SITE PLAN REVIEW
REGULATIONS
TOWN OF BOSCAWEN
NEW HAMPSHIRE

Originally adopted September 14, 1981

Amended April 02, 2019
AUTHORITY

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 adopts the following 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.

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

1. A business use of residential property that meets but does not exceed the requirements of Home Business, Minor as defined by the Zoning Ordinance.
2. 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.

These regulations shall be entitled “Site Plan Review Regulations, Town of Boscawen, New Hampshire.

EFFECTIVE DATE

1. These Site Plan Regulations were adopted on September 14, 1981, and effective as of that date.
2. These Regulations were amended on December 10, 1996.
3. These Regulations were amended on August 9, 2005: Section IV 2d, number of copies.
4. These Regulations were amended on January 15, 2008
5. These Regulations were amended on February 9, 2010: To include Floodplain Regulations.
6. These regulations were amended on 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.
7. These regulations were amended on 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.
8. These regulations were amended on 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.
9. These regulations were amended on 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.
10. These regulations were amended on August 10, 2013. The amendments were: 1) Add definitions of Temporary Event and Change of Use to Section I, Definitions, 2) add
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.

11. These regulations were amended on 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

12. These regulations were amended on April 2, 2018. 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.

Adopted Certification: _______________ Date: ______________
(Town Clerk)
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I. DEFINITIONS

For the purpose of these regulations, certain words used herein are defined as follows:

**Abutter:** means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.

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 a municipality of a local land use board 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.

For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

**Approval:** Recognition by the Planning Board, certified by written endorsement on the site plan map, that the Final Site Plan submission meets the requirements of these regulations and all other applicable ordinances and regulations.

**Applicant:** Any individual, firm, association, syndicate, co-partnership or corporation, trust or other legal entity commencing proceedings under these Regulations to effect a non-residential site plan or multi-family development hereunder for the individual or for another with written approval to do so.

**Board:** The Planning Board of the Town of Boscawen.

**Building:** Shall mean any combination of any materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons (animals, equipment, etc.).

**Final Site Plan Map:** The final site plan map of a proposed site development, which is presented to the Planning Board for final approval, which complies with these regulations.

**Selectmen:** The Selectmen of the Town of Boscawen.

**Site Plan or Site Development:** Refer to Section III.

**Street:** Means relates to and 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.

**Subdivision:** Means 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 under this title, and shall not be deemed to create any new division of land for any other purpose.

**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.

**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.
II. PURPOSE

The purpose of the Site Plan Review Regulations and the site review procedure is to:

A. Provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
   1. Inadequate drainage or conditions conducive to flooding of the property or that of another;
   2. Inadequate protection for the quality of groundwater;
   3. Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, animals, structures, or adjacent properties; and
   4. Inadequate provision for fire safety, prevention, and control.

B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs.

C. Provide for open spaces and green spaces of adequate proportions.

D. Require the proper arrangement and coordination of streets within the site in relation to other existing and or planned streets or with features of the official map of the municipality.

E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.

F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval.

G. Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health.

H. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.
III. PROCEDURES

Prior to any site alterations, application must be submitted and approval must be received.

A. Site Plan Review shall be conducted in accordance with the procedural requirements contained in Section XIII of these regulations including the notice to abutters and a public hearing and in accordance with RSA 674:44 as from time to time amended.

1. The list of all abutters should be checked with records at the County Registry of Deeds and not obtained from the local tax rolls, as ownership may have changed since town records were last updated.

2. The applicant shall bear all the costs of review, including the costs of notifying abutters, the Board’s administrative expenses, the costs of special investigations, the review of documents, and other costs required by particular applications (see RSA 674:44 V).

3. The Site Review procedure in no way relieves the developer, authorized agent, or individual applicant from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance, which pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.

4. If the site plan meets the evaluation criteria and is approved by the Planning Board, then the applicant may apply for a building permit. No building permit may be issued until approval of the site plan by the Planning Board is granted. The applicant will be notified by mail of approval or disapproval of site plans.

B. Planning Board Responsibilities. The Planning Board is responsible for the review of all Site Plans and of any Minor Site Plan for which the applicant requests Planning Board Review. The Planning Board may conduct Minor Site Plan review if the Technical Review Committee recommends it.

1. Delegation of Planning Board Review Authority. 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 (“Committee”) 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.

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

3. Technical Review Committee Responsibilities for Site Plan Review.

   a. 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.

b. Actions by the Committee 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.

c. The Planning Board shall hear all appeals to a Committee decision.

d. The Committee may, upon request, provide recommendations to the Planning Board for any project undergoing major site plan review.

e. Diagram of Site Plan Review Process:
C. Procedure for Minor Site Plan Review

1. Applicability. For the purposes of this Chapter, minor site plans may be considered by the Technical Review Committee. Plans that do not meet the definition of “minor” will be considered by the Planning Board as “site plans.” The following activities shall be subject to minor site plan review under the purview of this Chapter:

   a. Any development activity or combination of activities triggering site plan review per the Boscawen Site Plan Regulations, 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.

2. Application Submission and Acceptance. 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 fifteen (15) 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-five (65) 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.

3. Determination of Completeness of Application. An application shall be complete when an application form, all plan requirements (as outlined in Section IV of these Regulations) or waiver requests and fees (as outlined in Section IV of these Regulations) have been submitted to the Technical Review Committee. For each item listed in Section IV, the applicant shall submit either the requested information or a request for a waiver from the plan requirement. All applications submitted without applicable plan
requirements or fees shall be determined to be incomplete and shall be rejected for review by the Committee.

The Technical Review Committee shall, at the next regular meeting or within thirty (30) days following the delivery of the application, determine whether the application is complete. If an item is missing from the application and no waiver has been requested for it, the Committee shall notify the applicant in writing that the application is not complete and request the additional information required. The applicant shall submit the additional information as soon as possible and the procedure in this paragraph shall be repeated until the application is complete.

4. Waiver of Design Standards. The applicant may request that the Technical Review Committee waive any of the requirements in the Boscawen Site Plan Regulations. Requests for waivers shall be submitted in writing, specifically the section number and justification for the request, and shall be included with the application submission. The Committee may permit waivers to be submitted in writing during the approval process at their discretion. The Committee shall vote to grant or deny the applicant’s request for a waiver from a specific section of these regulations and the Committee’s decision shall be recorded in the minutes of the meeting. The Committee may grant waivers prior to voting upon a minor site plan, in accordance with the following:

   a. The waiver shall be consistent with Section VII of the Boscawen Site Plan Regulations.
   
   b. A waiver may be granted if the requested information or requirement is deemed to be either not relevant to the application or otherwise not necessary to determine compliance with Section V of the Boscawen Site Plan Regulations.
   
   c. A waiver may be granted for components of Section IV if the Committee finds that the submission of that information is not necessary to make a determination that the proposal will satisfy Section V of the Boscawen Site Plan Regulations.
   
   d. A waiver may be granted if the Committee finds that by doing so the application will be brought closer into compliance with the goals of the Boscawen Master Plan.

5. Schedule of Action upon Application. Upon formal acceptance of the application for site development approval, the Committee shall, within thirty (30) days, place the application and attached plans its agenda. Within sixty-five (65) days of the formal acceptance of the complete application for final site development approval, the Committee shall vote to approve or disapprove the proposed site plan. The Committee may apply for and receive from the Board of Selectmen an extension not to exceed ninety (90) days before acting to
approve or disapprove the proposed site plan. The applicant may waive the sixty-five (65) day limitation and agree to an extension of the period within which the Committee shall act.

Upon failure of the Committee to timely approve or disapprove the proposed site plan, the applicant may obtain from the Board of Selectmen an order directing the Committee to act within fifteen (15) days. Failure of the Committee to act upon such of the Board of Selectmen shall constitute grounds from the Superior Court, upon petition of the applicant, to issue an order approving the application, if the court determines that proposal complies with existing site development, zoning or other ordinances.

6. Public Hearing. In accordance with RSA 675:7, the Committee shall not take action upon a site plan without first holding a public hearing thereon. Notice of the public hearing shall be provided to the applicant, abutters and general public as required by Section 7 below. At the public hearing, any applicant, abutter, holder of conservation, preservation or agricultural preservation restrictions, or individual with a direct interest in the application may testify in person or in writing. Notwithstanding the foregoing provisions of this Section, the Committee may disapprove an application for site development approval without a public hearing, based upon failure of the applicant to supply information required by these regulations, including abutters; notification, or failure to meet reasonable deadlines established by the Committee or failure to pay costs of the notice or other fees required by the Committee.

7. Notifications. The following parties shall be given at least ten (10) days’ notice of meeting at which minor site plan review will occur:

   a. All abutters, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted shall be notified via registered mail. The names and addresses of abutters shall be submitted on self-adhesive labels not more than five (5) days before the filing.

   b. The general public shall be notified by posting a copy of the written notice at two public places and by printing a notice in a newspaper of general circulation.

Notices shall include a general description of the proposed development, the name of the applicant, the location of the property which is to be developed and the time, date and place of the meeting or public hearing. When computing the period for notification, the day of the mailing, posting or publication and the day of the meeting shall not be counted. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall be valid grounds for the Committee to terminate consideration of the application for review.
If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing shall not be required. Notice of an adjourned session of a hearing shall not be required provided that the date, time and place of the adjourned session are announced at the prior meeting.

8. Determination of Regional Impact. In accordance with RSA 36:56, the Technical Review Committee shall make a determination as to whether the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. If the Committee makes a determination that the development has the potential for regional impact, the application shall be considered to be a major site plan subject to review by the Planning Board and the review process outlined elsewhere in the Boscawen Site Plan Regulations. Within seventy-two (72) hours of reaching a decision the development has the potential for regional impact, the Committee shall submit, via certified mail, to the Central New Hampshire Regional Planning Commission and the affected municipalities’ copies of the minutes of the meeting at which the determination of regional impact was made.

In determining whether a project has regional impact, the Committee may consider, but is not limited to the consideration of, such factors as: the relative size or number of dwelling units compared to the existing housing stock, the proximity to the borders of a neighboring community, transportation networks, anticipated emissions or environmental impacts such as light, noise, smoke, odors, or particles, the proximity to aquifers or surface waters which transcend municipal boundaries, and shared facilities such as schools, wastewater treatment plants, and solid waste disposal facilities.

9. Actions Prior to Approval. Whenever these regulations require posting of a performance guarantee bond, such bond shall be posted prior to receiving final approval. Upon receipt of any required bond, the Committee will make a final review of the plans and application to determine their conformance with these and other applicable regulations and ordinances.

10. Manner of Approval. Approval of the site plan shall require the approval of a majority of those Committee members present and voting. Upon final approval, the plat is certified by the signature of the Planning Board Chair and Vice Chair and the date of approval.

11. Conditions of Approval. The Committee may grant conditional approval of an application, if the remaining actions on the application are administrative in nature, do not involve discretional judgment by the Committee, and/or involve the possession of permits and approvals granted by other Committees or agencies such as but not limited to the Conservation Commission, a further public hearing is not required to grant final
approval. A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4I(i). Final approval will be granted when all conditions have been met to the satisfaction of the Committee. If the conditions are not met by the next regular monthly meeting after the date at which conditional approval was granted, the Committee will determine the appropriate action to be taken on the application.

12. Upon approval, and in addition to any information required as a condition of said approval, the following shall be submitted:

A. Complete electronic files of all drawings in the plan set in the latest AutoCAD format and .pdf or other acceptable format approved by the Planning Board.
B. One paper copy of the entire final Site Plan Review Plat. Upon signing, the Board shall forward a copy of the signed plat to:
   1. The Boscawen Planning & Community Development Office.
   2. The Boscawen Tax Assessor.
   3. The Boscawen Tax Map Update.
   4. The Applicant.
   5. The third-party site inspector, (if required by the Planning Board).
C. Final Site Plan Review Plat shall display a signature box in the lower right-hand corner of the plat containing the following information:

   CERTIFICATION

   THIS PLAT IS HEREBY APPROVED BY THE BOSCAWEN PLANNING BOARD AT AN OFFICIAL MEETING HELD ON ________________.

   DATE                      CHAIRPERSON OF THE BOSCAWEN PLANNING BOARD

D. Notice of Decision
   1. Upon compliance with all conditions precedent, the duly authorized representative of the Board shall sign both the final Notice of Decision and the final Site Plan Review plat. The notice shall include any conditions subsequent and those conditions shall be included on the final Site Plan Review plat.

Denial. If the Committee determines that the proposed site development does not meet all of the applicable requirements, it shall vote to deny the application. The reasons for denial will be clearly stated in the Committee’s records and shall be communicated to the applicant in writing within ten (10) working days of the vote.
IV. APPLICATION REQUIREMENTS

A. General: Site plan review by the Planning Board is required of all proposed developments for industrial/commercial or multi-family uses, whether or not a subdivision is planned, before any building permit may be issued.

B. Special Exceptions: For developments covered by these regulations which require special exceptions or variances, application must first be made to the Zoning Board of Adjustment. The Zoning Board of Adjustment must favorably act on the appeal requested before the matter may be heard by the Planning Board.

C. Site Plan Review: Having secured a special exception or variance, if required, the applicant must then obtain Planning Board approval of the site plan and, if necessary, of the subdivision plan. Requirements for the latter are described in the Subdivision Regulations. In order to expedite such review, the applicant is encouraged to consult informally with the Planning Board as soon as possible in order to acquaint the Board with the plans and to obtain preliminary guidance and retain a licensed engineer or architect to prepare a site development plan. On the formal submission of the site development plan the owner or his authorized agent shall submit site plan maps and supporting data to the Planning Board in accordance with Sections D and E, as appropriate.

D. Projects not requiring additional buildings or changes to the exterior dimensions of existing buildings shall submit the following:
   1. Determination letter from Code Enforcement Officer;
   2. Completed Application for Site Plan Review;
   3. Site Plan:
      a. 15 sets of 17” x 22” plans, (ANSI C); 10 sets for TRC
      b. Scale: not less than 1” =100’;
      c. Match lines when needed;
      d. Four sets of 22” x 34” plans, (ANSI D); 1 set for TRC
      e. Date, title, scale, north arrow, location map;
      f. Name and address of developer, designer/engineer, and owner of record;
      g. Show all easements.
   4. List of current names and addresses of all abutters, and use of abutting properties, identified with location of the structures thereon including access roads;
   5. Fees as set by the Planning Board;
   6. Impact Fees as assessed by the Planning Board;
7. Sketch of site showing boundaries, existing natural features including water courses and water bodies, trees and other vegetation, topographical features, any other features which should be considered in the site design process;

8. Plan of all buildings with their type, size and location (setbacks);

9. An elevation view or photograph of all buildings indicating their height, width and surface treatment;

10. Location of off-street parking and loading spaces with a layout of the parking indicated;

11. The location, width, curbing and type of access ways and egress ways (driveways), plus streets and sidewalks within and around site;

12. The type and location of solid waste disposal facilities;

13. The location, size and design of proposed signs and other advertising or instructional devices;

14. The location and type of lighting for all outdoor facilities, including direction and area illumination;

15. Lines of all existing adjoining streets;

16. Water supply and sewage disposal facilities;

17. The zoning districts and boundaries for the site and within 200 feet of the site. One hundred year flood elevation line shall be included where applicable.

18. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Plan Review;

19. Snow Management Plan (See Article V - General Standards, subsection D.5);

E. **All other projects requiring site plan review:**

In addition to items required in Section IV-D (above), the following are required:

1. Reproducible Mylar, to be retained by the Planning Board at its option;

2. Topographical plan showing existing, proposed, and finished grade elevation contour lines at two-foot vertical intervals or as otherwise accepted by the Planning Board. Benchmark from the most current vertical datum available.

3. Plan of all buildings with their type, size, location, building setback boundaries, and elevation of first floor indicated: (assume permanent on-site elevation);

4. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;

5. The location, elevation and layout of catch basins and other surface drainage features;
6. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;

7. The size and location of all public service connections—gas, power, telephone, fire alarm, overhead or underground;

8. Surveyed property lines showing their deflection angles, or bearings, distances, radii, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;

9. If a subdivision, lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply;
V. GENERAL STANDARDS:

A. Design of development should fit the existing natural and man-made environments with the least stress:

1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.

2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate.

3. 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.

B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to adjacent residential areas:

1. Buffer strips must be maintained between use and residential zones. Buffer strip between non-residential and residential zone must contain vegetation or appropriate fencing which will screen non-residential uses from sight from residential area throughout the year.

2. A landscaping plan must be submitted showing locations and types of vegetation to be retained or established.

C. Screening must be provided to reduce visual pollution:

1. Storage areas must be fenced or screened throughout the year from on-site or adjoining parking and neighboring properties.

2. Litter (garbage) storage areas must be screened throughout the year.

3. The use of either fencing or hedges is permitted.

D. Parking and Loading and Pedestrian Safety:

1. 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.

2. 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. 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.
a. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate run-off; however,

b. The Board may require that access, parking, and loading areas be conventionally paved if appropriate or necessary.

4. 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.

   a. 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. As a general rule, a minimum area equal to 25% of the parking, travel and driveway areas will be needed for snow storage.
   
   b. On-site snow storage: The Planning Board will consider the following conditions in reviewing the adequacy of the on-site snow management plan:
      1. Lines of vision and sight distances for drivers or pedestrians exiting the property shall not be impaired by snow above its natural depth;
      2. 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;
      3. The areas used for snow storage shall be practical to use considering the topography and accessibility of the site;
      4. The snow storage area is wide enough to function as a snow storage area, with 12’ generally being the narrowest acceptable width;
      5. On-site snow storage may not block more than 10% of the required parking spaces for more than 24 hours;
      6. The removal of snow from around hydrants shall be part of the plan;
      7. The snow storage area shall not cover any catch basin, utility, service cover, water shut off or other appliance;
      8. The applicant shall agree to be responsible for any damages to town, state or precinct property caused by snow removal operations;
      9. Use of the area for snow storage will not adversely affect:
         a) Neighboring properties as a result of runoff;
b) Landscaping, including fences and signs, on-site or of neighboring properties;

c) Traffic safety, either on or off site;

d) Any other area deemed to be a hazard by the Public Works Director and/or public safety officials.

c. Off-site snow storage: 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;

d. 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;

e. 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.

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:

1. The applicant agrees to abide by the conditions expressed in a previously approved Snow Management Plan for that property; or,

2. The applicant is a tenant in a building where another entity is responsible for snow removal.

E. Erosion and Sedimentation Plan:

Any Site Plan shall comply with RSA 485-A: 17 and all other laws pertaining to erosion and sedimentation control.

1. Make provision to accommodate the increased run-off caused by changed soil and surface conditions during and after development. 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.

2. Show control measures both during construction and any permanent controls to remain after construction.

3. Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
4. Identify, and relatively locate, proposed erosion and sediment control measures and structures during and after development.

5. Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the town and the Merrimack County Conservation District standards.

6. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.

7. Ensure that stripping of vegetation, regarding 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.

F. 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. Moving, fluttering, blinking, or flashing lights or signs are not permitted.

3. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.

4. All outdoor lighting shall conform to the requirements and standards contained in Article XXIV – Outdoor Lighting Ordinance of the Town of Boscawen Zoning Ordinance.

G. Access to Public Streets:

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.

H. Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Subsurface Systems Bureau and/or the Town Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer or authorized agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Subsurface Systems Bureau for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

I. National Flood Insurance Requirements:
For subdivisions and site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP):

1. 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 greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

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.

VI. TOWN ENGINEER

The town engineer, or in the absence of a town engineer, a registered engineer 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 review.

Deposit and/or Failure to Pay Fees: The Applicant shall deposit an amount in escrow with the Planning Board for the expected cost of any such review or study as estimated by the Planning Board. The escrow amount shall be reviewed periodically to assure that sufficient funds are available to cover all review costs. The Applicant shall deposit additional funds as requested. An Applicant’s failure to pay any such amounts within seven days of request for payment shall constitute grounds for disapproval of the application, without further notice or hearing, or revocation of any approval previously granted.

VII. WAIVERS OF SITE PLAN REVIEW REGULATIONS

The Planning Board may waive any requirements listed in the Site Plan Review 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.
VIII. PERFORMANCE BOND

The Planning Board may require that a performance bond, in an amount to be determined by the Planning Board, in the form of a passbook savings deposit, irrevocable letter of credit or a bond, be posted by the developer and held by the Town until the Board of Selectmen is satisfied that all conditions of the site plan approval and any other pertinent Zoning Ordinance(s), Subdivision Regulation(s), and other Town Ordinances or Regulations have been met. The bond may be released in part when the project is substantially completed, at the discretion of the Board of Selectmen.

IX. JOINT HEARINGS

In accordance with adopted Rules of Procedure, the Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a proposal. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that a hearing for special exception is held for the project by the Zoning Board of Adjustment.

X. AMENDMENTS

Amendments to these Site Plan Review 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 from time to time be amended.

XI. SEPARABILITY

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

XII. 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 under paragraph II, 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.

XIII - REVIEW PROCEDURES

A completed application shall fulfill all requirements of Sections II, III, and IV of these regulations. Provided that an application is received at least 20 calendar days before a regular Planning Board meeting, determination as to its completeness shall be made at that meeting.

A receipt for the application shall be provided by the Planning Board. The Board shall begin formal consideration of the application within 30 days after submission of the completed application. The Board shall act to approve, conditionally approve, or disapprove within 90 days after submission, provided that the Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove. The applicant may waive the requirement for planning board action within the time periods specified and consent to such extensions as may be mutually agreeable.

Upon failure of the Board to approve, conditionally approve, or disapprove the application, the selectmen shall upon request of the applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order the selectmen shall certify on the application that the plat is approved pursuant to RSA 676:4, I (c) and this paragraph. If within those 40 days the selectmen have identified, in writing some specific regulation (subdivision, zoning, or other ordinance) provision with which the applicant does not comply. Such certification, citing RSA 676:4, I (c) and this
paragraph shall constitute final approval for filing and recording under RSA 674:37 and 676:18 and court review under RSA 677:15.

If the selectmen do not issue an order or certify approval, the applicant may petition the Superior Court to issue an order to approve the application, if the Court determines that the proposal complies with existing subdivision regulations and zoning and other ordinances.

Before taking action on a site plan, the Planning Board shall hold a public hearing thereon. The applicant and abutters shall be notified of the public hearing by certified or registered mail, return receipt requested, not less than 10 days before the date fixed for the hearing. In addition, notice of the public hearing shall be given to the general public by posting at the town offices and in a local daily newspaper.

The Planning Board may approve or disapprove the plan. In case of disapproval of any proposed site plan submitted, the grounds for such disapproval shall be adequately stated on the records of the Planning Board and the applicant notified by certified mail.

XIV – FINAL SITE PLAN REVIEW PLAT

Upon approval, and in addition to any information required as a condition of said approval, the following shall be submitted:

A. Complete electronic files of all drawings in the plan set in the latest AutoCAD format and .pdf, or other acceptable format approved by the Planning Board.

B. One paper copy of the entire final Site Plan Review Plat. Upon signing, the Board shall forward a copy of the signed plat to:
   1. The Boscawen Planning & Community Development Office.
   2. The Boscawen Tax Assessor.
   3. The Boscawen Tax Map Update.
   4. The Applicant.
   5. The third-party site inspector, (if required by the Planning Board).

C. The Final Site Plan Review Plat shall display a signature box in the lower right-hand corner of the plat containing the following information:

CERTIFICATION

THIS PLAT IS HEREBY APPROVED BY THE BOSCAWEN PLANNING BOARD AT
AN OFFICIAL MEETING HELD ON ___________________________.

__________________________  _____________________________________________________
DATE                      CHAIRPERSON OF THE BOSCAWEN PLANNING BOARD

D. Notice of Decision:
   1. Upon compliance with all conditions precedent, the duly authorized representative of the Board shall sign both the final Notice of Decision and the final Site Plan Review
Plat. The notice shall include any conditions subsequent, those conditions shall be included on the final Site Plan Review plat.

2. If prior to this approval there was not a boundary survey of this property on record at the Registry of Deeds, and if a boundary survey was prepared as part of this application:
   The boundary survey plat shall contain the information required by RSA 676:18 (III), and
   
   The boundary survey shall be recorded in the Merrimack County Registry of Deeds. One Mylar copy shall be provided to the Board in accordance with RSA 676:18(IV).
   
3. Submission of signed inspection schedule, (if required by the Planning Board).
XV. TIME LIMITS

Time Limits for Fulfilling Conditions: Conditional approval shall be null and void unless all conditions necessary for approval of the plan are fulfilled within one (1) year of the Board’s granting conditional approval. The Board may grant extensions upon written request filed with the 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. Time limit extensions are typically one (1) year in length. Additionally, while an appeal of a 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.

Time Limitations for Development: Once a Site Plan has been approved by the Planning Board, the applicant shall have one (1) year from the date of the plan’s signing to apply for a building permit, after which time the approval shall be deemed null and void. The Board may grant extensions upon written request filed with the Board at least thirty (30) days prior to the plan’s null and void date, stating the requested length of extension and the extenuating circumstances justifying an extension. Time limit extensions are typically one (1) year in length. Additionally, while an appeal of a 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.

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