regulations. If significant construction has not commenced then the Site Plan approval shall be considered void.

The Planning Board may grant extensions, upon written request filed with the Planning Board at least thirty (30) days prior to expiration of conditional approval, stating the requested length of extension and the extenuating circumstances justifying an extension. Planning Board consideration of extensions shall be noticed and shall include a public hearing. Time limit extensions are typically one (1) year in length. Additionally, while an appeal of Planning Board decision pursuant to RSA 677:15 stays proceedings upon the decision appealed from, the time limits of this section are not tolled during the pendency of such an appeal.

If building permits have been issued with the two year period, the applicant shall have an additional year to substantially complete the approved development before the site plan approval expires. If construction has commenced within the authorized site plan approval period, but site development has ceased for a period longer than one (1) year and the project is not substantially complete as defined herein, the Site Plan approval shall also expire.

Any subdivision plat not recorded in the Merrimack County Register of Deed within two (2) years of the date of approval of the Subdivision shall be considered void unless the Planning Board grants an extension for good cause. At the request of the applicant, the approval of a Subdivision may be extended for one (1) year by the Planning Board. The Planning Board may approve a second one (1) year extension provided that the approved Subdivision remains in compliance with the current zoning and site plan regulations. Once an extension has been granted, if the subdivision plat has not been recorded in the Merrimack County Registry of Deeds within the extension period, then the approval for the Subdivision shall expire.

If an approved Site Plan or Subdivision has been deemed to have expired, a complete new Site Plan or Subdivision application, as applicable, must be provided.

Section 2.10 Revision to Approved Plans

In the event of any proposed change in an approved Site Plan, or a Subdivision Plat, the applicant shall notify the Planning Board in writing of such change. The Planning Board shall at a duly advertised public meeting determine whether or not the proposed change is an immaterial change or a material change. If the Planning Board determines that the change is an immaterial change, then the Planning Board may act to approve said change with or without additional conditions. If the immaterial change requires the submittal of a revised or corrected plat, the applicant shall submitted to the Zoning Administrator a revised plat for recording. The applicant shall be responsible for all recording and processing fees.

For immaterial changes, digital copies of all revised plans and documents in format as set forth herein, shall be submitted. In addition, three (3) copies of revised plan drawings, along with any revised or amended supporting documentation and studies, shall be provided.

Any material changes shall require public and abutter notice and shall be considered only after duly advertised public hearing. The applicant shall be required to submit a revised site plan application to the Planning Board with appropriate supporting documentation and fees for notices and independent consultant review.

Section 2.11 Appeals from the Technical Review Committee

The Planning Board shall hear all appeals from any decision on a minor site plan by the Technical Review Committee. The Board shall consider the appealed application as if it was a new site plan application. The applicant shall be responsible for additional costs for notices and independent review.

Section 2.12 Appeals from a Planning Board Decision

Any Planning Board action may be appealed to the Merrimack County Superior Court as set forth in Section 9.3.

Section 2.13 Subsequent to Board Approvals

Once an application is approved, the applicant shall revise the plans and supporting documents to address the Planning Board's conditions of approval in compliance to these regulations and the Town of Boscawen Zoning Ordinance as set forth in Section 10.1: Process and Procedures after Approval.

SECTION 3 BOARD PROCEDURES, PUBLIC NOTICE, AND OTHER CONSIDERATIONS

Section 3.1 Board Determination of Application Type

The Planning Board may, without notice to abutters, determine whether a proposed change of occupancy is sufficient enough to be a change of use requiring site plan review. The Planning Board may determine, without notice to abutters, that a proposed subdivision is being considered as a major subdivision. The Board may, but is not required, to hold a public hearing as part of its determination.

Section 3.2 Determination of Completeness

Upon receipt of a site plan or subdivision application, the Planning Board shall determine if the application is complete. Provided that an application is received at least 21 calendar days before a regular Planning Board meeting, a determination as to its completeness shall be made at that meeting.

The Planning Board must determine an application complete prior to setting the Application for public hearing and consideration by the Planning Board. The determination of completeness by the Planning Board shall be at a duly advertised public meeting of the Planning Board and notice shall be provided in the same manner as the public hearing on a subdivision or site plan application set forth below. The Planning Board shall consider a report from the Planning & Community Development Director and/or Technical Review Committed prior to making a determination. No public testimony or testimony from the applicant shall be accepted during the Board's consideration and action on a Determination of Completeness.

The application can request in writing that a Determination of Completeness by the Board be deferred for a specific time frame with the intent of improving the application provided that the request is received prior to public notice.

If the development application is declared complete, the Board shall set a date, time and place for the public hearing within 35 days from the date the application is determined complete.

If the application is determined incomplete, and the applicant desires to continue with the proposed development, the applicant shall submit a complete new application, with the required application and review fees along with an updated abutters list.

Section 3.3 Notice to Applicant, Abutters and Public

Once an application for Site Plan Review is deemed sufficiently complete for review by the Board, a public hearing shall be set within 35 days from the date the application is determined complete.

1. The notice shall include a general description of the proposed site plan that is the subject of the application; shall identify the Applicant and the location of the proposed development; and shall state the day, time, and place of the public hearing/meeting.
2. Notice shall be sent to the Owner, Applicant, if different from Owner, Abutters, Holders of conservation, preservation, or agricultural restrictions, professionals involved in the preparation of the plans and supporting documents; and other persons required by RSA 676:4 I(d). The applicant shall furnish the names and addresses for all persons, corporations, associations, etc. required to be noticed.
3. For the purpose of these Regulations, in counting days, the day notice is given and the day of the public hearing/meeting are excluded.
4. Notice shall be sent by Certified Mail at least 10 days prior to the public hearing/meeting. The 10 day notice period shall not include the date of the mailing or the date of the hearing.
5. Notice to the general public shall be given by posting in the town hall and on the municipal website at least 10 days prior to the public hearing/meeting.
6. Notice of Regional Impact shall be provided to the CNHRPC and affected communities as set forth in section 3.4.

Any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.

Section 3.3 Notice for Personal Wireless Service Facility

In addition to the "Notice to Abutters and General Public" and in accordance with RSA 12-K:7, for any proposed personal wireless service facilities that will be visible from any other New Hampshire municipality within 20 miles, notice shall be sent to the governing body and Planning Boards of those municipalities having such visibility, and notices shall be published in the newspaper customarily utilized by those municipalities for their legal notices stating the specifics of the application and its public hearing date. Publication shall be not less than 7 days, or more than 21 days, prior to the public hearing. For the purpose of this requirement, the following municipalities are within 20 miles of Boscawen: Allenstown, Andover, Belmont, Bradford, Canterbury, Chichester, Concord, Deering, Dunbarton, Epsom, Franklin, Henniker, Hillsborough, Hooksett, Hopkinton, Loudon, Manchester, Milton, New London, Northwood, New Hampton, Pembroke, Pittsfield, Salisbury, Tilton, Warner, Weare, and Webster. The applicant shall also provide notice to the Central New Hampshire Regional Planning Commission, the Lakes Region Planning Commission and the Southern NH Regional Planning Commission

Notice is required even if Planning Board review and approval is not required per RSA 12-K: 7. The applicant is required to submit an application, an application fee, and any review fees including fees to cover the costs of public notice.

Section 3.4 Determination of Regional Impact (DRI)

Concurrently with the Planning Board's consideration on the completeness of an application, the Planning Board shall determine whether or not the proposed development has a potential for regional impact, pursuant to RSA 36:54.

The Planning Board shall determine whether or not the application, if approved, could reasonably be construed as having the potential for regional impact pursuant to the provisions of RSA 36:54. Doubt concerning potential regional impact of a development shall be resolved in a determination that the development has a potential impact. The Planning Board shall determine an application to have the potential for regional impact on neighboring municipalities because of factors including, but not limited to, the following:

1. Proximity of the proposed site plan to the municipal boundaries.
2. Access to, and egress from, the proposed site plan via regional arterial routes, and/or local streets that cross municipal boundaries.
3. Proximity of the site plan to aquifers, surface waters, or other water resources that transcend municipal boundaries.
4. Proximity of the site plan to existing public water supplies of other municipalities.

If the Planning Board determines the application to be complete, and the project is a DRI, then notice shall be provided to the Central New Hampshire Regional Planning Commission (CNHRPC) and the potentially impacted communities. The applicant shall provide a copy of the development application including all plans, supporting documents and studies, to the CNHRPC, and those towns the Board deems to be affected, 21 days prior to the public hearing scheduled on the application in order to allow for timely review and comment. Notice of public hearing on a DRI shall be as set forth herein, except that DRI notices shall be sent by certified mail at least twenty-one (21) days prior to the date of the public hearing.

Section 3.5 When Approvals from the Zoning Board of Adjustment are required

When the Boscawen Zoning Ordinance requires approvals from the Zoning Board of Adjustment, the Applicant shall first obtain such approvals before applying for either subdivision and/or site plan approval. Any applications submitted without the necessary zoning approvals shall be deemed incomplete. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.

Section 3.6 Phased Development

The approval procedure for phased development is:

1. The entire site shall be approved under these Regulations.
2. The Planning Board's required improvements set forth in the Notice of Action shall be constructed and installed for each phase. The plan for phasing shall be submitted to the Board and approved as part of the Notice of Action on the site plan approval.
3. The Applicant shall provide a phasing and construction schedule that shall become part of the approval. If unable to construct within one (1) year of the approved construction schedule for Phase 2 and within one (1) year of all other dates for subsequent phases, then the Applicant shall resubmit the site plan to the Board. The Board shall then review the originally approved site plan against changes that have since occurred in the Town of Boscawen. The Board may modify or condition the original approval in order to address the current situation.
4. In the event of any change after Phase 1 in the approved development, including changes in phases and construction schedules, the Applicant shall notify the Board in writing of such change. The Board shall determine whether or not the proposed change is an immaterial change or a material change. If the Board determines that the change is an immaterial change, then the Board may review the proposed change. All material changes shall require notice and public hearing. In the event of approval of any change, the Applicant shall be required to submit a revised site plan to the Board.

Section 3.7 Special Investigations and Studies

The Planning Board to require additional studies is set forth in Section 3.7: Special Investigations and Studies. Any cost for the Town's review of any special investigation or study, including both staff time and consultant's utilized by the Town, is the responsibility of the applicant pursuant to Section 11: Fees.

Section 3.8 State and Federal Permits

The Town shall be provided with copies of all applications submitted for state or federal permits. While permits need not be approved prior to a Determination of Completeness, a copy of each application for a required permit should be included with the Applicant's submission. The Board, on review of the application, may determine an application complete without the required permit application if the Board finds that the application for permit is premature or there is an indication in the Board's opinion that significant changes may be forth coming to the application.

Section 3.9 Premature and Scattered Development

An application for approval of a subdivision or site plan may be deemed scattered or premature by the Board where either of the following conditions are found to exist:

- (1) The proposed development will occur in a location where municipal services or facilities are overburdened or will become overburdened by the placement of additional demand thereon; or
- (2) The proposed development is located where adequate municipal services are not available and are not as yet included in municipal plans of the Town.

Where the Board finds the proposed subdivision to be scattered or premature, the Board may require that the proposed subdivision be altered, reduced, phased, or deferred until the condition which causes it to be judged premature is corrected, removed, or otherwise no longer exists.

Section 3.10 Public Improvements

The Planning Board may require that all public improvements be installed and dedicated prior to the issuance of a Certificate of Occupancy for any development. If the Planning Board requires the construction or installation of public improvements then a financial guarantee shall be provided, in accordance with the requirements of Section 5: Assurances for Completion and Maintenance of Improvements. The amount of financial guarantee shall be approved by the Town's consulting engineer, and the form and sufficiency of the financial guarantee shall be satisfactory to the Town Counsel.

Section 3.11 Construction and Occupancy

No building construction or site development including land clearing, excavation or land filling shall take place prior to a determination by the Planning & Community Development Director that all the pre-construction conditions of Planning Board's approval, or the Technical Review Committee's approval, if applicable, have been satisfactorily complied with. No Certificate of Occupancy of any site, building, structure or change of use approved by the Planning Board shall be allowed to commence without being in full compliance with the approved site plan including any condition of Site Plan approval.

Section 3.12 Consideration of Plans in Special Districts

Land under consideration for development in one or more Special Districts, as described in the Boscawen Zoning Ordinance

Section 3.12.1 Village District Conditional Use Permits

In accordance with Article XVIII, Village District Ordinance, or the Boscawen Zoning Ordinance, Conditional Use Permits (CUP) for uses in the District:

1. Conditional Use Permit Applications

a. Application Materials for CUP approval:

- i. Conditional Use Permit applications made to the Planning Board or Technical Review Committee (TRC) are to be made on the Village District addendum section of the Site Plan or Subdivision application form
- ii. A project narrative describing the project and addressing how the proposal complies with all of the required elements of this Article.

- iii. An abutters list in accordance with the provisions of these Regulations.
 - iv. A fee, as determined by the Planning Board.
 - v. Any additional items that may be requested by the Board as described in the Land Development Regulations.
 - b. Application Process:
 - i. All complete Conditional Use Permits applications described in item 1.a above, unless waived by the Planning Board or TRC.
 - ii. CUPs may be processed concurrently with Site Plan or Subdivision Application(s). Applications will, therefore, be considered at a duly noticed public hearing and follow Planning Board approval.
 - iii. The Planning Board or TRC may provide relief from one or more of the requirements of these Regulations in accordance with the waiver provision requirements as described in these Regulations. Neither the Planning Board nor the TRC shall be authorized to provide relief for the requirements of Section 18.06 of the Boscawen Zoning Ordinance. Relief from one or more of the requirements of section 18.06 must be sought via a variance from the Boscawen Zoning Board of Adjustment.
 - iv. All notices of decision for CUPs shall be recorded at the Merrimack County Registry of Deeds.
 - c. CUP Standards for Approval: A CUP may be granted by the Planning Board and/or TRC, as applicable, provided that the proposed project complies with all of the following standards:
 - i. That the proposal complies with Section 18.06, Lot Requirements, of the Boscawen Zoning Ordinance.
 - ii. That the proposal complies with Section 3.11.1.2, Building and Façade Guidelines Section of These Regulations.
 - iii. That the proposal complies with Section 3.11.1.3, Landscape and Streetscape Elements Section of These Regulations.
 - iv. That the proposal comply with Section 3.11.1.4, Lighting Section, of these Regulations.
 - v. That the proposal comply with Section 3.11.1.5, Mechanical Equipment Section of These Regulations.
 - vi. That the proposal comply with Section 3.11.1.6, Parking, Vehicular, Traffic, and Pedestrian Access Section of These Regulations.
2. Building and Façade Guidelines: The intent behind these standards is to reinforce the existing character and historic nature of Boscawen's Village District.
- a) Standard Corporate Architecture: Architecture in the District shall be consistent only with the nature and style of the district as described in Boscawen Zoning Ordinance Article XVIII, Section 18.03, Guiding Principal. Structures shall be unique and consistent with the district as opposed to standard corporate architecture.
 - b) Exterior Building Walls: Building walls shall reflect and complement the traditional materials and style techniques of the District's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Specific requirements include:
 - i. Exterior wall materials include wood, brick, stone, masonry building materials, or any other material that are consistent with other materials traditionally found in the District. Sheet metal, plastic, or any other such material not traditionally available at end of the Nineteenth

- Century shall not be permitted. Vinyl siding may be permissible for residential uses (i.e. solely residential, not a mix of residential and non-residential uses) if it will be consistent with the appearance of the architecture of the District.
- ii. Long, blank, uninterrupted walls should be avoided at the street side of buildings. If such walls are unavoidable, articulation such as planting, landscaping, ornamentation, and building masonry details shall be used to visually break up a blank façade.
 - iii. Principal building entrances shall be from the street or the side of the building.

c) Roofs and Parapets:

- i. Roofs and parapets should demonstrate a recognition of the climate by utilizing appropriate pitch, drainage, and materials. Gable ends, when utilized, shall be oriented towards the primary street.
- ii. Skylights and roof vents are permitted but should be shielded from the streetview. Dormers on top floors are encouraged when practical.

d) Accessory Buildings: Accessory buildings shall comply with 2.b above (exterior walls).

3. Landscape/Streetscape Elements:

- a) The street side of the building shall incorporate landscaping that shall include street trees, planters, window boxes or other landscaping. Street trees are recommended at intervals of not less than thirty feet, in boxes.
- b) Where off-street parking is located along the streetscape or in the front of buildings, a ten-foot native planting strip shall, when feasible, be incorporated along the front property line to screen parking lots from the street. Plantings shall be at least three feet tall but shall not interfere with vehicular sight lines at entrances and exits or pedestrian safety.

4. Lighting:

Materials and equipment chosen for lighting fixtures should be durable, energy efficient and weather suitable. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, it should be noted that lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. These elements shall be avoided.

a) Lighting Hardware:

- i. In order to minimize light pollution, light fixtures shall be of a downcast design.
- ii. Lighting fixtures of a historical design are highly encouraged when attached to buildings. Streetlights shall be of a historically appropriate nature or design (i.e. "Amoskeag Lights" or similar design).
- iii. Site lighting shall be of a design so as to illuminate only the lot in question and cast not lighting on abutting lots.

b)

Lighting Performance:

- i. Excluding streetlights, all exterior lighting shall be located no more than sixteen feet above grade.
- ii. Floodlights or directional lights are permitted but must be shielded or aimed in such a way that they do not cast lighting onto abutting lots or the streets.
- iii. No flashing, traveling, animated, or intermittent lighting shall be permitted on the exterior of any building, nor shall it be visible from the street or adjacent properties, whether such lighting is of temporary or long-term duration.

5. Mechanical Equipment:

- a) The following equipment shall not be stored or located within any area between the street and the "front" of the building(s) on site and shall be screened from view from the street or adjacent properties: air compressors, mechanical pumps, exterior water heaters, water softeners, generators, air conditioning units, utility and telephone company transformers, meters or boxers (excluding the alarm boxes) garbage cans or garbage can storage areas and storage tanks.
- b) Roof mounted mechanical equipment shall be located so as not to be visible from the street, public spaces, or parking lots, or from the ground level of adjacent properties.
- c) Screening features employed shall use similar or complementary building materials to the building on which they are located, or landscaping.
- d) Renewable energy systems including solar photovoltaic panels, solar hot water systems, and small wind turbines are exempt from the shielding requirements, but placement must reduce the impact to abutting properties and to public spaces to the extent practicable.

6. Parking, Vehicular Traffic, and Pedestrian Access:

- a) Parking: All off-street parking shall conform to Town of Boscawen Zoning Ordinance and Regulations except as prescribed in this Article, including:
 - i. Off-street parking shall be located, in order of preference, behind buildings or to the side.
 - ii. Parking shall be considered an accessory use and is not permitted as a principal use of a lot.
- b) Vehicular Traffic:
Each development proposal within the District shall reserve a location for interconnection to abutting lot(s) when possible. Shared driveways and internal connections may be required by the Planning Board when practical, and in such situations a cross-access easement shall be provided.
- c) Pedestrian Access:
 - i. Safe pedestrian access that complies with the most recent Americans with Disabilities Act (ADA) Accessibility guidelines shall be provided from the public way and from parking areas to entrances to building entrances.
 - ii. The Planning Board shall require sidewalks or sidewalk improvements for site plans and subdivision applications being considered under the provisions of this Article.

SECTION 4 SUBMITTAL REQUIREMENTS FOR ALL APPLICATIONS

Section 4.1 Requirements for All Applications

The applicant shall file with the Planning Board in accordance with the established application deadlines, a request for consideration of a subdivision plan or site plan. Application forms are available in the Town Office and on the Town of Boscawen web site.

The requirements for a voluntary merger are set forth in Section 6.3: Voluntary Lot Merger.

It is recommended that the applicant meets with the Planning & Community Development Director prior to filing an application package.

The following items shall be submitted for all site plans and subdivision applications, except for Voluntary Lot Mergers:

1. A completed application form endorsed by the owner, or submitted by his/her agent where written authorization has been provided by the owner.
2. Name of project or identifying title; and tax map and lot number(s).
3. Names and businesses address of all individuals involved in preparing the site plan application including their professional registrations and seals where required.
4. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions on the subject properties and abutting properties;
5. An application fee, and fees for independent review, as set forth in Section 11: Fees, which are due and payable upon submission.
6. An abutters list including a list of names and addresses of all abutters as indicated in the records of the Town's Property Assessor not more than five (5) days before the filing of the application, as well as the names, company name, title, and address of any professionals involved in the preparation of the site plan and any supporting documentation.
7. Obtain a Determination Letter from the Code Enforcement Officer Certifying Zoning Compliance as required in Article 10.2 of the Zoning Ordinance.
8. Current zoning classifications and boundaries on and adjacent to the tract;
9. Building, wetland or Shoreland setbacks.
10. Base flood elevations and flood hazard areas, based on available Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps for Merrimack County, NH. The one hundred year and five hundred year flood elevation line(s) shall be shown along with the required minimum finished floor elevations where applicable.
11. The required number of paper copies of plans and documents as well as electronic submittals as set forth in Section 4: Submittal Requirements for All Applications, Section 5: Site Plan Specifications for Plans and Documents, Section 6: Subdivision Specifications for Plan and Documents, as may be applicable.
12. All drawings shall be legibly prepared and drawn to scale. Each drawing shall have a north arrow, a scale, preparation date and all revision dates.
13. A vicinity sketch showing the location of the site in relation to the surrounding public street system (suggested scale: one (1) inch equals five hundred (500) feet). Said vicinity sketch shall be included on the each plan or the cover set when more than one sheet is required for an application.
14. Colored photographs of all buildings and the site showing their relationship to abutting properties and adjacent streets and public ways.
15. Copies of permit applications to state and federal agencies, where applicable.

16. Any requests for waivers from the Site Plan Review Regulations as set forth in Section 10.8: Waivers.

17. The following tabulations shall be shown on the plan.

- a. Lot area in square feet and acres.
- b. Ground floor area of all buildings.
- c. Total floor area, floor area for each building, and floor area for each use by floor.
- d. Existing and required parking spaces.

18. The location of all easements on the property, their purpose, and Book and Page Number(s) in the Merrimack County Registry of Deeds where they are recorded.

19. The location of any common area, or limited common area, or land units within a condominium.

Section 4.2 State and Federal Permits

Where required, the following permits shall be obtained prior to the start of any site construction, clearing, or issuance of a building permit. The Town shall be provided with copies of all applications submitted for state or federal permits.

1. NH DES State Septic System Approval.
2. NH DES Subdivision Approval
3. NH DES Sewer Connection Permit.
4. NH DES Site Specific Permit (Alteration of Terrain Permit).
5. NH Wetland Permit.
6. NH DOT Driveway Permit.
7. Town of Boscawen Driveway Permit.
8. Any other state permits.
9. Any other permits needed, including but not limited to, EPA Notices of Intent.

While permits need not be approved prior to a Determination of Completeness, a copy of each application for a required permit should be included with the Applicant's submission. The Board, on review of the application, may determine an application complete without the required permit application if the Board finds that the application for permit is premature or there is an indication in the Board's opinion that significant changes may be forth coming to the application.

SECTION 5 SITE PLAN SPECIFICATIONS FOR PLANS AND DOCUMENTS

A completed site plan application consists of the following items unless the Board grants a written request for waiver(s):

Section 5.1 Change in Use or Occupancy Only

Projects not requiring a subdivision, or the addition to or significant changes to an existing building or structure, or new buildings or changes to the exterior dimensions of existing buildings, shall submit the following information:

1. The application requirements as set forth in Section 4: Submittal Requirements for All Applications.
2. Determination letter from Code Enforcement Officer.
3. A site plan consisting of a sketch of site drawn to scale showing:
 - a. Parcel boundaries and dimensions, existing natural features including water courses and water bodies, trees and other vegetation, topographical features.
 - b. The location of all buildings with their type, size and location shown with setbacks.
 - c. The location of off-street parking and loading spaces with a layout of the parking indicated.
 - d. The location, width, curbing and type of access ways and egress ways (driveways), plus streets and sidewalks within and around site.
 - e. The type and location of solid waste disposal facilities.
4. An elevation view or photograph of all buildings indicating their height, width and surface treatment.
5. The location, size and design of proposed signs and other advertising or instructional devices.
6. The location and type of lighting for all outdoor facilities, including direction and area illumination.
7. Lines of all existing adjoining streets.
8. Water supply and sewage disposal facilities.
9. The zoning districts and boundaries for the site and within 200 feet of the site.
10. One hundred year flood elevation line shall be included where applicable.
11. Descriptions of any existing or proposed sprinkler or other fire suppression systems, or smoke alarm or other warning systems.
12. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Plan Review.

Section 5.2 Drawing Requirements

1. For minor and major Site Plans, drawings shall be legibly prepared and, except for architectural renderings, shall be provided at a scale of 1"=10', 1"= 20' and 1"=30', 1"=40' or 1"=50'. Architectural renderings shall be drawn to scale and shall show all proposed materials and colors including wall mounted, roof mounted or ground mounted mechanical equipment.
2. The site plan drawings shall have an outside dimensions of 24" x 36". When more than one sheet is necessary to show entire plan, include an index plan that shows the entire area.

3. The site plan drawings shall have a minimum ½" margin on all sides and a title block containing the following in the lower right hand corner: project name, site address, tax map and lot number, date of plan and date of any revisions, sheet number, name of applicant(s) and name of owner(s) (if different from applicant), name, address, e-mail address and telephone number of design firms preparing the plan sheet

Section 5.3 Required Plan Information – Minor Site Plan

The following information shall be provided on all minor site plans unless waived by the Board given the unusual nature of a site or an application

1. All information required in Section 4: Submittal Requirements for All Applications.
2. Property Boundary lines, their source, bearings and dimensions.
3. The shape, size, height, dimensions, location and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
4. Existing and proposed topographic contours, including those on site and within 200 feet of the site, with spot elevations where necessary.
5. Existing natural and man-made features including those on site and within 200 feet of the site including: streams and ponds, standing water, rock ledges & boulders, stonewalls, foliage lines, impervious surfaces, or other natural or man-made site features.
6. Soil and wetland delineation, slopes in excess of 15% and 25%.
7. Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site.
8. Location of any existing or proposed easements, deed restrictions, or covenants.
9. Identification of existing and proposed access to the site with dimensions shown, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets.
10. Location and dimensions of existing and proposed parking bays and aisles, loading spaces and handicapped spaces, with tabulations.
11. Plan of all buildings with their type, size, location, building setback boundaries, and elevation of first floor indicated: (assume permanent on-site elevation).
12. The size and location of all public service connections—gas, power, telephone, fire alarm, overhead or underground.
13. The location of all storm water management facilities including catch basins, drainage pipes, swales, culverts, retention/detention facilities, or other drainage facilities existing or to be provided on site.
14. A landscape plan, describing the number, location, types, and size of all existing and proposed landscaping and screening.
15. A plan for exterior lighting and for the location of signs.

16. The plan shall show the proposed mounting height of all exterior lighting fixtures, as well as analyses and luminance-level diagrams, to include foot-candle measurements, showing that the proposed installation conforms to the lighting-level standards in these Regulations.
17. The plan shall also include drawings of all relevant building elevations, showing the fixtures, the portions of the walls to be illuminated, the illumination levels of the walls, and the aiming points for any remote light fixtures.
18. Location of existing and proposed well(s), with 75-foot well radius, and septic systems on the site and within 200 feet of the site.
19. 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.
20. Fire protection measures identified including the provision of sprinkler systems, the location and distance to any fire hydrants, fire ponds or cisterns.
21. Plan for Storm Water Management and Erosion Control.
22. Solid Waste disposal and recycling facility measures and locations.
23. Description and location of any solar, wind or other types of on-site power generation, fuel or propane storage tanks, or other mechanical or service equipment.
24. Existing and proposed fences, walls and vegetative buffers.
25. Snow Management Plan.
26. Elevation drawings of proposed buildings;
27. Drawings/samples of proposed signage and fencing;
28. Photographs of surrounding sites and structures;
29. Outside storage and sales areas including surface preparations, fencing, screening and buffers.
30. The location of fire lanes, fire access, emergency access as maybe required by the Boscawen Fire Department, including descriptions of any existing or proposed sprinkler or other fire suppression systems, or smoke alarm or other warning systems.
31. The Applicant shall obtain and furnish a letter stating agreement by the public utilities to serve the site.

Section 5.4 Required Plan Information – Major Site Plan

A professional engineer, architect, or land surveyor, as applicable, who is licensed to practice in the State of New Hampshire, shall prepare all plans submitted for review. The following information shall be provided on all major site plans unless waived by the Board given the unusual nature of a site or an application.

1. All information required in Section 4: Submittal Requirements for All Applications, and all information required in Section 5.3: Required Plan Information - Minor Site Plan.

2. Surveyed property lines showing their deflection angles, or bearings, distances, radii, lengths of arcs, control angles, along property lines and monument
3. Topographical plan showing existing, proposed, and finished grade elevation with contour lines at two-foot vertical intervals or as otherwise accepted by the Planning Board benchmarked from the most current vertical datum available.
4. Construction plans for all or modified parking and loading areas, pedestrian access, driveways and roadway improvement, storm water drainage, water and sewer improvements, private utilities, landscaping, lighting, along with construction and typical details and specifications.
5. Certification, signature and stamp of the professionals who prepared each plan or report including where applicable including Licensed Land Surveyor, NH Licensed Civil Engineer, Wetland Scientist, Soil Scientist, Landscape Architect, Architect, or other licensed design professional.
6. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Plan Review;

Section 5.5 Supporting Documentation for Major Site Plan

The following supporting studies shall be provided unless waived by the Board given the unusual nature of a site or an application.

1. Development Impact Summary Report contains the following:
 - a. Building size both existing and proposed (total and by building).
 - b. Total impervious surface and ground floor area of all buildings in square feet.
 - c. Floor area in square feet of existing and proposed uses.
 - d. Number of existing and proposed residential dwelling units, by type and number of bedrooms, and total number of dwelling units in the development and in each building.
 - e. Drainage Information including summary for major projects and for minor projects drainage calculations with measures to be used to control both the quantity and quality off-site drainage.
 - f. Traffic Generation for existing and proposed uses for AM, PM peak hours and Saturday Peak Hours for retail only, and total Average Daily Trips (ADT).
 - g. Community Facility Impacts
 - i. For residential uses estimated number of school age children.
 - ii. Amount and disposal method for solid waste and recycled materials.
 - h. Estimated value added by development, tax status, estimated Current Use Penalty, if any.
2. Public Safety Report – Reports from the Police and Fire Departments indicating their ability to serve the proposed application, and any unusual or possibly hazardous issues raised by the proposed buildings, structures or uses.

3. Drainage Study for major projects over 20,000 sq. ft.
4. Traffic Study for projects which generate over 20 Peak Hour Trips or 200 Average Daily Trips (ADT).
5. Environmental Report for projects over 20,000 sq. ft. of impervious surface area, or projects within protected shoreline areas, or which have wetland or wetland buffer impacts.
6. Fiscal Impact Study for projects with 10 or more dwelling units.
7. Report from the Conservation Commission – for projects over 20,000 sq. ft. of impervious surface area, or projects within protected shoreline areas, or which have wetland or wetland buffer impacts.
8. Any additional reports or studies deemed necessary by the Board to make an informed decision.

Section 5.6 Legal Documents for All Site Plans

The following legal documents may need to be submitted, reviewed, approved, and executed as a condition of approval by the Planning Board before the issuance of any building permit or change of occupancy. The legal documents shall be approved by the Planning Board in regard to content and the Town Counsel to form. When the Site Plan Review process creates easements, they shall be indicated with metes and bounds on the site plan or on a plat recorded with the Merrimack County Registrar of Deeds. The Applicant is responsible for the recording fee(s). The Planning & Community Development Director shall be responsible for recording all public easements, right-of-way documents, and agreements. The applicant will be responsible for recording all other documents.

1. Condominium Documents and Bylaws to insure that condominium owners have the rights to and responsibility to maintain all common area and facilities and, as maybe applicable, limited common areas. The condominium association shall have the right to grant additional utility and other easements which shall be compatible for the proposed common areas and to reasonably control activities occurring in the common areas.
2. Conservation or Open Space Easements.
3. Deeds or easements for land to be used for public purposes.
4. Easements and rights-of-way necessary to serve off-site properties for access, parking, utilities and drainage purposes.
5. Off-site easements and rights-of-way necessary to serve the proposed development.
6. Deed restrictions as voluntarily agreed to by applicant.
7. Any additional deeds, easements or joint agreements deemed necessary by the Board Condition of Site Plan approval.

Section 5.7 Submission Requirements for Special Districts (Reserved)

SECTION 6 SUBDIVISION SPECIFICATIONS FOR PLANS AND DOCUMENTS

A completed subdivision application consists of the following items unless the Board grants a written request for waiver(s):

Section 6.1 Boundary Line Agreement

A boundary line agreement involves the filing of a survey document at the Merrimack County Registry of Deeds where a property boundary has been in dispute between two or more abutting land owners. A boundary line agreement does not result in a subdivision where new lots are created, nor results in a Lot Line Adjustment where a portions of one property is taken from one property and added to another. The Boundary Line Agreement shall be prepared in compliance with RSA 472:1 through 472:3.

A copy of the recorded Boundary Line Survey shall be provided to the Planning & Community Development Director and the Town Assessing Official.

Section 6.2 Lot Line Adjustment

A Lot Line Adjustment is a change in lot lines whereby lots are altered in size or shape, but no new lots are created, nor is the zoning non-conformity of any lot increased, and no streets or public improvements are to be constructed.

The application requirements are the same as for a minor subdivision as set forth in Section 6.5 below.

Section 6.3 Voluntary Lot Merger

Any owner of two (2) or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them may do so by applying to the Technical Review Committee (TRC), except where such merger would create a violation of then-current ordinances or regulations.

All such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but a Notice of the Merger suitable for recording, shall be submitted sufficient to identify the relevant parcels, and shall bear the notarized signature of the property owner or authorized agent. The Notice of Merger shall be endorsed in writing by the Technical Review Committee and shall be recording in the Merrimack County Registry of Deeds. The cost of recording and processing the Notice of Merger shall be the responsibility of the land owner.

A copy shall be provided to the municipality's assessing officials. No such merged parcel shall thereafter be separately transferred without subdivision approval.

Section 6.4 Submission Requirements for All Subdivision Plats

A NH Licensed Land Surveyor shall prepare each subdivision plat and shall certify the Error of Closure. Said plat shall bear the seal and signature of the NH Licensed Land Surveyor and shall be prepared suitable for recording in the Merrimack County Registry of Deeds.

1. The plat be prepared on twenty-two by thirty-four inch (22" x 34") standard sheets measured from cutting edges at a scale of not less than one inch equals one hundred feet (1"=100'), or at greater detail as directed by the Board to indicate clearly the existing and proposed features of the site. The plat drawings shall have a minimum ½" margin on all sides. If one sheet is not of sufficient size to contain the entire area for the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the

adjoining sheets. A cover sheet shall be included which shows the overall subdivision and the boundary of each sheet.

2. A determination letter from the Code Enforcement Officer shall be included.
3. The Plat shall show or be accompanied by the following:
 - a. A title block containing the following in the lower right hand corner: project name, site address, tax map and lot number, date of plan and date of any revisions, sheet number, name of applicant(s) and name of owner(s) (if different from applicant), name, address, e-mail address and telephone number of design firms preparing the plan sheet.
 - b. Date of survey, error of closure, name and legal description of Subdivision, locus maps superimposed on the Town Tax map (at appropriate scale) showing the relation of the proposed Subdivision to existing streets, and surrounding property within two hundred feet (200'), name of owner of record and Subdivider, and graphic scale.
 - c. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, park areas, or land to be reserved or dedicated to public use. All lot lines with accurate dimensions, bearing or deflection angles and radii, arc, length and central angles of all curves and deflections if not tangent. All dimensions shall be shown to hundredths of a foot and bearing to at least the nearest thirty (30) seconds. The error of closure shall not be more than one to ten thousand (1:10,000). Compass and tape methods may be used for the remaining pieces of subdivisions larger than ten (10) acres, provided that the property lines shall be predominately bounded by physical evidence shall possess a minimum number of angle points and have an acceptable length to width ratio.
 - d. Existing Zoning Requirements shall be noted on the plan and existing Zoning boundaries shall be shown on the site or within (500') of the subdivision including special districts and Shoreland Protection Zones.
 - e. The shape, size, height, dimensions, location and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
 - f. Building, wetland and Shoreland Protection Setbacks shall be shown on the plat
 - g. Water courses and flood zone locations with base flood elevations that may exist within five hundred feet (500') of the subdivision boundaries.
 - h. Wetland boundaries shall be delineated by a NH Certified Wetland Scientist who shall sign and seal the plan upon which the wetland boundaries are mapped.
 - i. Location of any existing or proposed easements, deed restrictions, covenants.
4. Plans shall reflect all land within one thousand feet (1000') of any portion of the Subdivision in which the owner/Subdivider has an interest. If the plans include only a portion of the entire holdings, any possible future plans, in the form of a sketch, for these remaining holdings shall be shown. Said plan to include possible road layout, lots, service, etc.

Section 6.5 Required Plan Information – Minor Subdivision Plat

The following information shall be provided on all minor site plans unless waived by the Board given the unusual nature of a site or an application

1. All information required in Section 4: Submittal Requirements for All Applications, and Section 6.4: Submission Requirements for All Subdivisions.
2. Topographical plan showing existing, proposed, and finished grade elevation with contour lines at two-foot vertical intervals or as otherwise accepted by the Planning Board benchmarked from the most current vertical datum available.
3. Existing natural and man-made features including those on site and within 200 feet of the site including: streams and ponds, standing water, rock ledges & boulders, stonewalls, fences, foliage lines, impervious surfaces, or other natural or man-made site features.
4. Soils and steep slopes in excess of 15% and 25%.
5. Where soils are required to be mapped, the identification, classification, and delineation shall be performed by a NH Certified Soil Scientist who shall sign and seal the plan upon which the soils are mapped.
6. Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site.
7. Identification of existing and proposed access to the site with dimensions shown, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets.
8. The size and location of all public service connections—gas, power, telephone, fire alarm, overhead or underground.
9. The location of all existing and proposed storm water management facilities including catch basins, drainage pipes, swales, ditches, culverts, retention/detention facilities, or other drainage facilities existing or to be provided on site.
10. Location of existing and proposed well(s), with 75-foot well radius, and septic systems on the site and within 200 feet of the site.
11. 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.
12. Fire protection measures identified including the provision of sprinkler systems, the location and distance to any fire hydrants, fire ponds or cisterns.
13. Description and location of any solar, wind or other types of on-site power generation, fuel or propane storage tanks, or other mechanical or service equipment.
14. Existing and proposed fences, walls and vegetative buffers.
15. Photographs of surrounding sites and structures.

16. The location of fire lanes, fire access, emergency access as maybe required by the Boscawen Fire Department, including descriptions of any existing or proposed sprinkler or other fire suppression systems, or smoke alarm or other warning systems.
17. The Applicant shall obtain and furnish a letter stating agreement by the public utilities to serve the site.
18. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed subdivision.

Section 6.6 Required Plan Information – Major Subdivision Plat

A NH Licensed Land Surveyor shall prepare each subdivision plat and shall certify the Error of Closure. A professional engineer licensed to practice in the State of New Hampshire shall prepare all construction plans for improvements for review. The following information shall be provided on all major subdivision plans unless waived by the Board given the unusual nature of a site or an application.

1. All information required in Section 4: Submittal Requirements for All Applications, and all information required in Section 6.4: Submission Requirements for All Subdivisions.

All information required in Section 6.5: Submission Requirements for Minor Subdivisions.

2. Certification, signature and stamp of the professionals who prepared each plan or report including where applicable including Licensed Land Surveyor, NH Licensed Civil Engineer, Wetland Scientist, Soil Scientist, Landscape Architect, Architect, or other licensed design professional.
3. Construction plans for any proposed public improvements, utility extensions and improvements, drainage improvements, including construction details.
4. Construction Cost Estimates.
5. Financial Guarantees.
6. Easements and other necessary legal documents.
7. The location and type of lighting for all outdoor facilities, including direction and area illumination, including pole and fixture details.
8. The location, size and design of proposed signs and other advertising or instructional devices.
9. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Plan Review;

Section 6.7 Supporting Documentation for Major Subdivision

The following supporting studies shall be provided unless waived by the Board given the unusual nature of a site or an application.

1. Development Impact Summary Report contains the following:
 - a. Building size both existing and proposed (total and by building).
 - b. Total impervious surface and ground floor area of all buildings in square feet.

- c. Floor area in square feet of existing and proposed uses.
 - d. Number of existing and proposed residential dwelling units, by type and number of bedrooms, and total number of dwelling units in the development and in each building.
 - e. Drainage Information including summary for major projects and for minor projects drainage calculations with measures to be used to control both the quantity and quality off-site drainage.
 - f. Traffic Generation for existing and proposed uses for AM, PM peak hours and Saturday Peak Hours for retail only, and total Average Daily Trips (ADT).
 - g. Community Facility Impacts
 - i. For residential uses estimated number of school age children.
 - ii. Amount and disposal method for solid waste and recycled materials.
 - h. Estimated value added by development, tax status, estimated Current Use Penalty, if any.
2. Public Safety Report – Reports from the Police and Fire Departments indicating their ability to serve the proposed application, and any unusual or possibly hazardous issues raised by the proposed buildings, structures or uses.
 3. Drainage Study Report.
 4. Traffic Study for projects which generate over 20 Peak Hour Trips or 200 Average Daily Trips (ADT).
 5. Environmental Report for projects over 20,000 sq. ft. of impervious surface area, or projects within protected shoreline areas, or which have wetland or wetland buffer impacts.
 6. Fiscal Impact Study for projects with 10 or more dwelling units.
 7. Report from the Conservation Commission – for projects over 20,000 sq. ft. of impervious surface area, or projects within protected shoreline areas, or which have wetland or wetland buffer impacts.
 8. Any additional reports or studies deemed necessary by the Board to make an informed decision.

Section 6.8 Legal Documents for All Subdivisions

The following legal documents may need to be submitted, reviewed, approved, and executed as a condition of approval by the Planning Board before the recording of subdivision plat. The legal documents shall be approved by the Planning Board in regard to content and the Town Counsel to form. When the subdivision creates right-of-way documents, utility, drainage or access easements, or conservation or common facilities, they shall be indicated with metes and bounds on the on a plat recorded with the Merrimack County Registrar of Deeds. The applicant is responsible for all recording fee(s). The Planning & Community Development Director shall be responsible for recording all public easements, right-of-way documents, conservation or open space easements, other deeds and easements for public purpose, and any additional deeds, easements or joint agreements deemed necessary by the Board condition of subdivision approval. The applicant will be responsible for recording all other documents such as:

1. Condominium Documents and Bylaws to insure that condominium owners have the rights to and responsibility to maintain all common area and facilities and, as maybe applicable, limited common areas. The condominium association shall have the right to grant additional utility and other easements which shall be compatible for the proposed common areas and to reasonably control activities occurring in the common areas.
2. Easements and rights-of-way necessary to serve off-site properties for access, parking, utilities and drainage purposes.
3. Off-site easements and rights-of-way necessary to serve the proposed development.
4. Deed restrictions as voluntarily agreed to by applicant.

Section 6.9 Special Provisions for Condominium Subdivisions

Condominium applications shall be classified as a major or minor subdivision with regards to the application process and submission requirements, as set forth in Section 3.01: Board Determination of Application Type herein. Condominium applications shall be prepared and submitted in compliance with NH RSA 356-B, Condominium Act.

1. In addition to the requirements for a minor or major subdivision plat, the following additional elements pertain specifically to Condominium subdivisions:
 - a. Site Plan
 - b. Floor Plans
 - c. Common Facilities and
 - d. Condominium Declaration and By-Laws
2. A condominium site plan shall be prepared by a NH Registered Land Surveyor. The contents of the site plan shall include the requirements of the minor or major subdivision submittal requirements, as well as the contents specified in NH RSA 356-B: 20. The bearings and dimensions for all condominium land units shall be provided on the condominium site plan, along with necessary ties to property corners.
3. Floor plans of condominium building units shall be provided at a scale of 1"= 5', 1"= 10' or 1"= 20' showing the location and horizontal and vertical dimensions of each unit and common area. The floor plans shall be prepared, signed, and stamped by a NH Licensed Land Surveyor, a NH Licensed Architect, or a NH Licensed Professional Engineer in a format suitable for filing in the Merrimack County Registry of Deeds. The floor plans shall include a standard Planning Board approval block. The exterior walls of each unit shall be shown and provisions for ingress to and egress from each unit to common areas shall be shown.
4. Common Facilities: All common and limited common areas and their dimensions shall be shown on the final plat and building floor plans. The following information shall be included on the final plat and building plans:
 - a. The location of all common facilities on the site shall be shown on the final plat, including all parking, driveways, landscaped areas, walkways, signs, solid waste facilities, fire

hydrants, mail boxes, light poles, above ground utilities, fences, and other pertinent common facilities.

- b. The location, dimension and purpose of each common area, and limited common area.
 - c. Acceptable means for water metering, water service, and sewer service including existing and proposed water and sewer service connections.
- 5. Two (2) copies of all condominium documents, including the declaration of condominium and by-laws shall be provided for review and approval.
 - 6. All documents shall be reviewed and approved by the Town's Attorney at the applicant's expense. All original signed condominium declarations, by-laws, articles, site/subdivision plans, and condominium floor plans are to be reviewed, approved, and recorded at the Merrimack County Registry of Deeds. The approved condominium documents shall be considered part of the official approval and shall not be altered to be inconsistent with the recorded plat without further review and approval by the Board of a revised subdivision application.

Section 6.10 Cluster Developments

Prior to final approval of the subdivision by the Board the applicant shall obtain a Conditional Use Permit as set forth in Article XIV Cluster Development of the Town of Boscawen Zoning Ordinance.

SECTION 7 FINANCIAL GUARANTEES, INSPECTIONS, AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

Section 7.1 General Requirements

All work necessary for the construction of required improvements and the repair of damage to existing public improvements shall conform to the requirements of these regulations. Such work shall be performed in a good and workmanlike manner, and shall be free from faults and defects. All materials incorporated in such construction shall conform to the requirements of these regulations and shall be of good quality.

Section 7.2 Town Engineer

The Town Engineer, or in the absence of a town engineer, an engineer licensed in the State of New Hampshire designated by the Planning Board, shall inspect all site improvements. The developer shall pay said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the Engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan or subdivision application. The Engineer shall be the Town's representative during the construction of all required public improvements whether they are part of an approved Subdivision or Site Plan. The Engineer shall at all times have access to the site when the work is in preparation and progress. The Engineer will make periodic visits to the site to familiarize themselves generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these Regulations.

The Applicant shall provide the Engineer in advance with a schedule of work to be performed and give the Engineer timely notice of the completion of each major stage in the construction of any required

improvement so that the Engineer may inspect the work so completed prior to the covering thereof, and the Engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, the Applicant shall in the case of streets, give timely notice to the Engineer of the completion of subgrades, drainage, and installation of utilities, base course, and base and final surfacing.

Section 7.3 Inspections of Public Improvements and Corrective Actions

The Town Engineer, or in the absence of a town engineer, an engineer licensed in the State of New Hampshire designated by the Planning Board, shall inspect all site improvements with the assistance of the Planning & Community Development Director, Fire Chief or Designee. The developer shall pay the cost of any inspection(s) and test(s) deemed necessary by the Engineer, Fire Chief or Planning & Community Development Director.

The Applicant shall deposit an amount in escrow with the Planning & Community Development Director for the expected cost of any inspections. The escrow amount shall be reviewed periodically to assure that sufficient funds are available to cover all inspection costs. The Applicant shall deposit additional funds as requested. An Applicant's failure to pay any such amounts within seven (7) days of request for payment shall constitute grounds for issuance of a stop work order, or revocation of any approval previously granted by the Planning Board.

The Engineer will make periodic visits to the site to familiarize themselves generally with the progress and quality of the work and to determine in general if the work is proceeding in accordance with the requirements of these Regulations.

The Applicant shall provide the Engineer in advance with a schedule of work to be performed and give the Engineer timely notice of the completion of each major stage in the construction of any required improvement so that the Engineer may inspect the work so completed prior to the covering thereof, and the Engineer shall make all such inspections with reasonable promptness so as to cause no delay in the work. In particular, the Applicant shall in the case of streets, give timely notice to the Engineer of the completion of subgrades, drainage, and installation of utilities, base course, and base and final surfacing.

Any work or materials not conforming to the required standards may be considered defective and rejected by the Engineer. All work and materials rejected by the Engineer as defective shall be removed and corrected by the Applicant. The Applicant shall promptly remedy any defects in any required improvement due to faulty workmanship or materials which appear within a period of one (1) year.

All work shall be completed within the time limits, if any, specified by the Planning Board, but in the absence of such specified limits and in all events no later than three (3) years from the date of the approval of the Plat or major site plan, unless the time limit is extended by written mutual agreement of the Planning Board and the Applicant.

Notwithstanding the on-site observations and inspections and any approvals of required improvements issued by the Engineer, the Applicant shall be and remain fully responsible for the performance of the construction work in accordance with the requirements of these Regulations and the Engineer shall have no responsibility for the failure of the Applicant.

Section 7.4 Inspection of Private Improvements

The Town Engineer, or in the absence of a town engineer, an engineer licensed in the State of New Hampshire designated by the Planning Board shall inspect all site improvements with the assistance of the Planning & Community Development Director, Fire Chief or Designee. The developer shall pay the cost of any inspection(s) and test(s) deemed necessary by the Engineer, Fire Chief or Planning & Community Development Director.

The Applicant shall deposit an amount in escrow with the Planning & Community Development Director for the expected cost of any inspections. The escrow amount shall be reviewed periodically to assure that sufficient funds are available to cover all inspection costs. The Applicant shall deposit additional funds as requested. An Applicant's failure to pay any such amounts within seven (7) days of request for payment shall constitute grounds for issuance of a stop work order, or revocation of any approval previously granted by the Board.

Prior to any issuance of any Certificate of Occupancy the Planning & Community Development Director and Building Official shall certify that the proposed Site Plan and/or condominium subdivision has been completed according to the approved site plan. The development may be approved and occupied in phases as long as the Planning & Community Development Director has determined that the improvements associated with each phase are satisfactorily complete.

Due to weather conditions, the Building Official may issue a Temporary Certificate of Occupancy to defer site improvements such as landscaping and final paving due to winter conditions provided that safe and adequate access to the site is provided for both the public and emergency vehicles, and a Performance Guarantee is provided based on an approved estimate of the deferred site improvements. The Performance Guarantee shall be provided as set forth in Section 6.7 except that the guarantee may be released in full by the Planning & Community Development Director or Designee upon a determination that the site improvements have been completed in conformity with the Board's approval.

Section 7.5 Inspection Fees

The applicant shall upon demand, promptly reimburse the Town for the expense of all inspection work performed by the Engineer. The applicant shall file with the Town a cash deposit of such amount as the Engineer may reasonably require as security for such reimbursement, and if the applicant fails to make reimbursement when required the Town may appropriate such cash deposit as necessary to affect reimbursement. Said cash deposit shall be held by the Town in a separate non-interest bearing account. The applicant may request that the Town utilize the cash deposit held in escrow to reimburse the Engineer for the cost of inspections provided the escrow account is not depleted below 25% of the initial deposit.

Section 7.6 Inspection Fees for Private Improvements

(Reserved)

Section 7.7 Performance Guarantee

Prior to the submission of the final plat for recording, or issuance of a building or land clearing permit, the applicant shall obtain from the Engineer an estimate of the cost of construction of all improvements which will be required by the Board as a condition of approval up to the standards set forth in these Regulations, together with an estimate of any damage to any existing public improvements caused in the course of the work performed in the development of the Subdivision.

As a condition of the approval of a major subdivision Plat by the Board, or as a condition of Site Plan Approval where public improvements are required, the applicant shall provide the Town with a Performance Guarantee to assure the Town of the completion of improvements required under these Regulations and repair of potential damage to existing public improvements. In accordance with RSA 674:36 III, the Performance Guarantee shall be posted and in full effect prior to the signing of the plat by the Chair of the Planning Board, or the issuance of a building permit for a major site plan.

The Performance Guarantee shall be in an amount equal to one hundred and ten percent (110%) of the estimated cost of required improvements and potential damages to public improvements, and shall be upon conditions and in such form as the Board and the Select Board may require. The Performance Guarantee shall be in the form of a bond issued by a surety company registered and licensed to do business in the state of New Hampshire, a Letter of Credit or other collateral or surety arrangement, all in the form and substance satisfactory to the Select Board, or a cash escrow, or a savings bank deposit book properly endorsed to the Town and deposited with it.

Any Performance Guarantee shall remain in full force and effect until the expiration of thirteen (13) months after the date of the approval by the Engineer of the completion of all required improvements and repair of all damages to public improvements in accordance with the provisions of these Regulations, or the date that all latent defects have been corrected by the applicant and approved by the Engineer, whichever is later.

In the case of a Letter of Credit, cash deposit or an assignment of a savings bank deposit book, the amount on deposit may be reduced by the Select Board by resolution when portions of the required improvements have been installed and certified by the Town Engineer as being satisfactorily completed, provided a sufficient amount not to exceed twenty-five percent (25%) of the total is retained to cover the correction of any latent defects which may appear within one (1) year following the approval by the Engineer of any required improvements.

Section 7.8 Default

If the required improvements and repairs to public improvements have not been installed and completed in accordance with the requirements of these Regulations, or if any latent defects in such improvements or repairs appearing within a period of one (1) year after approval thereof by the Engineer, in that event the Performance Guarantee consists of cash deposit or savings bank deposit it may be used to complete the improvements or correct the latent defects. In the event the Performance Guarantee is in the form of a Performance Bond, Letter of Credit, cash escrow, or other surety, the Town shall be entitled to exercise its rights under the appropriate documents to require the surety or issuer of the letter of Credit to provide the Town with sufficient funds to complete such work.

Section 7.9 Maintenance of Improvements and Facilities

The recipient of Subdivision and/or Site Plan approval, or their successor shall be responsible for maintaining all improvements or facilities required by this regulation or conditions of Planning Board approval. As illustrations, and without limiting the generality of the foregoing, this means that streets, parking areas, and water, sewer, storm water, and recreation facilities must be properly maintained so that they can be used in the manner intended. All vegetation required for screening, landscaping, or erosion and sediment control must be replaced if it dies or is destroyed.

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

SECTION 8 DESIGN STANDARDS AND REQUIREMENTS FOR IMPROVEMENTS

Section 8.1 General Requirements

The design of development should fit the existing natural and man-made environments with the least stress. Site preparation is to be conducted with minimal disturbance to existing vegetation.

Section 8.2 Standards and Specifications

In addition to the standards and requirements contained within and the Town of Boscawen Zoning Ordinance, the following standards are to be utilized in the construction of public and private improvements:

1. "Road Construction Procedures Manual," Town of Boscawen, NH, as most recently promulgated.
2. "Typical Road Construction Details Reference," Town of Boscawen, NH, as most recently promulgated.
3. "Policy for the Acceptance of Roads," Town of Boscawen, NH, as most recently promulgated.
4. "Standard Specifications for Road and Bridge Construction" of the NHDOT, as most recently promulgated.
5. "Penacook-Boscawen Water Precinct (PBWP) Standard Specifications for Water Works Construction", as most recently promulgated.
6. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the U.S. Department of Transportation, Federal Highway Administration, as most recently published.
7. The Architectural Barrier Free Code" shall mean the Accessible and Useable Building and Facilities Code of the International Code Council, as most recently adopted.
8. NHDES Alteration of Terrain (AOT) (Chapter Env-Wq 1500) regulations.
9. Sewer Discharge Permits shall mean the NHDES Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities (Chapter Env-Wq 700)
10. Standards for Septic Systems shall mean the NHDES Subdivision and Individual Sewage Disposal System Design rules (Chapter Env-Wq 1000).
11. Standards for potable wells shall mean NH Water Well Board Standards for the Construction, Maintenance and Abandonment of Wells (Chapter Env-Wq 600).

Section 8.3 Monuments

Concrete, granite or equivalent boundary monuments shall be installed at all street intersections, at all points of change in direction or curvature of streets and at other locations where, in the opinion of the

Planning Board, permanent monuments are appropriate. Such monuments shall conform to the standard specifications of the Town Engineer and shall be set according to such specifications.

Section 8.4 Useable and Developable Land

Any land designated as Flood Zone or shown to be bog, marsh, swamp area, area of high water table or any similar situation, shall not be counted toward the required minimum lot size, but shall be allowed to be added to lots if the public welfare and safety is protected. Any soils considered Group 5 or 6, in addition to the above conditions shall not be counted towards the minimum lot sizes.

Section 8.5 Lots

All lots in a subdivision shall be consecutively numbered. Prior to recording of any subdivision where new lots are created each lot shall bear the Town of Boscawen's Map and Block numbers assigned by the Town's Tax Assessor.

1. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance, or as required by soil or topography conditions.
2. Any land designated as Flood Zone or shown to be bog, marsh, swamp area, area of high water table or any similar situation, shall not be counted toward the required minimum lot size, but shall be allowed to be added to lots if the public welfare and safety is protected. Any soils considered Group 5 or 6, in addition to the above conditions shall not be counted towards the minimum lot sizes.
3. Where there is a question about the suitability of a lot or lots for its or their intended use due to shape or the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soil or soils, and inadequate capacity for sanitary sewer disposal, the Planning Board may withhold approval of such lot or lots.
4. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.
5. Insofar as is practical, side lot lines should be at right angles to straight streets, and radial to curved streets.
6. Blocks generally shall not be less than five hundred (500) feet, nor shall the length exceed one thousand two hundred (1200) feet. In blocks over one thousand (1000) feet long, pedestrian crosswalks may be required in locations deemed necessary by the Planning Board.
7. Lots shall be graded in such a manner so as to prevent the collection of water at low points thereon.

Section 8.6 Streets

All streets, driveways or vehicle circulation areas, whether on or off-site, shall be designed to provide safe vehicular and pedestrian travel.

1. Due consideration shall be also given to the attractiveness of the street layout in order to obtain an optimum livability and amenity of a subdivision.

2. Provisions shall be made for the future extension of streets to adjoining un-subdivided property.
3. Subdivisions that adjoin or include existing streets that do not conform to the width shown on the comprehensive plan or official maps or the street width requirements of these Regulations shall dedicate the differential width along either or both sides of said existing streets. Subdivision is along one side only, one-half (1/2) of the differential width shall be dedicated. Setbacks shall be measured from the new or future right-of-way line.
4. Street jogs at intersections with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.
5. Any public road or street shall be considered for acceptance in conformance with the "Policy for the Acceptance of Roads", Town of Boscawen, NH, as most recently promulgated.
6. No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name. Proposed street names shall be submitted to the Select Board for review and approval. Submittals shall be on the form and in the manner prescribed by the Select Board.
7. Storm drains, culvert, catch basins and drop inlets, culverts, and related installations, including to insure adequate drainage of all low points along streets, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of area drained.
8. All utilities shall be installed within existing or proposed rights-of-way or within utility or drainage easements.
9. All street lights shall be of a type or style acceptable to the Board and shall be provided at all intersections and at such other locations as the Board may reasonably require.
10. Street identification signs shall be located at all intersections. All signs within any public right of way must conform to the MUTCD and with design features acceptable to the Board.
11. Mail Boxes: No portion of any mail box or mail delivery receptacle shall be installed closer than twelve (12) inches to the edge of pavement or curbing of any street. Further, all cluster and/or multi-unit developments shall provide a central location for mailboxes as required by the United States Postal Service.
12. Before any clearing has started on the right-of-way, the centerline of the new road shall be staked and side-staked at fifty (50) foot intervals. Side-stakes to be set back off the right-of-way at right angles from the centerline of the road. Limits of clearing shall be marked by stakes or flagging. Distance from the centerline to be obtained from the cross-section.
13. Dead-end streets shall be provided with an approved type turnaround, as determined by the Planning Board to be a "Temporary" or "Permanent" need.

Section 8.7 Street Construction Standards

Streets in Boscawen shall be constructed pursuant to the "Road Construction Procedures Manual", Town of Boscawen, NH, as most recently promulgated, and the "Typical Road Construction Details Reference", Town of Boscawen, NH, as most recently promulgated. "Standard Specifications for Road and Bridge

Construction” of the NHDOT, as most recently promulgated and the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), published by the U.S. Department of Transportation, Federal Highway Administration, as most recently published, shall be utilized where required by the Engineer or NH DOT.

1. The base course shall not be laid until the subgrade has been inspected and approved by the Engineer, nor shall the wearing course be laid until the base has been inspected or approved.
2. Road surfaces shall be constructed of Hot Bituminous Pavement, Machine Method: Four-inch (4”) minimum conforming to State of NH Department of Transportation (NHDOT) Standard Specifications for Road and Bridge Construction. The road surface shall consist of a Wearing Course = 1” (after compaction) with a 1/2” wearing mix and a Base Course = 3” (after compaction) with a 3/4” binder mix.
3. Shoulders shall be constructed in the same manner as described above as noted on the typical roadway cross-sections or as directed by the Engineer.
4. Centerlines of roadways shall coincide with centerlines of street rights-of-way and shall have the dimensions shown on the roadway cross-sections.
5. Street rights-of-way (minimum feet) shall be 80 feet in width for Industrial/Commercial streets, and 60 feet in width for Residential streets. The Board may require wider rights-of-way where additional right-of-way is needed to accommodate storm drainage, utilities, or steep slopes.
6. The minimum centerline radii of curved streets shall be as follows: Industrial/Commercial 300 feet, and Residential 150 feet. All reversed curves on Class A and B streets shall be separated by a tangent at least one hundred (100) feet long.
7. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than seventy-five (75) degrees.
8. Intersecting roadway pavements shall have a paved transitional area at all corners to accommodate turning movements according to the following radii: for all intersections in industrial/commercial areas, this paved area shall have a minimum radius of fifty (50) feet, and for residential streets shall have a minimum radius of (30) feet.
9. Maximum allowable centerline grades shall be as follows: Collector (Class B) Industrial/Commercial 8%, Residential 10%. All changes in grade exceeding five-tenths percent (.5%) shall be connected by vertical curves of sufficient length to afford adequate sight distances, in the opinion of the Engineer.
10. Dead-end streets shall be provided with an approved type turnaround, as determined by the Planning Board to be a “Temporary” or “Permanent” need. Design for the turnarounds shall be as follows:
 - a. Right-of-way width for a temporary dead-end, shall be maintained to the end of the improvements and further, to the property line, if so ordered by the Board.
 - b. For temporary dead-end street a permanent a “T” type turnaround shall be constructed at the end of the road. Said “T” to have the dimensions shown on the typical temporary

turnaround detail. The “ears” or “extensions” that form the “T” shall be deeded to the Town of Boscawen in the form of an Easement. Said easement shall expire, if or, when the public road is extended and the new extension is accepted by the Town. Driveways shall not be located off any portion of the “T”.

- c. Where an applicant proposes to extend a street, which currently ends in a T-type turnaround or other temporary dead-end, it is the applicant’s responsibility to restore the temporary turnaround to through street standards. This includes, but is not limited to, removing the “ears” or other maneuvering facilities, restoring to a natural state the previously paved area, providing proper access to abutting lots, and installing a suitable drainage system.
- d. Delineator posts or reflectors of a design approved by the Town Engineer, shall be furnished, located and installed as a part of the required improvements for all turnarounds.

Section 8.8 Drainage

Drainage improvements shall be constructed within or without the proposed development to permit the unimpeded flows of all natural water courses. Storm drainage shall be designed to manage the rate of runoff, the amount of runoff and to maintain or enhance the quality of storm water runoff as set forth herein.

1. Adequate storm drains, culvert, catch basins and drop inlets, retention and detention basins, and related installations shall be installed as set forth in the “Road Construction Procedures Manual”, Town of Boscawen, NH, as most recently promulgated, and the Town of Boscawen “Typical Construction Details.”
2. “Standard Specifications for Road and Bridge Construction” of the NHDOT, and NHDES Alteration of Terrain (AOT) (Chapter Env-Wq 1500) regulations, shall be utilized where applicable, or where deemed appropriate by the Engineer.
3. Drawings and specifications for each proposed soil erosion and sediment control measure acceptable to the Engineer shall be incorporated into the final plan set prior to final approval by the Planning Board of any site plan or subdivision plat.
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 owner is obtained, and is to be conducted in accordance with the provisions of RSA 485-A:17, written proof of which may be required.
5. Where a development is traversed by a water course, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such water courses, drainage way, channel or stream, and provide for construction and permanent maintenance of associated storm water control facilities such as rip-rap, flow dissipaters, headwalls and catch basins. The storm water easement shall also include the 25-foot buffer required to be maintained from all wetlands.

6. Drawings, details and specifications for proposed flood hazard prevention measures and structures shall be incorporated in to the final plan set prior to final approval by the Planning Board of any site plan or subdivision plat.

Section 8.9 Erosion Control

The applicant shall ensure that stripping of vegetation, or other development will be done in such a way that will minimize soil erosion. Temporary seeding and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

1. Class C stone per NHDOT Standard Specifications for Road and Bridge Construction shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.
2. All disturbed areas shall be provided with at least four (4) inches of topsoil and shall be stabilized by seeding and mulching or planting.
3. No topsoil shall be removed from a development site without written approval of the Planning Board.
4. Stripped topsoil is to be piled and reused on the site where needed.
5. The site shall be adequately landscaped. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate.
6. Sediment in the run-off water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins, and other such devices, shall be constructed prior to any on-site grading or disturbance of existing surface material.
7. All site plan or subdivision plan shall include erosion control measures both during construction and any permanent controls to remain after construction.

Section 8.10 Potable Water Systems and Sewage Treatment Facilities

Common water and sewer systems shall be of sufficient capacity to serve the development and shall be designed and constructed for incorporation into the future town or precinct systems. All such facilities shall meet the requirements of and be approved by, the NH Department of Environmental Services, Division of Water Supply and Pollution Control, and the NH Water Well Board, as well as local and state public health agencies, and/or other public body having jurisdiction.

1. The Applicant shall show where new and or replacement water and sewer systems are to be constructed, as well as the location of existing facilities.
2. Said systems shall be designed and constructed to minimize infiltration and avoid impairment when locations fall within five hundred (500) feet of a Flood Zone.
3. Common well sites shall have a permanently protected 200' well head radius and no subsurface disposal systems shall be permitted in this area.

4. For existing wells, a complete quality analysis for the well water shall be provided as conducted by the State Water Testing Laboratory within the past six (6) months. A continuous forty-eight (48) hour yield test log of the well showing water level and rate of pumping at one hour intervals shall be provided.
5. For common water systems the applicant shall show the location of wells, water lines, valves and hydrants, if required, detailed elevations of pump-house facilities and well design, storage facilities. The characteristic curve for all pumps, well and any boosters shall be provided.
6. For a common sewage system the applicant shall show the location of all sewer pipes, treatment facilities, and the location of where the treated effluent is disposed. The applicant shall provide detailed elevations of the proposed treatment facilities, and the estimated amount of waste to be generated, flow rate and the level of treatment proposed.
7. Individual wells and subsurface disposal facilities shall in all respects comply with all applicable requirements of the NH Department of Environmental Services, Division of Water Supply and Pollution Control, and the Water Well Board.
8. It shall be the responsibility of the Applicant to provide adequate information to the installation and operation of an individual sewerage disposal systems. The applicant shall show the location of existing, proposed and a replacement septic wellfield area. A 4,000 square foot replacement area is required for a typical single family residential dwelling.

Section 8.11 Utilities

Easements for utilities across lots, or centered on rear or side lot lines, shall be provided where necessary and shall be at least twenty (20) feet wide.

Section 8.12 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.
3. Moving, fluttering, blinking, or flashing lights or signs are not permitted.
4. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.
5. All outdoor lighting shall conform to the requirements and standards contained in Article XXIV – Outdoor Lighting Ordinance of the Town of Boscawen Zoning Ordinance.

Section 8.13 Landscaping and Buffering

Any development site shall be adequately landscaped. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate. Screening must be provided to reduce visual pollution. A landscaping plan must be submitted showing locations and types of vegetation to be retained or established.

1. A 25-foot buffer shall be maintained from all wetlands.

2. A minimum of 4 inches of topsoil is to be placed on the disturbed area, and appropriate erosion control measures are installed and maintained until the site can be revegetated. The site shall be adequately landscaped.
3. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to adjacent residential areas.
4. Buffer strips must be maintained between non-residential uses and residential zones. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to adjacent residential areas. Buffer strips between non-residential uses and residential zones must contain vegetation or appropriate fencing which will screen non-residential uses from sight from residential areas throughout the year.
5. Storage areas must be fenced or screened throughout the year from adjoining parking areas, streets and roads, and neighboring properties.
6. Litter (garbage) storage areas must be screened throughout the year. The use of either fencing or hedges is permitted.

Section 8.14 Parking, Loading and Pedestrian Safety

Sufficient off street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties.

1. Sufficient off street loading and/or unloading space must be provided including off street areas for maneuvering of anticipated trucks or other vehicles, which shall be designed to ensure the safety of vehicles and pedestrians on the site.
2. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
3. Access parking, and loading areas are to be constructed so as to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties and public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
4. The amount and design of parking and loading areas, including for handicapped parking, shall be provided as set forth in the Article VIII: Off-street Parking Requirements of the Town of Boscawen Zoning Ordinance.
5. The Board may allow permeable pavement to reduce the need for drainage facilities to accommodate run-off.
6. Paved sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrances to business, housing or industrial establishments and parking areas. Such sidewalks adjacent to or within five (5) feet of driveways or roadways shall be at least six (6) inches above grade and protected by curbing.
7. Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the Town, including the Town of Boscawen Typical Road Construction Details Reference, as adopted and amended.

Section 8.15 National Flood Insurance Requirements:

1. For subdivisions and site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP), 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.
2. The Planning Board shall require that all proposals for development include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

Section 8.16 Snow Management

A Snow Management Plan must be included that provides adequate areas for on-site snow storage and/or off-site snow removal which is acceptable to the Planning Board.

1. As a general rule, a minimum area equal to 25% of the parking, travel and driveway areas will be needed for snow storage.
2. The Planning Board will consider the following conditions in reviewing the adequacy of the on-site snow management plan:
 - a. Lines of vision and sight distances for drivers or pedestrians exiting the property shall not be impaired by snow above its natural depth.
 - b. No snow is to be pushed, piled or allowed to infringe on any town or state property, road, sidewalk, crosswalk or the property of abutters without written permission from said entity.
 - c. The areas used for snow storage shall be practical to use considering the topography and accessibility of the site.
 - d. The snow storage area is wide enough to function as a snow storage area, with 12' generally being the narrowest acceptable width.
 - e. On-site snow storage may not block more than 10% of the required parking spaces for more than 24 hours.
 - f. The removal of snow from around hydrants shall be part of the plan.
 - g. The snow storage area shall not cover any catch basin, utility, service cover, water shut off or other appliance.

- h. The applicant shall agree to be responsible for any damages to town, state or precinct property caused by snow removal operations.
 - i. Use of the area for snow storage will not adversely affect neighboring properties as a result of runoff;
 - j. The snow storage area shall not adversely impact Landscaping, including fences and signs, on-site or of neighboring properties, traffic safety, either on or off site; any other area deemed to be a hazard by the Public Works Director and/ or public safety officials.
3. If the Planning Board determines the on-site snow storage plan is not adequate, the applicant shall make provisions acceptable to the Planning Board for snow to be removed to an off-site storage area.
 4. Whether the snow storage area is on site or off site, any accumulated sand, salt, trash or debris remaining shall be satisfactorily cleaned up and removed not more than 14 days after the final melt of the season.
 5. In the case of a development where the Town of Boscawen will be responsible for snow removal, plans for said development shall be referred to the Public Works Director and/or the Town Engineer for comment.
 6. The necessity for a snow management plan may be waived in the case of a property where one has been filed by a previous occupant provided that the applicant agrees to abide by the conditions expressed in a previously approved Snow Management Plan for that property, or the applicant is a tenant in a building where another entity is responsible for snow removal.

Section 8.17 Fire Protection Standards

Fire protection standards shall consider the following elements:

1. Water Supplies: In appropriate cases, the Board may require the installation of fire hydrants, fire ponds, cisterns, fire pumps and/or dry hydrants. The applicant must supply documentation from the Water Supplier that the water system can support the addition of proposed fire protection equipment and to note on the plans that addresses these issues. If within 250 feet of a town water supply, this water supply should be utilized. In the even water service is not available, though a connection is within 250', a waiver may be granted by the Planning Board, in consultation with the Fire Chief, if the applicant provides a letter from the water precinct indicating that such service is not available.
2. Fire Suppression: specific measures to suppress and contain fires shall be on the plat or site plan. The design and location shall be subject to the approval of the Planning Board with input from the Fire Chief. Other means of providing water supply may be accepted by the Board after consultation with the Fire Chief.

SECTION 9 ARCHITECTURAL DESIGN REVIEW

Section 9.1 Purpose

The goal of the architectural design review is to maintain high quality standards of design and appearance, where applicable, and to improve the overall quality of design and community appearance consistent with the location and use proposed. Consideration is given as part of Site Plan Review the appearance of new or revised buildings and structures, site design and signage.

Section 9.2 General Review Criteria

Appearance factors to be considered as part of the Site Plan Review process are:

1. Harmony and compatibility of any development with the existing architectural character of the site, district or location proposed;
2. Integration of signage into the design of the site and buildings;
3. The integration into site design of significant natural features on site and abutting properties;
4. The integration of landscaping, parking and site features into the overall design of the project;
5. The retention and or restoration of existing structures and site features; and
6. Conformance to Special Design Requirements as may be adopted from time to time.

Section 9.3 Special Design Criteria

(Reserved)

SECTION 10 ADMINISTRATION AND ENFORCEMENT

Section 10.1 Process and Procedures after Approval

Once an application is approved, the applicant shall revise the plans and supporting documents to address the Planning Board's conditions of approval in compliance with these regulations and the Town of Boscawen Zoning Ordinance. The Planning & Community Development Director shall certify that the plans and documents provided by the applicant are in conformity with the Board's approvals. Any approval by the Technical Review Committee shall follow the same process and procedures set forth herein as for any Planning Board Approval.

Section 10.2 Certification of Approval

The following shall be submitted prior to any certification of approval by the Planning & Community Development Director.

1. Complete electronic files of all drawings in the plan set in the latest AutoCAD format, or other acceptable format approved by the Town shall be provided.
2. Copies of all permits for state and federal permits along with the final plans and application materials referenced in the permits.
3. Originals of all legal documents shall be submitted to the Planning & Community Development Director suitable for recording in the Merrimack County Registry of Deeds. Said documents shall

bare the notarized signature of the property owner, and any mortgage holders where appropriate.

4. Performance or financial guarantees shall be provided.
5. Where subdivision plats are to be recorded, two (2) copies of a Mylar or equivalent material shall be provided for the Chair's signature.
6. The following paper copies shall be provided:
 - a. If any part of the subdivision is in Current Use, a new updated Current Use Map is required.
 - b. For a minor subdivision including a lot line adjustment, one (1) paper copy of the final plan set and supporting documentation.
 - c. For a minor site plan, one (1) copy of the final plan set and supporting documentation.
 - d. For a major subdivision or a major site plan, two (2) copies of the final plan set and supporting documents.
7. Recording fees in a form of checks payable to the Merrimack County Registry of Deeds.
8. Funds to establish an escrow account to pay for inspection fees where public improvements are proposed.
9. Financial guarantees for any public improvements.
10. Submission of construction schedule with estimated schedule of inspections.

Section 10.3 As-built Plans

1. Prior to the issuance of a certificate of approval for any site plan, where new construction occurs and changes in grade occur, digital information from the site plan shall be provided to the Planning & Community Development Director for incorporation into the Town of Boscawen's Geographic Information System (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the Planning & Community Development Director. The following layers shall be submitted, as applicable, referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88):
 - a. Right-of-Way lines with bearings and dimensions;
 - b. Property lines with bearings and dimensions;
 - c. Conservation easements with bearings and dimensions;
 - d. Water bodies, including the edges of lakes, ponds, rivers and streams;
 - e. Wetlands, wetland buffers and Shoreline Protection District Boundaries;
 - f. Utility, drainage and slope easements;
 - g. Finished floor elevations in Flood Hazard Districts;
 - h. Topographic information with 2 foot contours; and
 - i. Location of buildings, parking and other paved areas.

2. Prior to the recording of any subdivision plat digital information from the subdivision plat shall be provided to the Planning & Community Development Director for incorporation into the Town of Boscawen's Geographic Information System (GIS) and tax maps. The digital information shall be submitted in a format and media conforming to standards promulgated by the Planning & Community Development Director. The following layers shall be submitted, as applicable, referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88):
 - a. Right-of-Way lines with bearings and dimensions;
 - b. Property lines with bearings and dimensions;
 - c. Conservation easements with bearings and dimensions;
 - d. Water bodies, including the edges of lakes, ponds, rivers and streams;
 - e. Wetlands, wetland buffers and Shoreline Protection District Boundaries;
 - f. Utility, drainage and slope easements;
 - g. Finished floor elevations in Flood Hazard Districts; and
 - h. Topographic information with 2 foot contours.
3. Prior to the acceptance of any public improvement in a subdivision plat and the issuance of any certificates of occupancies within the subdivision, or subdivision phase, digital information shall be provided to the Planning & Community Development Director for incorporation into the Town of Boscawen's Geographic Information System (GIS) and tax maps. As-built plans for any public improvement shall also be provided in format acceptable to both the Planning & Community Development Director and the Town Engineer for inclusion into the Town of Boscawen's GIS and as part of the record of the Town's acceptance of the public improvements. The following layers shall be submitted, as applicable, referencing New Hampshire State Plane Grid Coordinates and shall be based on National American Vertical Datum 1988 (NAVD 88):
 - a. Right-of-Way lines with bearings and dimensions;
 - b. Property lines with bearings and dimensions;
 - c. Conservation easements with bearings and dimensions;
 - d. Water bodies, including the edges of lakes, ponds, rivers and streams;
 - e. Wetlands, wetland buffers and Shoreline Protection District Boundaries;
 - f. Utility, drainage and slope easements;
 - g. Finished floor elevations in Flood Hazard Districts;
 - h. Topographic information with 2 foot contours, and
 - i. Construction drawings of the public improvements acceptable to the Building Official and Town Engineer.

4. Prior to the issuance of a certificate of occupancy within a condominium development or where common facilities are to be owned and managed by a homeowners' association, digital information shall be provided to the Planning & Community Development Director for incorporation into the Town of Boscawen's Geographic Information System (GIS) and tax maps. As-built plans for any common facility shall also be provided in format acceptable to both the Planning & Community Development Director and the Town Engineer. In addition, to the submittal the digital information shall be provided to the officers of the Condominium Association or Home Owner's Association. If the private association does not yet exist, this copy may be provided to the Town for later conveyance to the association. The digital information shall be submitted in a format and media conforming to standards promulgated by the Planning & Community Development Director and shall be provided to the Planning & Community Development Director for incorporation into the Town of Boscawen's Geographic Information System (GIS) and tax maps,
 - a. Right-of-Way lines with bearings and dimensions;
 - b. Property lines with bearings and dimensions;
 - c. Conservation easements with bearings and dimensions;
 - d. Water bodies, including the edges of lakes, ponds, rivers and streams;
 - e. Wetlands, wetland buffers and Shoreline Protection District Boundaries;
 - f. Utility, drainage and slope easements;
 - g. Finished floor elevations in Flood Hazard Districts;
 - h. Topographic information with 2 foot contours;
 - i. Location of buildings, parking and other paved areas.
 - j. Construction drawings of the common public improvements acceptable to the Town Engineer.

Section 10.4 Recording of Plans and Documents

The Town shall record all subdivision plats, legal documents and agreements. Any recording fees shall be provided by the applicant prior to recording.

Upon execution of any subdivision plat the Planning & Community Development Director shall retain one copy and shall forward a copy of the signed plat to:

1. The Boscawen Tax Assessor.
2. The consulting firm or agency charged with updating the Boscawen Tax Map.
3. The applicant.
4. The third-party site inspector (if required).

If prior to a site plan approval there was not a boundary survey of this property on record at the Merrimack County Registry of Deeds, a boundary survey shall be prepared as part of this application. The boundary

survey shall contain the information required by RSA 676:18 (III), shall be recorded in the Merrimack County Registry of Deeds by the applicant. One Mylar copy shall be provided to the Planning & Community Development Director in accordance with RSA 676:18(IV).

Section 10.5 Applying for Construction Permits

Once the applicant has received a Certificate of Approval, the applicant may then apply permits for site and building construction including land clearing and grading.

1. For subdivisions, no building permits for the construction of buildings or structures on any new lots may be issued until the subdivision plat is recorded along with all legal documents, and all financial guarantees have been provided to the Town. For a subdivision containing single family or duplex housing, once the subdivision plat is recorded then the applicant can begin the process for applying for building permits on the lots within the recorded subdivision plat.
2. For all other types of development involving multi-family, and non-residential site plans, once a Certificate of Approval has been obtained, the applicant can then begin the process to apply for permits for site and building construction including land clearing and grading.

The Final Approved Site Plan shall display a signature box in the lower right-hand corner of the plan containing the following certification:

CERTIFICATION THAT THIS SITE PLAN CONFORMS TO THE APPROVAL GRANTED BY THE BOSCAWEN PLANNING BOARD AT AN OFFICIAL MEETING HELD ON _____

_____, DATE _____

CHAIRPERSON OF THE BOSCAWEN PLANNING BOARD

Section 10.6 Technical Review Committee Established

The Technical Review Committee (TRC) shall consist of the Planning & Community Development Director, the Building Inspector, the Code Enforcement Officer, the Fire Chief, the Public Works Director, the Planning Board Chair and the Police Chief or any of their designees.

In accordance with RSA 674:43 (III), the authority of the Planning Board to review certain minor site plan review projects is hereby delegated to the Technical Review Committee ("TRC") in accordance with the provisions of this Section. Whenever such a delegation occurs, the term "Planning Board" shall also refer to the Technical Review Committee. The Technical Review Committee, in its development review capacity, shall exercise all of the powers exercised by the Planning Board including the power to grant waivers and the power to approve, approve with conditions, or deny applications for minor site plan approval.

In addition, the TRC is authorized to approve lot mergers and boundary line adjustments as set forth in Section 2.7 and Section 10.6.

Section 10.7 Technical Review Committee Procedures

Actions by the TRC to approve an application, with or without conditions, shall require the approval of a majority of those Committee members present and voting. A quorum shall consist of three members.

The Technical Review Committee shall not act on any application for site development approval until the Committee has formally accepted the application for review. The applicant shall file a complete

application with the Committee at least thirty (30) days prior to the date upon which the applicant wishes the Committee to accept the application for minor site plan review. An application, sufficient to invoke the jurisdiction of the Committee and initiate the sixty (60) day review period, shall be formally submitted to and accepted by the Committee.

Formal acceptance of an application shall require an affirmative vote of a majority of those Committee members present and voting. All decisions of the TRC shall be made at a duly advertised public meeting and the TRC shall conform the same requirements for notice and consideration established for applications being considered by the Planning Board.

Appeals of any decision of the TRC shall be to the Planning Board as set forth in Section 2.11.

Section 10.8 Waivers

The Planning Board may waive any requirements listed in these Regulations, where it finds that such requirement is not necessary to satisfy the purposes of these regulations. The Applicant shall present the request in writing with a full justification why the waiver should be granted.

Where strict conformity to these regulations would cause undue hardship or injustice to the owner of the land requesting development approval, an application substantially in conformity with these Regulations may be approved by the Board, provided that the proposed application is:

1. Conforms with the Town of Boscawen Zoning Ordinance;
2. The application is consistent with the intent of these Regulations and the Town of Boscawen Master Plan; and
3. The public's health, safety and welfare is not adversely impacted.

Section 10.9 Appeals

Pursuant to RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning an application may present to the Superior Court a petition, duly verified, setting forth the grounds upon which action by the Board are claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the filing of the Notice of Decision by the Board.

Section 10.10 Amendments

Amendments to these Regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may be amended from time to time. The Planning Board Chair or the Planning & Community Development Director shall transmit a record of any changes, so authorized, to the Merrimack County Registry of Deeds and the Town Clerk.

Section 10.11 Inspections, Certificate of Occupancy, and Acceptance of Public Improvements

Inspections shall be required to ensure compliance with the approved plans and conditions of the Planning Board prior to any acceptance of any public improvements, or the issuance of any Certificate of Occupancy, or the use of any building or site subject to approval by the Planning Board.

The Inspection and Acceptance of any Public Improvements shall be as set forth in in Section 10: Administration and Enforcement. Any public improvements constructed as part of a site plan shall be inspected in the same manner as set forth in Section 10: Administration and Enforcement.

Section 10.12 Substantial Development

In approving any application, the Planning Board may specify the threshold level of work, which constitutes “substantial development” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations. Substantial development, in the absence of a specific finding by the Planning Board, shall be deemed to have occurred when at least twenty percent (20%) of the total building foundations or one building foundation, whichever is greater, on the site has been installed, inspected and approved by the Building Inspector, utilities have been extended to the site, and a certified plot plan of the foundation has been submitted. All erosion control measures as specified on the approved plan for the area of disturbance must be installed.

Section 10.13 Enforcement

These regulations shall be enforced by the Select Board, its duly authorized agent or as otherwise set forth in statue or zoning ordinance.

A written notice of violation shall be issued to the property owner by registered mail from the Select Board or their designated agent if they determine that conditions at the site are in violation of any of the requirements of this regulation or plans approved under this regulation and that the violation is not an immediate threat to public health and safety. The notice of violation shall:

1. Specify the actions or conditions that violate the requirements of this regulation or plans approved under this regulation;
2. Identify what needs to be done to correct the violation(s);
3. Specify a reasonable time frame within which the violation will be corrected; and
4. If the tenants are different than the property owner, if possible a copy will be provided to the tenants either by regular mail or by posting on the site.
5. A copy to be kept in the official records of the Planning Board and the Select Board.

Enforcement action may include, Cease and Desist Orders, in accordance with RSA 676:17-a, or Local Land Citations, in accordance with, RSA 676:17-b, or other legal remedies available to the Town of Boscawen.

Section 10.14 Penalties

As provided in RSA 676:15 & 17, as from time to time amended, any person who violates any of the provisions of this title, or any local ordinance, code, or regulation adopted under this title, or any provision or specification of any application, plat, or plan approved by, or any requirement or condition of a permit or decision issued by, any local administrator or land use board acting under the authority of this title shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person; and shall be subject to a civil penalty of \$275 for the first offense, and \$550 for subsequent offenses, for each day that such violation is found to continue after the conviction date or after the date on which the violator receives

written notice from the municipality that the violator is in violation, whichever is earlier. Each day that a violation continues shall be a separate offense.

In any legal action brought by a municipality to enforce, by way of injunctive relief as provided by RSA 676:15 or otherwise, any local ordinance, code or regulation adopted under this title, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision made pursuant to this title, or to seek the payment of any fine levied under paragraph I, the municipality shall recover its costs and reasonable attorney's fees actually expended in pursuing the legal action if it is found to be a prevailing party in the action. For the purposes of this paragraph, recoverable costs shall include all out-of-pocket expenses actually incurred, including but not limited to, inspection fees, expert fees and investigatory expenses. If any violation of a local ordinance, code or regulation, or any violation of a planning board, zoning board of adjustment or building code board of appeals decision, results in the expenditure of public funds by a municipality which are not reimbursed, the court in its discretion may order, as an additional civil penalty, that a violator make restitution to the municipality for such funds so expended. The superior court may, upon a petition filed by a municipality and after notice and a preliminary hearing as in the case of prejudgment attachments under RSA 511-A, require an alleged violator to post a bond with the court to secure payment of any penalty or remedy or the performance of any injunctive relief which may be ordered or both. At the hearing, the burden shall be on the municipality to show that there is a strong likelihood that it will prevail on the merits, that the penalties or remedies sought are reasonably likely to be awarded by the court in an amount consistent with the bond sought, and that the bond represents the amount of the projected expense of compliance with the injunctive relief sought.

The building inspector or other local official with the authority to enforce the provisions of this title or any local ordinance, code, or regulation adopted under this title may commence an action under paragraph I either in the district court pursuant to RSA 502-A:11-a, or in the superior court. The prosecuting official in the official's discretion may, prior to or at the time of arraignment, charge the offense as a violation, and in such cases the penalties to be imposed by the court shall be limited to those provided for a violation under RSA 651:2 and the civil penalty provided in subparagraph I (b) of this section. The provisions of this section shall supersede any inconsistent local penalty provision.

SECTION 11 FEES

Section 11.1 Application Review Expenses

All expenses incurred by the Town of Boscawen in processing an Application for Board Action shall be borne by the Applicant. The cost of recording the plat with the Registry of Deeds, cost of any required publication, cost of posting notices, cost of mailing notices of hearing, the reasonable anticipated cost of the consultation by the Board with any expert or specialist, and the reasonable anticipated costs to the town for the services of the Board's designated agent, planning consultant, its attorney, its engineer, or other surveyors, engineers, consultants, lawyers and there design professionals retained by the Board. All additional costs incurred during review of the Application shall be paid prior to approval. Failure to pay these costs as specified will be valid grounds for refusal to accept the Application as complete, or for disapproval of the Application.

1. If an applicant requests a postponement of the hearing, the expense to re-notify abutters shall be paid by the applicant.
2. The amounts deposited under this Section shall be held by the Town Treasurer for the purpose of paying the Town's expert or consultant.
3. Any amount deposited under this Section, and not used for the purposes stated herein, shall be returned to the applicant upon approval or disapproval of the Final Plan by the Board.
4. All work performed and all opinions rendered by these professionals shall be solely for the use and benefit of the board. No employment or other contractual relationship shall exist between the professional and the applicant.

Section 11.12 Application Fees

Site Plan:	A \$125.00 fee plus escrow* of \$300 if required by Board.
Conditional Use:	A \$125.00 fee shall be submitted for each application for a Conditional Use.
Subdivision Fee:	\$250 plus escrow* of \$1000 for first lot plus \$100* for each additional lot
CNHRPC Escrow*	\$300 fee
Lot Line Adjustment:	\$100 fee
Lot Merger:	\$100 fee
Gravel Permit Fee:	\$250 plus \$300

Public Notice

Printing Fees:	Varies depending on need of plans/prints
Newspaper:	\$130
Certified Notice:	\$7.50 per abutter
Recording Fees:	\$50
LCHIP Fee:	\$25.00*

* Separate Check for escrow from other fees.

Section 11.3 Construction Monitoring Fees

The Planning Board shall require that the applicant of any site or subdivision plan, approved by the Board, provide funds for construction monitoring; all professional fees and expenses associated with the work shall be borne by the applicant.

1. Such monitoring may include construction on the site, according to the approved plan, the construction of any off-site improvement approved as part of the plan and review of revised plans, as-built plans, and applicable field changes.
2. Such monitoring may include the construction of buildings, utilities, roads, and/or any other construction that in the opinion of the Board requires monitoring to ensure that the construction

is done according to the standards established by the Town, and in accordance with the approved plan.

3. The construction monitoring shall be provided by the Town or consulting engineer and/or planner and the estimated cost of said monitoring shall be provided to the Planning & Community Development Director prior to the recording of any plat or the issuance of any permits for site and building plans for any approved site plan.
4. If at any point during the construction process the escrow is depleted all construction activity shall cease until additional escrow is provided.
5. The Planning Board may require additional financial guarantees as a condition of Planning Board approval.
6. A separate account must be established with the Town for the funds received for construction monitoring, or to insure the completion of required improvements including site stabilization. inspection of construction work in progress, and for compliance with the approved
7. Any amount deposited under this Section, and not used for the purposes stated herein, shall be returned to the applicant upon issuance of Final approvals for the completed development.
8. Any judgment as to the adequacy of such construction shall be made by the Town.

SECTION 12 DEFINITIONS

Section 12.1 Zoning Ordinance Definitions

For the purpose of these regulations the definitions in Article XII, Definitions of the Town of Boscawen Zoning Ordinance shall apply to these regulations unless contrary intentions or a specific definition is included in these regulations.

Section 12.2 Word Usage

For the purpose of these regulations, certain terms and words shall have the meaning given here. Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the words "used" or "occupied" include the words "designed", "arranged", "intended" or "offered" to be used or occupied; the words "building", "structure", "lot", "land" or "premise" shall be construed as though followed by the words "or any portion thereof"; the word "may" is permissive; and the word "shall" is always mandatory and not merely directory.

Words and phrases not defined in this section but defined in other regulations of the Town of Boscawen or by State statute will have meanings as defined by those regulations or statutes unless a contrary intention clearly appears.

Words not otherwise defined shall have their common meaning.

Section 12.3 Definitions

Abutter: Abutter means any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board or such person as defined by NH RSA 672:3 and NH

676:4. Abutters do not include property owners across a great pond as defined by the State of NH, the Merrimack River, or Contoocook River, or the interstate highway rights-of-way for I-93.

For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Board of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

Active and Substantial Development: For the purpose of vesting pursuant to NH RSA 674:39, active and substantial development does not include any surveying, planning, engineering, or architectural fees and services nor does it include land clearing, grading, or site preparation. Substantial development must include the construction of roads and/or common private drives to subbase and the installation of at least fifty percent (50%) or more of the site utilities and drainage facilities for each phase of the development or as otherwise may be defined by the Planning Board at the time of subdivision approval. If active and substantial development has not occurred, no vesting may occur pursuant to NH RSA 674:39 and subsequent phases of the site plan or subdivision are also no longer vested.

Applicant: The owner or designated agent of the owner of land proposed to be subdivided or otherwise developed who seeks Planning Board approval as specified in these regulations. A designated agent may be an individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity with written approval to do by the property owner(s).

Application Form: The form provided by the Board to be submitted by an applicant to request approval of a subdivision or site plan.

As-built Plan: A survey carried out during or immediately following a construction project to establish a record of the same, to facilitate the evaluation of completion of work, and to allow for release of a financial guarantee, or issuance of a Certificate of Occupancy. The as- built plans reflect all changes made to the development during the construction process and show the exact dimensions, geometry, and location of all elements of the work completed. As- built plans shall be provided in a format as set forth in Section 10.3.

Board: The Planning Board of the Town of Boscawen, New Hampshire.

Buildable Land: All land except that which is defined or described as Unsuitable for subdivision or building purposes as defined herein.

Comprehensive Plan or Master Plan: A composite of the mapped and written proposals recommending the physical development of the Town which shall have been duly adopted by the Planning Board.

Engineer: The duly designated engineer of the Town of Boscawen, or other official who shall be an engineer licensed in the State of New Hampshire.

High Intensity Soil Survey: A study or survey of the soil types and characteristics of a plot or parcel of land which describes and identifies the soil properties and soil types of the parcel in accordance with the Standards for a High Intensity Soil Map which are adopted from time to time by the Society of Soil Scientists of Northern New England or comparable standards of other comparable professional organization.

Lot Line Adjustment: A minor adjustment of the location boundary between two or more Lots which results in no new Lots and does not change the conformity of the lot, which involves no construction of new Streets or other public improvements, and which is not a Re-subdivision.

Non-Residential Development: Any development, use or change in the use of land other than single or two-family residential development, whether or not such development includes a Subdivision or Re-subdivision of the land.

Selectmen: The Selectmen of the Town of Boscawen, New Hampshire.

Street: Includes any street, right-of-way, avenue, road, boulevard, lane, alley, viaduct, highway, freeway, and other public ways. Street shall include the entire right-of-way.

Street Classification: Any street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other public roadway for the purposes of these Regulations shall be further shall be classified as either:

1. Arterial Street (Class A): An intercommunity thoroughfare designed primarily for high volume traffic movement throughout the community and beyond.
2. Collector Street (Class B): A street providing a lower level of traffic service than an arterial street and which is designed to provide access between and among areas of the community.
3. Local Street (Class C): A residential street having the primary function of providing direct access to adjoining properties; such street not being designed to provide for traffic service between and among areas of the community. Class C streets shall not be built in areas with the potential of serving more than fifty (50) units or of serving any commercial facilities.

Site Plan Review: The review by this Board of an Applicant's plans for Non-residential Development including Multi-family Development pursuant to these regulations.

Site Plan Review, Minor: The following activities shall be subject to minor site plan review under the purview of these regulations:

- a) Any development activity or combination of activities that, within any four (4) year period, results in the construction of the following:
 - i) Less than 4,999 square feet of new gross floor area;
 - ii) Between 2,500 and 9,999 square feet of new impervious surface; or
 - iii) A cumulative total of less than 9,999 square feet of gross floor area and impervious surface.
- b) Changes of use that affect less than 9,999 square feet of gross existing floor area.
- c) Construction of accessory buildings and structures less than 4,999 square feet of gross floor area.
- d) Major home businesses.
- e) Temporary Events.

Site Plan Review, Major: All other Non-residential development and Multi-family Development consisting of three or more dwelling units shall be subject to major site plan review under the purview of these regulations.

Subdivision: The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision, and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose.

Subdivision, Minor: Any Subdivision which creates three (3) or fewer lots or condominium units, which does not require the construction of any new Street or the extension of municipal facilities, and which is not in conflict with any duly accepted or approved Street, plan or map. For the purposes of determining the applicable requirements of these Regulations, a Lot Line Adjustment shall be deemed to be a Minor Subdivision.

Subdivision, Major: Any subdivision not classified as a Minor Subdivision.

Subdivision, Re-subdivision: A change in a map of an approved or recorded Subdivision plat if such change affects any street layout on such, map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.

Substantial Development: In approving any application, the Planning Board may specify the threshold level of work, which constitutes “substantial development” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations. Substantial development, in the absence of a specific finding by the Planning Board, shall be deemed to have occurred when at least twenty percent (20%) of the total building foundations or one building foundation, whichever is greater, on the site has been installed, inspected and approved by the Building Inspector, utilities have been extended to the site, and a certified plot plan of the foundation has been submitted. All erosion control measures as specified on the approved plan for the area of disturbance must be installed.

Temporary Event: An event or activity lasting for seven days or less, which is held for monetary gain by any person, business, club, association or religious organization and can reasonably be expected to have two hundred and fifty or more attendees during a 24 hour period as long as the following minimum requirements are met: Sufficient sanitary facilities for the number of attendees as determined by the Health Officer and enough off-street parking for the number of cars as determined by the Planning Board.

Turnaround-Permanent: The permanent termination of a Street that will not, or cannot, be extended. This classification shall be made by the Planning Board after initial review and consultation.

Turnaround Temporary: The area constructed at the termination point of any street which, in the foreseeable future, will be extended, either further onto the developer/owner’s holdings or onto abutting properties. This classification shall be made by the Planning Board after initial review and consultation.

Use, Change of: The replacement of an existing use by a new use, but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

Unbuildable Land: Land not suitable for development including wetlands, steep slopes over 15%, conservation easements or land where development is otherwise legally restricted, and flood hazard areas. Easements for existing power lines, natural gas lines, or other utilities may be buildable but shall not be used for calculating minimum lot sizes.

Voluntary Lot Merger: A voluntary merger, in accordance with RSA 674:39-a, as amended, initiated by the land owner(s), of two or more contiguous preexisting approved or subdivided lots or parcels into one new lot.

PLANNING BOARD

Check Off List for Submission

SUBDIVISIONS & SITE PLAN REVIEW

1. 15 SETS OF SIGNED APPLICATION
2. **DETERMINATION LETTER FROM CODE ENFORCEMENT OFFICER**
3. FEES & ESCROWS
4. **ABUTTERS LIST WITH MAILING ADDRESSES**
5. 4 COPIES 22" BY 34" SIZE PLANS (*Numbering of Lot & Sublot must be verified with Land Use Staff*)
6. 15 REDUCED PRINTS (17" BY 22")
7. NOTARIZED AUTHORIZATION FORM ALLOWING AGENT TO SPEAK ON APPLICANTS'/OWNERS BEHALF
8. REVIEWS BY CNHRPC, TOWN OFFICIALS, AND/OR TOWN ENGINEERS
9. **PROPERTY CARD**
10. **COPY OF DEED**
11. **TAX MAP**

*****Staff will provide originals for copying*****

EARTH EXCAVATION APPLICATION

1. GRAVEL PERMIT APPLICATION
2. FEES
3. ABUTTERS LIST
4. 15 SETS(**IF NEW**) OF APPLICATION AND MAPS
5. 2 COPIES OF STATE AOT APPLICATION
6. NOTARIZED AUTHORIZATION FORM
7. PROPERTY CARD
8. COPY OF DEED
9. TAX MAP
10. COPIES OF ALL STATE AND/OR FEDERAL PERMITS
11. BOND
12. REVIEW BY CONSERVATION COMMISSION (APPLICANT TO SUBMIT COPY OF APPLICATION & AOT APPLICATION TO THE COMMISSION)
13. IF PROPERTY IS WITHIN ¼ MILE OF DESIGNATED RIVERS, NOTIFY U.M.R.A.C.

[Back Cover]

Land Development Regulation Process

- 1. Application Submission:** The applicant submits a completed development application at the Municipal Offices with the Planning & Community Development Director thirty (30) days prior to the next regular meeting of the Planning Board with the proper application, notice and review fees.
- 2. Pre-Application Consultation:** The applicant may request a pre-application consultation with the Technical Review Committee (TRC). The applicant need only advised the Planning & Community Development Director at least one week before the next scheduled TRC meeting that they wish to be placed on the agenda.
- 3. Conceptual Plan:** For any site development, the Applicant may request at least fourteen (14) days prior to next regularly scheduled Planning Board agenda, to be placed on the agenda for a non-binding discussion, conducted in general terms, of the basic concept of the proposed development.
- 4. Design Review Plan:** The applicant may request a meeting with the Planning Board to discuss a proposal in more specific form and terms prior to completing final engineering and architectural plans.
- 5. Final Application Submission:** An updated application is submitted (if applicable) with the Planning & Community Development Director thirty (30) days prior to the next regular meeting of the Planning Board including any additional fees or supplemental documentation.
- 6. Planning Board Meeting and Public Hearing:** The application is included on the Planning Board agenda for approval. A duly noticed public hearing shall be held on the application prior to any action by the Planning Board.
- 7. Notice of Decision:** A Notice of Decision shall be prepared within five (5) working days including any conditions attached to the application by the Planning Board.