

**TOWN OF RINDGE
NEW HAMPSHIRE**

**SITE PLAN REVIEW
REGULATIONS**

2021

ADOPTED MAY 13, 1987

BY:

RINDGE PLANNING BOARD

AMENDED

MARCH 9, 1993

FEBRUARY 15, 2005

MARCH 5, 2019

TABLE OF CONTENTS

I.	Authority	3
II.	Purpose.....	3
III.	Definitions.....	3
IV.	Scope of Review	5
V.	Site Plan Application Procedure	6
	1. General Procedure.....	6
	2. Preliminary Conceptual Consultation (Optional)	6
	3. Design Review Phase (Optional)	7
	4. Completed Application (Required).....	8
	5. Action by the Board	8
VI.	Submission Requirements.....	10
	1. Expedited Site Plan Review.....	10
	2. Minor Site Plan Review	11
	3. Major Site Plan Review	13
VII.	General Standards and Requirements	14
VIII.	Community Facilities Impact Analysis	19
IX.	Criteria for Determining Regional Impact	20
X.	Special Flood Hazard Areas.....	21
XI.	Performance Bonds.....	21
XII.	Revocation of Planning Board Approval	22
XIII.	Expiration of Approved Plans (Vesting).....	22
XIV.	Administration and Enforcement.....	22

SECTION I. AUTHORITY

Pursuant to the authority vested in the Rindge Planning Board by the voters of the Town of Rindge in accordance with the provisions of RSA 674:43, *Power to Review Site Plans*, and RSA 674.44, *Site Plan Review Regulations*, the Rindge Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the development of tracts for nonresidential uses and multi-family dwelling uses (not to include one and two-family dwellings) whether or not such development includes a subdivision or re-subdivision of the site.

SECTION II. PURPOSE

The purpose of the Site Plan Review process shall be to assure the orderly, safe, attractive and proper design, use and layout of sites within the scope of the granted authority consistent with the public health, safety, comfort, and welfare as expressed in the Master Plan for the Town of Rindge.

SECTION III. DEFINITIONS

1. **Abutter:** Shall mean any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the property under consideration by the Planning 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/her property will be directly affected by the proposal under consideration.
2. **Applicant:** The owner of record of the land under consideration for a site plan application, or his/her designated agent.
3. **Application, Submitted:** Information submitted by an applicant to the Planning Board, which may or may not be complete enough to warrant acceptance by the Board.
4. **Application, Complete:** The application form and all supporting documents, as specified in these Regulations, that contain all the information the Planning Board needs in order to review a subdivision proposal and make an informed decision.
5. **Application, Accepted:** An application that has been accepted by a majority vote of the members at a regular Planning Board meeting.
6. **Approved Plan:** The final drawing or drawings on which the applicant's plans for the property under consideration are indicated, prepared as required under the provisions of Section V.
7. **Board:** The Planning Board of the Town of Rindge, New Hampshire.

- 8. Development:** The construction or improvements on a tract or tracts of land for nonresidential use or use for multi-family units other than one and two family dwellings.
- 9. Driveway:** Any vehicular access point, along the frontage of a lot.
- 10. Easement:** An acquired privilege or right of use which one party may have in the land of another; the right or privilege that a person, corporation or other entity may have in another's land for the purpose of access or installing and/or maintaining utilities and drainage ways.
- 11. Engineer:** A person registered and licensed as a Professional Engineer under the laws of the State of New Hampshire.
- 12. Flood Plain:** Any land area susceptible to being inundated by flood waters from any source and as shown on the Flood Insurance Rate Maps, Town of Rindge, Community Number 330189, effective date May 23, 2006 or as amended.
- 13. Frontage:** The uninterrupted length of a lot bordering a public right of way maintained by the town or state, or in a subdivision approved by the Planning Board, to which the lot has legal right of access.
- 14. Land Clearing:** Any activity involving the cutting or removal of trees and alteration of the land in preparation for building or road construction.
- 15. Low Impact Development:** The practice of managing stormwater by minimizing impervious cover and by using natural or man-made systems to filter and recharge stormwater into the ground.
- 16. Nodal Development:** A grouping or cluster of non-residential buildings on a single site.
- 17. Public Street:** Any highway, street, road, avenue, land, or other right-of-way over which the public has the right to pass and re-pass and which the state, county, or town has a responsibility to maintain. The phrase "public street" shall include the entire right-of-way.
- 18. Site:** The spatial location of an actual or planned structure or set of structures.
- 19. Site Plan:** The drawing or drawings on which the applicant's plans for the property under consideration are indicated, prepared as required under the provisions of Section V.
- 20. Surveyor:** A person registered and licensed as a Professional Surveyor under the laws of the State of New Hampshire.
- 21. Wetlands, Vegetated:** Fresh water wetlands as defined by Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of

the Army, 1987 and current regional supplements. These areas may or may not border or contain surface waters.

SECTION IV. SCOPE OF REVIEW

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 the procedures outlined in this regulation.

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

1. If the proposal involves new construction of non-residential or multi-family development.
2. If the proposal involves a change of use category, e.g., from residential to commercial, single family to multi-family or from one non-residential use category to another non-residential use category.
3. The establishment of any new non-residential use to include gravel pits, cemeteries, golf courses and others whether or not there will be a structure added.
4. If the proposal is for modifications or construction, exceeding 1,000 sq. ft. of additional floor area. Modifications or construction less than 1,000 sq. ft. may require Site Plan Review if in the judgment of the Planning Board and/or Planning Director, there are significant impacts that should be reviewed.
5. If the proposal involves the expansion of a building or expansion of use that would result in a change in traffic volume or other increased intensity of noise, parking, lighting, etc.
6. 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.
7. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives and parking lots involving an area of more than 2,500 sq. ft. Paving or impervious development projects less than 2,500 sq. ft. may require Site Plan Review if in the judgment of the Planning Board and/or Planning Director, there are significant impacts that should be reviewed.

The following uses and/or change of uses do not require Site Plan Review:

1. Proposals that involve no change of use or level of activity.
2. Internal building modifications to a non-residential use that do not affect the scale or impact of an existing use.
3. Changes to residential single family homes and duplexes.
4. A re-use of a premise for which a Site Plan Review has already been conducted, provided the new use is not different in type or impact.

Site plan review applications fall into three different categories, expedited site plan review, minor site plan review and major site plan review. The following is to be used as a guide to determine which level of review is required for an application:

Level of Review:	Proposed Building Floor Area:	Proposed Impervious Surfaces:
Expedited Site Plan	At the Planning Director and Planning Board's discretion	
Minor Site Plan	1,000 s.f. \leq minor < 2,500 s.f.	2,500 s.f. \leq minor < 10,000 s.f.
Major Site Plan	major \geq 2,500 s.f.	major \geq 10,000 s.f.

If only one of the criteria for building floor area or impervious surface are met, the higher level of review is required, e.g. an application for a 4,000 s.f. building with 8,000 s.f. of impervious surfaces requires a major site plan review.

The Planning Board and/or Planning Director may require a major site plan review for an application that falls within the thresholds above for a minor site plan if in their judgment there are significant impacts that should be reviewed.

SECTION V. SITE PLAN APPLICATION PROCEDURE

1. General Procedure:

The Site Plan review procedure in no way relieves the developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. A site plan application shall not be considered incomplete solely because it is dependent upon the issuance of permits or approvals from other governmental bodies, however, the Planning Board may condition approval upon the receipt of such permits.

2. Preliminary Conceptual Consultation (*Optional*):

The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board highly

recommends that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later. To arrange for a preliminary conceptual consultation, the applicant should contact the Planning Department. The applicant will be scheduled to meet with the Board at a regularly scheduled meeting of the Planning Board. Such pre-application consultation shall be informal and directed toward:

- A. Reviewing the basic concepts of the proposal.
- B. Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance.
- C. Reviewing the Town's site plan regulations as they may apply to the proposal and determining whether the proposal is a major or minor site plan.
- D. Guiding the Applicant relative to state and local requirements.

3. Design Review Phase (*Optional*):

An applicant may request a Design Review with the Planning Board. The Design Review Phase is an optional non-binding discussion between the Planning Board and the applicant beyond conceptual review and general discussions, which involve more specific design and engineering details. A public hearing is not required. Those applicants who formally engage in the Design Review process will receive the benefit of a twelve (12) month "safe harbor" period during which the applicant's proposal is protected from changes in the Zoning Ordinance, Subdivision Regulations and Site Plan Regulations, provided that a formal application for approval of such proposal is filed with the Planning Board within twelve (12) months of the end of the design review process.

- A. Prior to submission of a Design Review application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
- B. The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I (d). Applicable noticing fees shall be paid at the time of filing of the application.
- C. Persons wishing to engage in a design review shall submit a Design Review Application to the Board not less than 21 days before the regularly scheduled meeting of the Board.
- D. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
- E. At the end of the Design Review meeting, the Planning Board shall declare the process to have ended or that it is continued to a time and date certain.

4. Completed Application (*Required*):

To apply for consideration of a Site Plan Review the applicant shall fill out the appropriate application (available at the Town Office) and submit it, together with all supporting documentation (as outlined in section VI of these regulations) to the Board not less than twenty-one (21) days prior to the scheduled meeting date.

All application fees must be paid at the time of filing of the application. Failure to do so is cause for disapproval of an application. Reasonable fees in addition to fees for notice may be imposed by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular situations.

5. Action by the Board:

- A.** Upon the timely receipt of a completed application, consisting of the appropriate application form and the required submission documents for that particular application for site plan review, the Board shall inform the applicant and abutters by certified mail, at least ten days prior to the public hearing which the application is to be acted upon. Notice of the impending action will also be posted in three prominent places in the Town of Rindge at least ten days prior to the date on which the application is to be acted upon. The notice shall contain a general description of the proposal, location of the property and the name of the owner(s) of record.
- B.** At its next regular meeting or within 30 days from the date of the filing of the application, the board will consider formal acceptance of the application. All plans will be reviewed for completeness by the Planning Board. If the plans are incomplete, the applicant will receive a written determination of the decision stating what information, procedure, or other requirement is necessary for the application to be complete.
- C.** Upon determination that the application is complete the Planning Board may move into formal consideration of the application, including the public hearing. Consideration of the application shall continue from month to month or as otherwise noticed by the Board until final action by the Board.
- D.** The Board shall not approve a site plan if:
 - 1.** The applicant fails to meet reasonable deadlines established by the Board.
 - 2.** The applicant fails to supply information required by the regulations.
 - 3.** The applicant fails to pay reasonable fees or costs of notices as required by the Board.

4. The site plan does not conform to the Ordinances as adopted by the Town and the applicant has not obtained relief from the Board of Adjustment.
 5. The site plan does not conform to the Regulations as adopted by the Town and the applicant has not obtained a waiver there from.
- E.** The Board shall act to approve or disapprove the site plan application within sixty five (65) days of formal acceptance, unless:
1. The applicant waives the requirement for Board action as set forth herein and consents to a mutually agreeable extension; or
 2. The Board applies to the Selectmen for an extension not to exceed an additional ninety (90) days.
- F.** Upon failure of the Board to act to approve or disapprove an application within sixty five (65) days of its acceptance, and subject to waivers and extensions as provided for in paragraph E above, the applicant may obtain from the Selectmen an order directing the Board to act within thirty (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 applicant's application that the plan is approved pursuant to this paragraph, unless within those 40 days the Selectmen have identified in writing some specific site plan regulation or zoning or other ordinance provision with which the application does not comply. Failure of the Selectmen to issue the order to the Planning Board or to certify approval of the plan shall constitute grounds for the Superior Court.
- G.** The Board may continue a hearing without further notice if the date, time and place of the continued hearing are made known at the time the hearing is continued.
- H.** In case of disapproval of any application submitted to the Board, the grounds for disapproval shall be stated in the records of the Board.
- I.** Upon final approval of a site plan, the Chairman shall sign four copies of the final plan, stating the date of the Board's action. Three signed copies shall be filed permanently with the Board's records, the fourth signed copy shall be transmitted to the Board of Selectmen. If provided by the applicant, an additional copy may be signed for the applicant's records. The applicant or applicant's agent shall provide the Planning Office with an electronic copy of all approved plans.

SECTION VI. SUBMISSION REQUIREMENTS

1. Expedited Site Plan Review

A. Application Submission Documents:

- 1.** A completed application form.
- 2.** Names and addresses of all abutters, taken from the town records not more than five (5) days before the filing of the application.
- 3.** Names, addresses and seal of all persons preparing the plan, as applicable.
- 4.** Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions.
- 5.** Payment to cover filing and notification fees.
- 6.** Four paper copies of the plan(s) including the following:
 - a.** The plan scale may vary, depending on the size of the property for which a site plan review is submitted, but in no case shall the scale be smaller than 1 inch equal to 40 feet.
 - b.** The dimensions of the plan(s) shall be 8-1/2"x11", 11"x17" or 22"x34". The maximum size of each plan sheet submitted shall be 22"x34".
 - c.** All plans shall have a minimum 1/2" margin on all sides.
 - d.** Title blocks should be located in the lower right hand corner of the plan and shall indicate:
 - 1.** Title of the plan.
 - 2.** Owner of record.
 - 3.** Name of the town.
 - 4.** Tax map and lot number.
 - 5.** Plan date and revision dates.
- 7.** A letter of authorization from the owner, if the applicant is not the owner.
- 8.** Copy of any driveway permit(s) required.

B. Plan Submission Requirements:

1. Name of the project or identifying title; names and addresses of owners of record and abutting land owners; and tax map and lot number.
2. North arrow, date of the plan, bar scale appropriate to the scope of the development; name and address of person preparing the plat; signature block for Planning Board approval.
3. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets; and the zoning district(s) within 200 feet of the site.
4. Uses of the abutting properties shall be identified, with approximate location of the structures thereon within 200 feet of the subject property.
5. Boundary lines, their sources, approximate dimensions and bearings, and the lot area in acres.
6. The location of all building setbacks required by the Zoning Ordinance.
7. The shape, size, height and location of existing and proposed structures, including expansion of existing buildings, located on the site.
8. Location of existing and proposed sidewalks and driveways, with indication of direction of travel for any which are one-way. Both vehicular and pedestrian circulation shall be shown.
9. Plans for snow removal and storage. Location to be consistent with the Town of Rindge Wetlands Conservation District Ordinance.
10. Location of any existing or proposed easements, deed restrictions and/or covenants.

2. Minor Site Plan Review:

A. Application Submission Documents

1. All of the requirements as set forth in Section VI.1.A (Expedited Site Plan Review) of these regulations.
2. New Hampshire Department of Environmental Services (NHDES) septic design approval where applicable; or letter of certification by a licensed septic designer that an existing septic system is adequate to meet the needs of the proposed use, if applicable.

B. Plan Submission Requirements:

- 1.** All of the requirements as set forth in Section VI.1.B (Expedited Site Plan Review) of these regulations.
- 2.** Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets.
- 3.** Existing and proposed driveways, access roads and sidewalks including intended traffic flow patterns, widths of driveways, all access ways and sidewalks, and inside radii of all curves.
- 4.** Location and total number of parking spaces; loading spaces and other similar facilities associated with the use.
- 5.** A landscaping plan, describing the number, location, types, and size of all existing and proposed landscaping and screening including fences and walls.
- 6.** The location, type, and nature of all existing and proposed exterior lighting.
- 7.** The location, type, and nature of all existing and proposed signage.
- 8.** Water courses, ponds, standing water, rock ledges, stone walls; existing and proposed foliage lines; open space to be preserved; and any other man-made or natural features.
- 9.** Delineation of wetlands certified by a certified wetland scientist.
- 10.** Soils data (types and boundaries) based on the National Cooperative Soil Survey (NCSS).
- 11.** The size and location of all existing and proposed water mains, sewers, drainage systems, culverts, proposed connections or alternative means of providing water supply (wells) and disposal of sewage (septic tanks and effluent disposal areas) and surface drainage.
- 12.** The location and distance to the nearest fire hydrant(s) and/or fire ponds(s).
- 13.** A contour map of existing and proposed topographic contours at intervals of not more than two (2) feet, with spot elevations where necessary.
- 14.** Location of test pits and percolation tests including test pit logs.
- 15.** Location of existing and proposed well(s), with the appropriate protective well radius on its own lot.

16. Base flood elevations and flood hazard areas, as applicable, based on available FEMA maps.

17. Construction detail drawings for site improvements required for the construction of the site.

3. Major Site Plan Review:

A. Application Submission Documents

- 1.** All of the requirements as set forth in Section VI.2.A (Minor Site Plan Review) of these regulations.
- 2.** Architectural drawings depicting proposed building elevations, in full color, detailing all exterior facades.
- 3.** Plan for Stormwater Management and Soil Erosion and Sediment Control (see Section VII.9).
- 4.** NHDES Alteration of Terrain Permit, if applicable.
- 5.** Any other state and/or federal permits as applicable.
- 6.** The Board may require reports from the Fire Chief and Police Chief on fire safety, prevention and control and public safety if it deems it necessary.
- 7.** Report from the Town of Rindge Conservation Commission for any projects that impact or could have potential impacts to wetlands.
- 8.** An impact analysis may be required, which takes into account the following items to the extent the Board deems applicable (see Section VIII):
 - a.** Demographic Description
 - b.** Community Facilities Impacts
- 9.** Any additional reports or studies deemed necessary by the Board to make an informed decision.

Should the Board determine that some or all of the discretionary documents above are to be required, the applicant shall be notified in writing within ten (10) days of the meeting at which the determination was made.

B. Plan Submission Requirements:

1. All of the requirements as set forth in Section VI.2.B (Minor Site Plan Review) of these regulations.
2. The surveyed boundary lines of the property, including bearings and distances of all property lines, street frontage and lot area and certified by a Licensed Land Surveyor.
3. The phasing of the projects construction, if applicable.

SECTION VII – GENERAL STANDARDS AND REQUIREMENTS

1. Design of Development:

- A. The proposed use, building design and layout shall meet the provisions of the Town of Rindge ordinances and regulations, including the Zoning Ordinance and shall be consistent with the intent of the Master Plan. The following factors will be included in the evaluation of new building designs:
1. Building orientation and location on the site.
 2. Scale, proportion, height and area of the building(s).
 3. Type, shape, and pitch of roof, size and spacing of windows, doors and other openings.
 4. Exterior materials and colors.
 5. Styling of facades.
 6. Architectural details and features.
 7. Screening of mechanical equipment from view, both ground level and rooftop.
 8. Amount of exposed foundation.
 9. Exterior lighting.

2. Illumination:

- A. Outdoor lighting shall not glare on abutting properties or on public highways, streets and walkways.
- B. Outdoor lighting is restricted to that which is necessary for advertising and security of the property.
- C. Lighting shall be directed downward to shield the night sky.

3. Pedestrian Safety:

- A.** Sidewalks shall be provided for pedestrian traffic to provide connection between main entrances of businesses and parking areas. All such sidewalks shall be at least six (6) inches above grade and protected by curbing.
- B.** Pedestrian access shall be provided when possible as an interconnection between developments on a site through the use of pathways, sidewalks and shared rights of way.

4. Off-street Parking and Loading Requirements:

- A.** Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking and/or loading or unloading must not take place from a public street.
- B.** The number of parking spaces required shall balance providing adequate parking for the anticipated use while not creating vast parking areas which never get utilized.
- C.** In site plans of more than one (1) use, the aggregate number of parking spaces shall be apportioned based on the various uses, with respective areas designated on the plan.

5. Open Space / Landscaping:

- A.** The area of impervious cover shall be limited to 80% of the entire site including building footprint, parking and ancillary structures, and subject to additional requirements as outlined in the Aquifer Protection District Ordinance. Site design shall be consistent with Low Impact Development practices.
- B.** The proposed use shall provide for open spaces and green spaces of adequate proportions. All open spaces shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for a person passing the site or overlooking it from nearby properties.
- C.** A landscaping plan, if required, shall show existing and proposed features and the locations of all plant materials. Existing trees, shrub and plant beds to be retained shall be described. The plan shall show all setbacks and areas of open space which shall retain existing natural features or be landscaped as required by the Zoning Ordinance. Existing healthy mature native trees (6" caliper or greater) shall be retained as practical and incorporated into the landscape plan.

6. Screening:

The Planning Board in its discretion may require appropriate screening in order to protect and shield the adjacent property.

- A. Where feasible, parking areas shall be screened or located as to be hidden from view of roadways. Access roads shall not be used for display or storage. Parking areas that are to be used seasonally for display or storage must be shown on an approved site plan.
- B. The proposed location and height of buildings and structures, walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value.
- C. Screening consisting of a solid fence, wall or evergreen planting, in all cases not less than six (6) feet in height or as specified by the Planning Board shall be provided, erected and maintained to shield the business and light industrial uses of land from any adjoining residential property.
- D. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- E. Litter (garbage) collection areas must be screened.

7. Street Access / Traffic Pattern:

- A. Access to public streets will meet the requirements of the New Hampshire Department of Transportation and/or the Town of Rindge.
- B. The proposed use shall fall within the constraints of the existing limited access points on State highways and shall facilitate the promotion of nodal or clustered development on site, maximizing the opportunities for shared drives and parking areas.
- C. The proposed use and layout will be of such a nature that it will make vehicular and pedestrian traffic no more hazardous than is normal for the neighborhood involved. Factors for the Planning Board to consider in this determination are the turning movements in relation to traffic flow and volume, proximity to and relationship to intersection, adequacy of sight distances, location and access of off-street parking, street width, emergency vehicle access, and provisions for pedestrian traffic. To satisfy these requirements the applicant may be required to improve existing connecting roads at no expense to the Town of Rindge.
- D. Any new road construction shall conform to the road standards as specified in the Town of Rindge Subdivision Regulations.

8. Fire Protection:

- A.** Applications for major site plans shall be required to address water supply needs for fire protection. The Planning Board shall request a determination from the Fire Chief for the adequacy of water supply in the area or if additional water supply shall be provided for on or off-site at the expense of the applicant.
- B.** All proposed developments, whether including the provision of hydrants or other water supply facilities, shall be accessible to firefighting and other emergency equipment.

9. Stormwater Management and Erosion Control:

- A.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roof, canopies and paved areas, and treated directly on site. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.
- B.** The existing and proposed methods of handling stormwater runoff shall be shown including the use of arrows to indicate the direction of stormwater flow.
- C.** The location, elevation and size of all catch basins, drywells, swales, and any other stormwater management structures shall be shown.
- D.** Engineering drainage calculations shall be submitted for Major Site Plans that disturb more than 40,000 square feet.
 - 1.** Engineering calculations shall be submitted showing that the post-development rate of runoff does not exceed the pre-development rate of runoff for the ten (10), twenty five (25), and fifty (50) year / twenty four (24) hour storm events. In rare cases where it can be shown by sound Engineering practices that maintaining a post-development rate of runoff less than or equal to the pre-development rate of runoff for the immediate site will actually increase the rate of runoff for the overall drainage area and create a more hazardous situation the post-development rate of runoff may be increased for the immediate site.
 - 2.** Storm drain, roadside ditch and driveway culvert sizing shall be based on a design storm of 10 year frequency. Roadway culverts shall be sized based on a design storm of 25 year frequency. Potential hazard structures such as detention ponds, sedimentation ponds, small bridges, etc. shall be designed to experience no adverse impact from a fifty (50) year / twenty four (24) hour storm, in accordance with the USDA Soil Conservation handbook entitled "Urban Hydrology for Small Watersheds, Technical Release 55" and as amended.

3. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. The drainage system shall be designed so that the post-development runoff rate does not exceed the pre-development runoff rate. This can be done using detention or retention basins (above ground or underground) or other standard engineering practices as required. No appreciable increase in run-off shall be permitted if such increase passes beyond the property line of the parcel being subdivided or developed. Where detention or retention basins are necessary, they shall be designed so that the emergency spillway will pass the one hundred (100) year/twenty four (24) hour storm with no adverse impact to the detention basin structure and outlet. The initial outlet orifice shall be preceded by a serviceable trash rack.
 4. Projects with proposed impervious surfaces between 10,000 square feet and 39,999 square feet may require engineering drainage calculations if, in the judgement of the Planning Director or Planning Board, there are potential significant impacts such as proximity to wetlands, surface waters, water supply, floodplain or aquifer protection areas.
 5. The system shall be designed by a NH licensed Professional Engineer.
- E.** Every effort shall be made to use pervious parking surface for overflow parking which will facilitate groundwater recharge and reduce the need for curbs, gutters and drainage systems.
- F.** All stormwater management and erosion control measures in the plan shall adhere to the “Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire”, published by the Rockingham County Conservation District, and the Best Management Practices to Control Nonpoint Source Pollution: A guide for Citizens and Town Officials”, NHDES, January 2004.
- G.** The applicant shall bear final responsibility for the installation, construction, and disposition of all stormwater and erosion control measures required by the Board. Site development shall not begin before the plan is approved.

10. Underground Fuel Storage Tanks:

The proposed use shall provide for adequate protection for the quality of groundwater. All underground storage tanks shall comply with the standards of the NH Water Supply and Pollution Control Division, as set forth in part Env-Ws 411, NH Code of Administrative Rules and Town of Rindge Regulations, including but not limited to the Aquifer Protection District.

11. Pollution Control:

The applicant shall provide adequate safeguards against undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharges into

the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties.

SECTION VIII – COMMUNITY FACILITIES IMPACT ANALYSIS

The applicant may be required, at their expense, to conduct a community facilities impact analysis which takes into consideration the following information to the extent the Planning Board deems applicable:

- 1. Demographic Description.** The analysis must identify the demographic market the project intends to serve, including:

- A.** Type of family;
- B.** Average family size;
- C.** Number of ages of children;
- D.** Anticipated time period to fill all units or lots.

Associated data, such as anticipated income levels, type of employment, and projected housing costs may also be presented to support projections associated with the above demographic description. If transfers from existing Town families and homes expected, the impact on the secondary market must be provided.

- 2. Community Facilities Impact Analysis.** The applicant shall conduct analyses of the following:

- A.** Estimated impact on sewage disposal system, including flow estimates and assessment of capacity;
- B.** Estimated impact on the water system, including flow estimates, capacity and assessment of existing or potential water pressure;
- C.** Estimated impact on traffic systems, including the impact of projected trips on flow characteristics and the impact of traffic on the immediate road structures;
- D.** Estimated impact on the school system;
- E.** Estimated impact on public safety providers including police, fire and ambulance;
- F.** Estimated impact on the public works department, including solid waste disposal;
- G.** Estimated impact on existing stormwater management systems, including flow and water quality;
- H.** Estimated impact on the recreation resources and provisions of methods to meet proposed needs;
- I.** Estimated impact on Town library facilities;
- J.** Any other study deemed appropriate by the Planning Board.

Once these analyses have been completed, the applicant shall present appropriate projections and impact assessments to the appropriate Town departments for review and comment.

SECTION IX – CRITERIA FOR DETERMINING REGIONAL IMPACT

- 1.** In Accordance with RSA 36 the Planning Board, upon receipt of an application for development, shall review it promptly and determine whether or not 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.
 - A.** In these Site Plan Review Regulations “development of regional impact” means any proposal before the Planning Board which in the determination of the Board could reasonably be expected to impact on a neighboring municipality, because of such factors as, but not limited to, the following:
 - 1.** Relative size or number of dwelling units as compared to the existing stock.
 - 2.** Proximity to the borders of a neighboring community.
 - 3.** Transportation networks.
 - 4.** Anticipated emissions such as light, noise, smoke, odors, or particles.
 - 5.** Proximity to aquifers or surface waters which transcend municipal boundaries.
 - 6.** Shared facilities such as schools and solid waste disposal facilities.
 - 7.** Any industry that deals in hazardous materials and/or has the potential for accidents which would require evacuation of a large area.
- 2.** Upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.
- 3.** Not more than 5 business days after reaching a decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Planning Board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.
- 4.** At least 14 days prior to public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.

SECTION X – SPECIAL FLOOD HAZARD AREAS

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 Board shall require that all site plan proposals and other proposed developments greater than 50 units or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - 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;
 - C. Adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION XI – PERFORMANCE BONDS

1. The Board may require the applicant to file with the Board an Engineer's estimate of costs of streets, public improvements, drainage structures, and other utilities or improvements, together with maps, plans and supporting data.
 - A. A surety bond issued by a surety company authorized to do business in the State of New Hampshire to be filed with the Board of Selectmen in form and amount satisfactory to the Board.
 - B. Cash, certified or bank checks, savings bank book properly endorsed to the town, or letter of credit in an amount to be determined by the Board of Selectmen and to be deposited with it.

The amount of such performance guarantees shall include fees for inspection of improvements by the appropriate town agents. The Board may require or allow alternative methods of security.

2. In case of electric lines or other utilities to be installed by a public utility, corporation or a town department, a statement shall be received in writing from such public utility, corporation, or town department that the work will be done within a reasonable time and without expense to the town and that the utilities will be placed underground if this has been agreed.

3. The performance guarantee shall not be released until the Board of Selectmen or its agent has inspected and approved completion of the road, public utilities and improvements in accordance with the approved plan.

SECTION XII – REVOCATION OF PLANNING BOARD APPROVAL

In accordance with RSA 676:4-a *Revocation of Recorded Approval*, a subdivision, plat, street plat, site plan or other approval which has been filed with the appropriate recording official, under RSA 674:37, *Recording of Plats*, may not be revoked by the Planning Board in whole or in part except as detailed in the statute. Failure to conform to the statements, plans or specifications upon which an approval was based; failure to provide adequate security; failure to meet conditions of approval within the time period set forth in the approval, are grounds for revocation.

SECTION XIII – EXPIRATION OF APPROVED PLANS (Vesting)

In accordance with RSA 674:39, *Five Year Exemption*, site plan approvals shall become vested from subsequent changes to zoning ordinances and regulations for a period of five (5) years, provided active and substantial development as determined by the Planning Board at the time of approval, has commenced within twenty four (24) months of the date of final approval. If site development and/or construction have not been substantially commenced within twenty four (24) months, the plan shall not be vested and is subject to changes in zoning and regulations subject to the provision of RSA 674:39. Further, if site development or construction has not been substantially completed within 5 years from the date of approval, the plan shall not be vested.

SECTION XIV - ADMINISTRATION AND ENFORCEMENT

1. **Interpretation:** The interpretation of these regulations shall be the sole province of the Planning Board, who may at their discretion waive any regulation they determine inappropriate for an application, and may seek legal advice and counsel as they deem necessary.
2. **Acceptance of Streets and/or Utilities:** Nothing herein is intended to modify the requirements of law with reference to the layout of streets as provided in New Hampshire Revised Statutes Annotated, and as amended, Chapter 231. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and /or utilities by the town or state.
3. **Building Permits:** For any plat approved hereunder, a building permit must be obtained within twenty four (24) months of the date of said approval and failure to do so shall render approval null and void and no building permit shall be issued except, however, when a construction schedule has been previously approved by the Planning Board.

4. **Other regulations:** Where these regulations conflict with other local ordinances, the more stringent requirements shall apply as provided in RSA 676:14,.
5. **Enforcement:** These regulations shall be enforced by the Board of Selectmen acting by and through its duly authorized representative if any.
6. **Penalties:** As provided in New Hampshire Revised Statutes Annotated, and as amended, Chapter 676, Section 17, any person who violates any of the provisions these Site Plan Review Regulations, 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 the planning board 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 town that the violator is in violation, whichever is earlier. Each day that the violation continues shall be a separate offense.
7. **Appeals:** Any person aggrieved by a decision of the Planning Board may appeal said decision to the superior court pursuant to RSA 677:15, except, pursuant to RSA 676:5.III, when a disapproval is based on non-compliance with the zoning ordinance, in which case an appeal can be taken to the Board of Adjustment.
8. **Validity:** If any section, sub-section, or phrase of these site plan regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.
9. **Amendment:** These regulations may be amended, changed, altered, added to, or rescinded from time to time whenever deemed necessary or advisable by the Board. A public hearing on the proposed change(s) and the concurring vote of the majority of the Board are required before any changes are made. Following this, the regulation must be signed by the Board and filed with the Town Clerk.
10. **Waivers:** The requirements of these regulations may be waived by the Planning Board when, in its judgment: (1) strict conformity therewith would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these Regulations; and (2) specific circumstances relative to the site plan or conditions of the land in such site plan indicate that the waiver will properly carry out the spirit and intent of these Regulations. Waiver requests must be submitted in written form with sufficient reasons for why the waiver should be granted.
11. **Effective Date:** The effective date of these regulations shall be May 13, 1987, and as amended.