

**Site Plan Review Regulations
Town of Sugar Hill, New Hampshire**

**Revised in Conformity
With RSA 674:44 REVISED 1986**

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Table of Contents

- I. Authority
- II. Purpose
- III. Types of Development Requiring Site Plan Review
- IV. Review Procedure
 - a. General Procedure
 - b. Conceptual Consultation and Review
 - c. Preliminary Review
 - d. Final Submission
 - e. Final and Submission of Completed Application
 - f. Board Action on Completed Application
 - g. Public Hearing
 - h. Notices
 - i. Fees
 - j. Notice of Action
 - k. Revocation
- V. Performance Guaranty
 - a. Period for Construction and Completion of Improvements
 - b. Bonding and Security
 - c. Secured Work or Improvements
 - d. Certificate of Occupancy
- VI. Submission Requirements
 - a. General Requirements
 - b. Site Plan Requirements
 - c. Additional Requirements
 - d. Where ZBA Approval is Required
- VII. General Standards
 - a. Improvements to streets, parking, and loading
 - b. Landscaping and Screening
 - c. Exterior Lighting
 - d. Storm Water Run-off
 - e. Sewage Disposal Systems
 - f. Flood Hazard
 - g. Construction Requirements for Roads, Parking, Streets and Drainage
 - h. Erosion and sediment control
 - i. Fire protection
 - j. Suitability for building
 - k. Off-Site Improvements
 - l. Health, Safety and Welfare
 - m. Modifications to Approved Plans
- VIII. Definitions
 - a. Development
 - b. Zoning Ordinance and Subdivision Regulations
- IX. Waivers
- X. Other Ordinances
- XI. Amendments
- XII. Separability
- XIII. Appeals
- XIV. Fines and Penalties
- XV. Effective Date

AUTHORITY

Pursuant to the authority vested in the Sugar Hill Planning Board by the voters of the Town of Sugar Hill on the 8th day of March 1977, and in accordance with the provisions of Title LXIV "Planning and Zoning" and specifically RSA 675:6, RSA 674:43 and RSA 674:44, the Sugar Hill Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development of tracts for non-residential and multi-family residential uses, whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled "Site Plan Review Regulations, Town of Sugar Hill, New Hampshire."

II. PURPOSE

The purpose of the Site Plan Review procedure is the protection of the public health, safety and welfare; to promote balanced growth; to protect property values, the natural beauty, and the environment which provide the primary basis for the Town's tourist economy; to encourage uses that are in harmony visually and aesthetically with rural living and the recreational economy based on our natural resources; to ensure sound site utilization; to avoid unnecessary and adverse impacts on neighboring property and uses; to guide the character of development; and generally to fulfill the specific purposes listed in RSA 674:44.

The Site Plan Review Procedure in no way relieves the developer, his/her agent, or any other individual, from compliance with the applicable State laws, the Town of Sugar Hill Zoning Ordinance and Subdivision Regulations, or any other ordinance or regulation which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent laws, ordinances and regulations. As provided in RSA 676:4, I(i), the Board shall not refuse to process an application solely for lack of required federal or state permits, but may insert receipt of such permits as a condition of approval.

III. TYPES OF DEVELOPMENT REQUIRING SITE PLAN REVIEW

An applicant shall obtain Site Plan approval from the Board for the types of development listed below. New Site Plan approval is not required for agricultural activities or structures that do not involve the onsite retail sale of products or services to the general public, or for seasonal roadside farmstands limited to sale of the agricultural products produced on the farm on which it is located or other agricultural properties owned or leased by the same agricultural enterprise.

All new construction or reconstruction of principal buildings and accessory buildings **B.** Any addition or series of additions to buildings totaling more than 500 square feet, or any new paved or improved surfaces or series of additions to, or expansions of, existing paved or improved surfaces, including gravel or paved parking areas, driveways, walkways or other improved surfaces, which either by itself or in combination with any building additions totals more than 1000 square feet.

- A.** All new construction or reconstruction of principal buildings and accessory buildings for non-residential use and multi-family dwellings, which are defined as any structures containing more than 2 dwelling units. Site Plan review shall not be necessary for accessory buildings containing less than 500 square feet, if erected independently, and not in connection with principal buildings.
- B.** Any addition or series of additions to buildings totaling more than 500 square feet, or any new paved or improved surfaces or series of additions to, or expansions of, existing paved or improved surfaces, including gravel or paved parking areas, driveways, walkways or other improved surfaces, which either by itself or in combination with any building additions totals more than 1000 square feet.

- C. Any conversion of an existing building from one use to another, regardless of whether the thresholds listed in paragraph B above are met, including a change from a one- or two-family dwelling to a multi-family or non-residential use, from a multi-family to non-residential use or vice-versa, the addition of any non-residential use to an existing use of a structure, or any change from one non-residential use category listed in the Zoning Ordinance to another such category.
- D. The establishment of any new non-residential principal use(s) and/or material changes or expansions of existing non-residential use(s), in which no buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communication towers, or other non-residential uses.
- E. Any material change to a previously approved site plan.

No building permit shall be granted for any type of development requiring Site Plan approval under this Article, unless and until an approval has been granted under these regulations, and until all conditions required to be met before final approval, including the providing of security for required improvements, have been met.

IV. REVIEW PROCEDURE

A. General Procedure. Whenever any development of a site regulated by these regulations is proposed, before any construction, land clearing or building development is begun, and before any permit for the erection of any building or authorization for development on such site shall be granted, the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure.

B. Conceptual Consultation and Review.

1. The applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such conceptual consultation shall be informal and directed towards:

- a. Reviewing the basic concepts of the proposal;
- b. Reviewing the proposal with regard to the Zoning Ordinance, Site Plan Regulations and Subdivision Regulations, if applicable; and
- c. Guiding the applicant relative to necessary state and local requirements.

2. Conceptual consultation and review shall not bind the applicant or the board. Such discussion may occur without a public hearing or formal public notice as provided in Sections F and G below. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described in Section G.

3. Conceptual consultation and review shall be separate and apart from formal consideration under Section D below and the time limits for acting under Section E shall not apply until a formal completed application is submitted.

C. Preliminary Review

1. The applicant may apply to the Planning Board for Preliminary Review to engage in non-binding discussions, which involve specific design, planning and engineering details. The following shall be required for Preliminary Review:

- a. The names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the day of filing.
- b. A check payable to the Board to cover filling fees, mailing, and advertising.
- c. Three paper print copies of the preliminary plan layout containing or accompanied by sufficient information about the proposal regarding each item

listed in Article VI to form the basis for discussion of the requirements of the final plan relative to the site and to these regulations.

2. The submission of a completed Preliminary Review application to the Planning Board shall be deemed as granting permission to members of the Planning Board to visit and inspect the property involved at reasonable times and in a reasonable manner.
3. Preliminary Review shall not bind the applicant or the Board.
4. Preliminary Review shall be separate and apart from formal consideration under Section D below and the time limits for acting under Section E shall not apply until a formal completed application is submitted.

D. Final Submission

1. A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision, as laid own in the Article VI submission requirements.
2. The following shall be required for and constitute a completed application: An application for Site Plan Approval property filled and executed by the applicant and filed with the Board in accordance with Section D below together with the following:
 - a. The names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the day of filing.
 - b. A check payable to the Board to cover filing fees, mailing, advertising, recording, and other costs provided in Section H below.
 - c. Three paper print copies of the Site Plan layout in accordance with and accompanied by the information required in Article VI or, for any submission item not provided a written request for a waiver, which addresses the three standards in Article IX.
3. The submission of a completed site plan application to the Planning Board shall be deemed as granting permission to members of the Planning Board to visit and inspect the property involved at reasonable times and in a reasonable manner.

E. Filing and Submission of Completed Application.

1. The completed application shall be filed with the Chairman of the Board at least twenty (20) days prior to a regularly scheduled public meeting of the Board.
2. The completed application shall be formally submitted to and accepted by vote of the Board only at a regularly scheduled public meeting after due notification of applicant, abutters, and the general public of the date on which this will occur, as provided in Section H.
3. The Board will not formally vote to accept an incomplete application except where it has voted to grant a waiver under the standards of Article IX with respect any missing submission item.
 4. Applications may be disapproved by the Board without a public hearing on grounds of failure of the applicant to supply information required by these regulations, including but not limited to:
 - a. Abutters' identification, or
 - b. Failure to pay costs of notices or other costs and fees required by these regulations.
5. When the Board accepts a completed application, the Board shall provide a receipt to the applicant indicating the date of formal acceptance. The Board should also indicate in its minutes that it has accepted the application as a completed application.

6. The Board shall review each application filed to determine whether the proposed development has a potential for regional impact, as set forth in RSA 36:54 -:58. As stated in RSA 36:56, any doubt about the potential for regional impact shall be resolved with a determination that the development does have potential for regional impact. If the proposal has potential for regional impact, no public hearing shall be held until notifications can be sent to affected municipalities and notification and plans to the regional planning commission, as required by RSA 36:57.

F. Board Action on completed application.

1. The Board shall consider the completed application within thirty (30) days of its submission and acceptance. After review of the completed application, and after a duly noticed public hearing as provided in Section G below, the Board shall act to approve, disapprove, or conditionally approve the completed application within sixty-five (65) days after acceptance of the completed application, subject to extension upon application by the Board to the Selectmen for such extension not to exceed an additional 90 days before acting to approve or disapprove an application as set forth in RSA 676:4, I(f). The applicant may instead waive the requirement for Planning Board action within 65 days and consent to such extension as may be mutually agreeable.

2. Final approval of the Site Plan shall be certified by written endorsement on the Site Plan and signed by the Chairman or Secretary of the Board. In case of disapproval of any plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant. In either case, the Board shall issue a Notice of Action, as set forth in Section IV-I below.

G. Public Hearing. Prior to approval or disapproval of a Site Plan, a public hearing shall be held, and notice to applicant, abutters and the public shall be given in accordance with Section H. The Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a project. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that a hearing for a Special Exception is held for the project by the Board of Adjustment, provided that these Boards shall have adopted procedural rules for such joint hearings under RSA 676:2.

H. Notices.

1. Notice of the submission of a completed application shall be given by the Board to the abutters and the applicant as well as to holders of conservation, preservation, or agricultural preservation restrictions by certified mail, mailed at least ten (10) days prior to the submission, and to the public at the same time by publication in a newspaper of general circulation. The notice shall give the date, time, and place of the Board meeting at which the application or item (s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application and location of the proposed site development. If there is a possibility that the Board will begin review and hearing on the application at the same meeting as the submission, the notice shall so state.

2. For any public hearing on the completed application, the same notices as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of any adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing, and any adjournment shall be so noted in the minutes of the meeting.

I. Fees

1. The Planning Board shall establish, and from time to time may amend, a schedule of application and other fees, designed to reimburse the Town for its actual expenses in connection with particular applications, in light of their varying complexity and other characteristics.
2. The applicant shall pay all costs of notices, whether mailed, posted or published. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
3. The Board may require, at an applicant's expense, special investigative studies, environmental assessments, and a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The applicant prior to final action on the Site Plan shall pay the cost of such studies and investigations. Before imposing such additional fees upon an applicant, the Board shall determine what special investigative study/review of documents are required by a particular application, together with an estimate of the cost to be incurred. The Board, by motion, shall determine the necessity of the additional fees. The Board shall require the applicant to pay the amount of estimated fees to the Town in advance. The applicant shall be entitled to an accounting with detailed invoices as set forth in RSA 676:4-b. ASK BERNIE ABOUT WORDING FOR THIS
4. If an applicant, when informed of a Board requirement for studies or other information as set forth in Paragraph 3 above, refuses to bear the cost of obtaining such information, the Board shall determine whether it has sufficient other information to reach an informed decision, and if not, may disapprove the application due to the lack of such information.

J. Notice of Action

1. For any approval or disapproval the Board shall issue a written Notice of Action, setting forth its decision on the submitted site plan. In case of disapproval, the Notice of Action shall clearly set forth reasons, with specific reference to standards contained in these Regulations.
2. In case of approval, the Notice of Action shall include: (a) A reference to the approved site plan indicating title, date, project number, and engineer; (b) A detailed listing of all conditions of approval, including a statement that all design and construction requirements of these regulations shall apply unless waived; (c) For any conditions which must be met prior to the signing of the approved plan, including any security requirement under Article V, a stated date by which such condition is required to be met; (d) A listing and description of any waivers granted by the Board under Article IX; (e) Any requirements for off-site improvements, as provided in Section VII.K; (f) A description of land, if any, to be dedicated to widen existing streets; (g) All agreements, if any, between the applicant and Board concerning matters not required by these regulations, but which the Applicant has agreed to perform; (h) Designation of any conditions of approval which will require a public hearing RSA 676:4, I (i); (i) Specification, if appropriate, of what amount of development shall qualify as "active and substantial development" and/or "substantial completion" for purposes of RSA 674:39 III; (j) A statement the Notice of Action; and (k) Any other matters deemed necessary or proper by the Board.
3. Following the close of the public hearing, the Board may delay taking a vote on the application until a proposed Notice of Action has been prepared. Alternatively, the Board may take a vote subject to reconsideration after a written Notice of Action is prepared. If the Notice of Action has not been prepared and reviewed prior to the Board's vote, then it shall be completed, and shall be signed by the Chair of the Board (or if unavailable, by Secretary, within 10 days after the Board's vote. A copy shall be mailed to the applicant. If any party or member of the Planning Board believes that the written Notice of Decision does not accurately reflect the

Board's vote, such person may notify the Chair and request a correction to be made, by vote, at a later meeting. The date of the original Board vote shall be considered the date of approval or disapproval for appeals and purposes including RSA 677:15, unless the Board later votes to correct the Notice of Action, in which case the date of that corrective vote shall be considered the date of approval or disapproval.

4. After the applicant has completed any conditions required to be met prior to the signing of the plan, including the security requirements of Article V, the approved plan, signed by the Chair or Board's Secretary, together with the Notice of Action, shall be recorded by the Town, at the expense of the applicant, in the Grafton County Registry of Deeds.
5. Any site plan for which a Building Permit has not been obtained within two (2) years of the date of approval of the site plan shall be considered void unless the Board grants an extension for good cause. An extension shall be for one (1) year. The Board shall grant no more than one extension for any site plan, and any further review after such extension shall require a new application.

K. Revocation Any site plan approval granted by the Board, whether or not it is recorded, may be revoked for any of the reasons set forth in RSA 676:4-a, using the procedure set forth in that statute.

V. PERFORMANCE GUARANTY

A. Period for Construction and Completion of Improvements. The applicant shall construct and complete all design and construction requirements in accordance with Article VII and any other applicable section of these regulations as required in the Site Plan approval. If a site plan application includes common facilities which will be utilized by more than one owner or tenant, including but not limited to roads, driveways, parking areas or utilities, or if it includes site work which could pose a risk of hazard to the environment, or possible injurious impact upon abutting properties, the neighborhood, or public services and facilities, or cause unnecessary municipal expense, or if the Board imposes upon the applicant, as a condition of approval, the installment of any off-site improvements, then the Board shall require the applicant to provide security to guarantee the completion of all such work of improvements. The Notice of Action shall specify which work or improvements are to be subject to this security requirement.

B. Bonding and Security. The amount of the security shall be sufficient to cover the cost of the specified work or improvements, and shall be set by the Selectmen, based upon such information from the applicant as they may require, and/or recommendation by an engineer or other qualified person. The security shall be in the form of a letter of credit or escrow account or similar security, but shall not be in the form of a mortgage on real estate or a security interest in equipment or inventory. A bond issued by a surety company registered to do business in the State of New Hampshire shall satisfy any requirement. The bond and security shall be released when the selectmen are satisfied that the applicant has complied with all requirements set forth in the Board's approval of the Site Plan. If the applicant has not complied within the period of time specified in the bond, then the Town shall enforce its rights under the bond and the security.

Where so required by the Board, prior to the approval endorsement of the Board on the final plan, the applicant shall pay the Town an amount of money estimated by the Board to fully compensate the Town for all inspections and testing charges deemed necessary by the Board relating to such improvements required as conditions of approval. This amount shall be placed in an escrow account to be used solely for this purpose. All inspection and testing shall conform to quality and quantity to accepted engineering and construction practices.

The applicant shall notify the Board in writing of the time when he/she proposes to commence the construction of any such improvements. The Board shall make necessary arrangements, including the employment of inspectors and consultants to carry out inspections and testing to ensure compliance with town specifications and requirements of these regulations during the period of construction and installation of any required improvements.

C. No approval shall be considered final, nor shall the plan be signed, nor any building permit issued, until the security has been provided, and approved as to form, by the Selectmen, with review by municipal legal counsel at the applicant's expense.

D. The secured work or improvements shall be completed within the time or times specified in the Notice of Action, or if none is specified, within 2 years of the vote of approval, subject to a one-time extension of one year, by vote of the Board. Any such extension shall be applied for at least 60 days prior to the expiration of the original period for completion. The security shall be worded so as to remain in effect, available for enforcement, for at least 6 months after the end of the applicant's time for completion, or any extension thereof. The security documents shall specify that if the applicant defaults, the security may be used, at the option of the Selectmen, and based on their evaluation of the public interest, either to complete the secured work and improvements, or alternatively to restore the site and remedy any possible risks or adverse impacts upon the neighborhood, environment, or municipality. The security documents shall also provide that in the event the Town is required to enforce the security, the Town may reimburse itself, out of the proceeds, for its costs and reasonable attorney's fees incurred in such enforcement, and that if legal action is required, the Town shall be entitled to an award of costs and reasonable attorney's fees. Certificate of Occupancy

E. As a general rule, no Certificate of Occupancy and Use shall be issued until all required work and improvements included as part of a Site Plan approval have been completed; provided, however, that in the event such improvements are complete but for work which cannot be completed because of the time of year, for example, landscaping or paving postponed due to cold weather, then the applicant may post security in an amount equal to the cost of completing such work, such security to be reviewed by the Selectmen as provided in paragraph B above, and a Use may issue. However the Zoning Officer may deny the request for a Certificate of Occupancy if he or she determines that the work could have been completed during the usual construction season.

F. Any security required under this section shall be released when the Selectmen are satisfied that the applicant has complied with all requirements of the Site Plan approval.

VI. SUBMISSION REQUIREMENTS

A. General. The applicant shall submit a Site Plan with the following characteristics:

1. Scale: Not less than 1" = 50'
2. Submit three (3) copies of blue or black line prints, with a maximum sheet size of 22" x 34" with at least a ½ inch margin on the sides.
3. Date, title, north point, scale
4. A vicinity sketch showing the location of the site in relation to the surrounding public street system (suggested scale 1" = 500')
5. The names and addresses of owners of record of the site and of the abutting properties and holders of conservation, preservation, or agricultural preservation restrictions as indicated in the Town tax records, not more than five days before the day of filing. If the owner is not submitting the application, then the owner shall sign written authorization for the filing.
6. Name and address of developer and applicant.
7. Name and address of the New Hampshire Registered Engineer and/or land surveyor who certified the plan.

8. The names and business addresses of the preparer(s) of the plan and of every surveyor, engineer, architect, soil scientist or wetland scientist whose professional seal appears on any plan or document submitted to the Board.

9. Date the plan was prepared, the date it was submitted to the Board, and the date of any revision.

10. All tax map and lot numbers, the relevant zoning district, and all zoning district lines located in the area shown on the plan.

B. Site Plan Requirements.

1. An accurate plan of the site showing existing natural features including water courses and water bodies, various types of vegetation, topographical features, any other features which should be considered in the site design process.

2. 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. The landscaping plan shall include details of the plantings to be installed.

3. Existing and proposed grades and finished grade elevations. Contour intervals no greater than 2' for developed portion of the site and 5' elsewhere. A professional engineer or land surveyor shall prepare existing topographic information.

4. Soil types and boundaries.

5. The location, dimensions and height of all buildings located or proposed on the site, the location, dimensions, and present uses of all buildings located within 200 feet of the property, and the location of all intersecting roads or driveways within 200 feet of the property.

6. The location of all building setbacks required by the Zoning Ordinance.

7. Location of flood hazard areas.

8. The lot area, street frontage, and the zoning requirements for minimum lot size and frontage.

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

10. The location, width, curbing and types of access ways and egress ways.

11. The location of all existing and proposed deed restrictions, covenants, rights of way, easements, etc. as well as the names of the holders of all such rights.

12. Surveyed property lines showing their deflection angles, distances, and radius, lengths of arc, and control angles, and monument locations.

13. If the development is a subdivision, the lines and names of all proposed streets, lands, ways or easements intended to be dedicated for public use. Streets shall be arranged within the site to coordinate with other existing or planned streets so as to compose a convenient system; they shall be suitably located and of sufficient width to accommodate existing and prospective traffic, and to afford adequate access to buildings for firefighting equipment. All subdivision regulations shall apply.

14. Plan views of all buildings, whether existing or proposed, with their use, size, location, and floor elevations indicated.

15. A typical elevation view of all existing and proposed buildings located on the site and within 200 feet of the site indicating their height and signing.

16. The type and location of solid waste disposal facilities.

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

18. A separate drainage plan showing:

a. The existing and proposed methods of handling storm water runoff.

b. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.

c. Engineering calculations used to determine drainage requirements.

19. An erosion and sediment control plan showing:

- a. Property lines, wetlands, stream courses, and all proposed improvements, including buildings, driveways, parking lots, etc.
- b. Existing and proposed topography at two (2) foot intervals.
- c. Locations of areas to be stripped of vegetation and other exposed or unprotected areas.
- d. Re-vegetation plans and specifications for all unprotected or un-vegetated areas.
- e. Location and design of all erosion and sediment control measures.
- f. General information relating to the implementation and maintenance of the sediment control measures.

20. If any exterior lighting is being proposed, a lighting plan which demonstrates compliance with Section VII(C) of these Regulations. The plan shall include the location of all exterior lighting fixtures, their proposed mounting height, and the area of direct illumination to be provided by each such fixture.

21. If any exterior signage is being proposed, a description of such signage, sufficient to demonstrate that its location is safe, visible, in harmony with the site plan, and in compliance with Article 13 of the Zoning Ordinance.

22. 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.

23. The size and location of existing and proposed public and private utility connections, including provisions for fire protection.

24. The location and type of all existing and proposed lighting provisions for fire protection.

25. Copies of all applicable state approvals and permits.

C. Additional Requirements. If the Board determines that information not specifically listed above is needed in order to evaluate the consistency of the proposal with these regulations, it may require such additional information to be provided by the applicant, including but not limited to wetland delineations, designation of shorelands or other areas subject to state review, or designation of areas of steep slopes.

D. Where ZBA Approval Is Required. If the site plan proposal is one which cannot be implemented without some type of approval from the Zoning Board of Adjustment, the site plan application shall not be considered complete unless and until that approval has been obtained. No condition of approval which has been imposed by the Zoning Board of Adjustment shall be considered altered in any way by the Planning Board's site plan decision, and in the event of any inconsistency, the decision or condition which imposes the greater restriction or higher standards shall be controlling.

VII. GENERAL STANDARDS

In the review of any Site Plan conducted under these regulations, the Planning Board shall determine whether the owner or owner's authorized agent has satisfied all of the following standards:

A. Improvements to existing streets, traffic access to the site from town streets, on-site vehicular and pedestrian circulation, parking, loading facilities, and emergency vehicle access shall all be designed to ensure the safety of vehicles and pedestrians.

1. Parking space facilities shall conform to Section 1504 and 1506 of the Sugar Hill Zoning Ordinance.

2. Off-street loading facilities shall be provided where necessitated by the proposed use. These facilities shall be located so that delivery vehicles are parked outside of the street right-of-way.

B. Landscaping and Screening. The Board shall ascertain that the owner or owner's agent has made adequate provision to meet all of the following:

1. **Objectives:** The landscaping of the site shall be designed to meet all of the following objectives:

- a. Preserving the visual appearance of the Town;
- b. Protecting and preserving the appearance, character, and value of surrounding neighborhoods;
- c. Providing landscaped areas within parking lots which are designed to facilitate safe movement of pedestrian and vehicular traffic;
- d. Breaking up large areas of impervious surfaces;
- e. Providing shade and buffer and screen adjacent properties;
- f. Promoting energy efficiency and conservation in landscaping and site design;
- g. Mitigating the visual impact of such accessory uses as loading areas, dumpsters, utility equipment and storage areas;
- h. Mitigating increases in temperatures which may be caused by large unshaded pavement areas;
- i. Reducing erosion and protecting wetlands, water bodies and aquifer recharge areas; and
- j. Softening glare, filtering noise and pollution, and protecting and creating privacy.

In any case, where appropriate, if the standards contained in this section conflict with landscaping and screening standards contained in the Zoning Ordinance, it is intended that the more restrictive standards shall apply.

2. **Minimum Landscaped Area:** the minimum landscaped area shall be a strip at least 15 feet in width, which shall be located within the front, side and rear yards of the lot, as prescribed by the Zoning Ordinance, unless otherwise permitted by the Board. If the site plan proposal results in multiple principal buildings, the Board may also require a minimum landscaped area between such buildings. The Board may require wider buffers than set forth in this paragraph when required by special circumstances, such as roadways of special character or those designated as scenic roadways, commercial development abutting residential development, or proximity to natural resources, parks or landmarks. Landscaping installed in the areas required under this paragraph shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover. One shade tree, two to two and one-half inches (2" – 2 ½ ") in diameter, measured at a point six inches (6") above finish grade level, shall be planted no closer than eight feet (8') to any lot line for each three hundred (300') square feet of required landscaped area. In addition, one deciduous shrub or evergreen shall be planted for each 200 square feet of required landscaped area. Evergreens may not be counted as shade trees. No species listed on any invasive species list maintained by the NH Department of Agriculture or Department of Environmental Services shall be permitted.

3. **Landscaping Requirements for the Interior of Parking Areas.**

- a. A minimum of five percent (5%) of the interior parking and maneuvering area shall be landscaped for all parking lots containing ten (10) or more parking spaces.

- b. One (1) shade tree shall be provided for each three-hundred (300) square feet of landscaped area required or one (1) per each landscaped area if less than one hundred fifty square feet.
- c. Each landscaped area or island shall be a minimum of one hundred (100) square feet in size with a minimum dimension of five (5) feet.
- d. The landscaped area or island shall be: (a) dispersed within the parking lot to provide maximum shading, (b) should divide parking into bays and, (c) should be located at strategic points to guide traffic flow and direction.

4. **Screening Requirements:** In addition to the landscaping requirements described above, screening may be necessary to eliminate or reduce visual impacts and to provide for compatibility between dissimilar abutting uses. The Planning Board shall require screening for all of the following:

- a. Service areas and facilities including garbage and waste disposal containers, recycling bins, and loading areas;
- b. Outside storage areas;
- c. Electrical and mechanical equipment such as transformers and compressors.
- d. Commercial or industrial uses abutting land uses in a residential district.

Screening shall be accomplished by the use of site obscuring plant materials (generally evergreens), earth berms, walls, fences, and building parapets, proper siting of disruptive elements, or other design techniques.

5. **Maintenance.** The property owner shall be responsible for maintaining all landscaping in good, healthy condition as to present a neat and orderly appearance. The property owner shall replace any unhealthy or dead plant materials in conformance with the landscape plan approved by the Planning Board as part of the Site Plan.

6. Erosion Control.

- a. Graded areas shall be revegetated to ensure erosion control by seeding, mulching and fertilizing. Disturbed areas shall be planted with suitable plant materials.
- b. Maximum grading shall not exceed a ratio of 2 horizontal to 1 vertical, without special erosion control measures. Netting shall be provided on sloped exceeding a slope to 2:1 while ground cover is being established.

7. **Existing Plant Material Credit.** Where healthy plant material exists on the site prior to development and provision is made to preserve the plant material on a permanent basis, credit may be given for such preserved natural plant materials against these landscaping requirements when such plantings meet the intent and purpose of these requirements.

8. **Prohibition on sight-Obscuring Plantings.** All plantings, fences, and/or walks necessitated by these landscaping and screening requirements shall conform to the street intersection sign-obstruction requirements provided in the Sugar Hill Zoning Ordinance. All plant materials must be pruned as necessary to continue in compliance.

9. **Encroachment on Landscaped Areas.** The storage, display or parking of vehicles, boats, mobile homes, travel trailers, or construction equipment within landscaped areas shown as such on the approved landscape or Site Plan is expressly prohibited and a violation of the Notice of Action.

10. **Protection of Landscaped Areas.** Landscaped areas provided within and adjacent to all parking and maneuvering areas shall be protected through the installation of protective barriers or other alternatives suggested by the Planning Board.

11. **Adjustments to Landscaping and Screening Requirements.** The applicant may request approval from the Planning Board for adjustments to these Landscaping and Screening Requirements as part of the Site Plan Review application. The specific nature of the adjustment (s) requested and the reason (s) supporting the requested adjustment (s) should be clearly presented in a letter accompanying the Site Plan Review application. Adjustments/waivers shall not be considered in cases where adequate parking areas cannot be provided due to landscaping requirements. In such cases, the application shall be scaled down to reduce parking requirements. Any adjusted plan shall meet the intent of these landscaping requirements and may exceed the minimum standards.

C. Exterior Lighting. On-site lighting along roadways, walkways and parking areas shall be designed with consideration to luminaire mounting, height, spacing and distribution of light to assure adequate illumination for the safety of vehicles and pedestrian travel. Exterior lighting shall be installed and operated in such a way that adjacent residential uses, if any, are suitably protected, that glare and light trespass shall be minimized, and so that the rural character and dark skies of the Town of Sugar Hill shall be preserved. Such lighting shall not interfere with traffic on nearby public highways. The standards and guidelines contained in the 2011 Joint IDA-IES Model Lighting Ordinance as revised shall be utilized to determine the appropriateness of exterior lighting and conformity with these regulations. The Board may require additional street lighting to meet safety needs on adjacent Town highways and require the applicant to pay the utility for the cost of service. In addition to these general standards, the following shall also apply:

1. All outdoor light fixtures shall be fully shielded so that no direct light is projected above a horizontal plane passing through the light source.
2. All outdoor lighting shall be designed, located, shielded and maintained in such a manner as to prevent light trespass or glare onto adjacent properties and public ways.
3. Lighting fixtures used to illuminate any outdoor advertising sign, street sign, or directive sign shall be mounted on top of the sign structure shielded in such a manner as to prevent light trespass and/or glare and directed to the target area to prevent light spillage.
4. Lighting to illuminate the site and parking areas shall be designed to not cause glare, excessive illumination or light trespass on neighboring properties or streets.
5. Flood or spot lamps must be aimed no higher than 45 degrees above straight down (half way between straight down and the horizontal plane).
6. For purposes of this section "light trespass" occurs when the light emitted directly from the lamp or fixture shines beyond the property boundary. For purposes of this section "glare" means any light, direct or indirect, which reduces a normal viewer's ability to see at an location beyond the property boundary.

D. Storm Water Runoff Whenever practical, all elements of the site development shall maximize the amount of storm water runoff that is allowed to percolate into the soil. Storm drainage for the site shall be designed for a 25-year flood and provisions shall be made for retention and gradual release of storm water.

E. Flood Hazard On-site waste and sewage disposal systems shall be designed to avoid polluting water supply systems, wetlands, river frontage and flood plains. Provisions shall be made for full protection of the quality of ground water from contamination from any source.

F. For sites having land identified as Special Flood Hazard Areas on the map entitled “flood Hazard Boundary Map for the Town of Sugar Hill” all site plan proposals shall meet the following requirements:

1. Site plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
3. Adequate drainage shall be provided to reduce exposure to flood hazards.
 - a. New and replacement water systems (including on-site systems) shall be located, designed and constructed to minimize infiltration and avoid impairment.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - c. On-site waster disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
5. In riverside situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the NH Office of State Planning and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board.
6. Site Plan proposals greater than 5 acres shall include 100-year flood elevation data.

G. Construction requirements for roads, parking, streets, drainage, and bridges shall be in accordance with the “Standard Specifications for Road and Bridge Construction” as published by the State of New Hampshire Department of Public Works and Highways and the road standards of the Town of Sugar Hill. Where alternative construction specifications are given, the Planning Board shall determine which shall be applicable. Adequate provision shall be made for winter snow removal and storage.

H. All required erosion and sediment control measures should be designed to effectively manage surface and subsurface drainage, and effectively minimize accelerated soil erosion and resulting sedimentation during and after site development.

I. There shall be located on site a water storage facility capable of delivering required fire flows as determined by using the ISO formula for required fire flow. Such storage and delivery systems will meet the requirements of NFPA #24, Water Tanks for Private Fire Protection, and NFPA #24, Private Fire Service Mains and Their Appurtenances. The supply of water for firefighting purposes shall be located and maintained so as to be accessible year-round to Fire Department apparatus. Such supply shall be within a 600 foot hose lay of all structures. The Board shall obtain from the Fire Department its comments on compliance with these standards.

J. The applicant shall have the burden of persuading the Board that the site can be used safely for the construction and installation of the improvements proposed for it, without excessive grades, inadequate drainage, or other hazardous conditions. Site clearings shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air. Natural cover shall be retained to supplement landscaping to the extent possible and reasonable. Landscaping shall be provided which is

in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements.

K. Off-Site Improvements. The Planning Board may require the applicant to extend or improve the street, sidewalk, traffic signalization, water, sewer or storm drainage facilities serving the site, where such work or improvements are required to adequately serve the development proposal, and/or to pay an exaction for the cost of off-site improvement needs, as set forth in RSA 674:21, V(j).

L. Health, Safety and Welfare Notwithstanding any other provision of these Regulations, the Planning Board shall not approve a site plan:

1. If the land involved in the proposal is found to be unsafe for development by reason of being subject to flooding, erosive stream action, unstable slope or fill, or is otherwise situated so that safe and healthful development cannot be maintained, or is unsuitable for development by reason of high water table, bedrock, or other impervious strata close to the surface, or excessive slopes; or
2. If the proposal would, in the opinion of the Board, create an unreasonable risk of some other specifically-identified harm or adverse impact, as described by the Board in its written Notice of Action, upon nearby property, upon the health, safety or welfare of the community, or upon the Purposes of these Regulations as identified in Article II.

M. Modifications To Approved Plans.

1. No modification to an approved plan shall be permitted unless the modification is approved by the Board.
2. A request for a modification shall normally be treated by the Board, from a procedural perspective, as a new plan application which will require notification of abutters, a public hearing, and formal action. However information already submitted, and which has not changed since the original application, shall not be required to be resubmitted. A request for modification which would entail a reversal or relaxation of any condition or determination made by the Board as part of the original approval will not be heard unless the applicant either:
 - a. Demonstrates that a material change of circumstances has occurred affecting the merits of the original application; or
 - b. Demonstrates that the change is relatively minor, does not affect the compliance of the proposal with these Regulations, and that the need for the change resulted from a good-faith error or circumstances which were reasonably unforeseeable at the time of the original approval.

VIII. DEFINITIONS

A. A development means the construction or improvements on a tract or tracts of land for non-residential use, or for multi-family residential use, as set forth in further detail in Article III of these regulations. One family and two family dwellings are specifically excluded from the application of these regulations.

B. The definitions contained in the Zoning Ordinance and the Subdivision Regulations shall apply to the Site Plan Review Regulations where applicable.

IX. WAIVERS

A. Upon written request of the applicant, the Planning Board may, in its discretion, waive any of the requirements for a Site Plan Review, and shall so notify the applicant of that action. Before granting such a waiver, the Planning Board must find that the imposition of certain Site Plan requirements in a particular case would:

1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
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 the regulations.

The basis for any waiver granted by the planning board shall be recorded in the minutes of the board.

B. The requirement for public hearing and any other requirements imposed by state law shall not be subject to being waived.

C. The Site Plan Review regulations in no way relieve any owner or his agent or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance.

X. AMENDMENTS

Amendments to these Site Plan Review Regulations shall be made in the same manner in which amendments to Subdivision Regulations are made as set forth in RSA 675:6.

XI. SEPARABILITY

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

XII. APPEALS

Any person aggrieved by an official action of the Board may appeal there from to the Superior Court as provided by RSA 677:15, except as provided in RSA 676:5, III.

XIII. FINES AND PENALTIES

These regulations shall be enforced as provided by law. In the event of any violation, the Selectmen shall authorize legal action for injunctive relief and/or such fines and penalties as may be provided by law, including but not limited to any and all remedies and relief as may be available under RSA Chapter 676.

XIV. EFFECTIVE DATE

[The relevant dates for the amendments should be added, but without deleting the original dates, so that both dates are shown.]

Date of Publication in Newspaper: Courier July 20, 1988

Date of Posting of the Notice in at Least Two Public Places

1. Meeting House July 20, 1988
2. Sugar Hill Post Office July 20, 1988

These Site Plan Review Regulations shall be legal and in effect on the date a copy of these regulations, certified by a majority of the Planning board is filed with the Sugar Hill Town Clerk.

The undersigned, being a majority of the Sugar Hill Planning, do certify that this document contains a true copy of the Site Plan Regulations adopted on the First day of August 1988.