

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

Revised xxx, 2024

**AS IT WOULD READ WITH DRAFT AMENDMENTS
FOR PUBLIC HEARING ON AUGUST 7, 2024**

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ARTICLE I. 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 nonresidential and multifamily 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," and hereinafter referred to as "these Regulations."

ARTICLE 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, 1(i), the Board shall not refuse to process an application solely for lack of required federal or state permits, but may include receipt of such permits as a condition of approval.

ARTICLE 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. 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.

- A. All new construction or reconstruction of principal buildings and accessory buildings for non-residential use and multifamily dwellings, which are generally defined as any structures containing more than 2 dwelling units. (A two-family dwelling with a single attached accessory dwelling unit or a single-family dwelling with two accessory dwelling units shall not be

considered to be multifamily for the purposes of Site Plan review.) Site Plan review shall not be necessary for detached accessory buildings containing less than 500 square feet.

- 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 multifamily or nonresidential use, from a multifamily to nonresidential use or vice-versa, the addition of any nonresidential use to an existing use of a structure, or any change from one nonresidential use category listed in the Zoning Ordinance to another such category. Short-term rentals, home occupations, and conversion of a one or two-family home to a multifamily dwelling shall be exempt from Site Plan review when there will be no increase in gross floor area or expansion of parking area(s).
- D. The establishment of any new nonresidential principal use(s) and/or material changes or expansions of existing nonresidential 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 zoning or building permit shall be granted for any type of development requiring Site Plan approval under this Article, unless or 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.

ARTICLE IV. REVIEW PROCEDURE

4.1 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 their authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure.

4.2 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 4.7 and 4.8 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 4.8.
 3. Conceptual consultation and review shall be separate and apart from formal consideration under Section 4.4 below and the time limits for acting under Section 4.6 shall not apply until a formal complete application is submitted.

4.3 Preliminary Review (Design Review)

1. The applicant may apply to the Planning Board for Preliminary Review to engage in nonbinding discussions that involve specific design, planning and engineering details. The following shall be required for Preliminary Review at least twenty-one (21) days prior to a regularly scheduled public meeting of the Board:
 - 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, 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.

Notice to abutters, easement holders and the general public shall be provided as described in Section 4.8.

2. Preliminary Review shall not bind the applicant or the Board.
3. Preliminary Review shall be separate and apart from formal consideration under Section 4.4 below and the time limits for acting under Section 4.6 shall not apply until a formal completed application is submitted.

4.4 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 out in the Article VI. Submission Requirements.

2. A complete application shall include an application for Site Plan Approval form properly filled out and executed by the applicant and filed with the Board in accordance with Section 4.5 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 4.9 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 with explanation.

4.5 Filing and Submission of Completed Application

1. The completed application shall be filed with the Chairman or Secretary of the Board at least twenty-one (21) 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, easement holders, professionals whose seal appears on the plan, and the general public of the date on which this will occur, as provided in Section 4.8.
3. The Board shall, at the next meeting or within 30 days following the delivery of the application, for which notice can be given, determine if the application is complete, including payment of all required fees and costs of notice have been paid, and shall vote upon acceptance of the submission.
4. The Board will not formally vote to accept an incomplete application except where it has voted to grant a waiver in accord with Section 11.01 with respect to any missing submission item.
5. 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.
6. When a completed application is accepted by the Board, such action shall be noted on the application and in the records of the Board. If the application is determined to be incomplete, the Board shall notify the applicant in writing describing the requirements for acceptance of the application as complete.
7. 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.

4.6 Board Action on Completed Application

1. After review of the completed application, and after a duly noticed public hearing as provided in Section 4.7 below, the Board shall act to approve, disapprove, or conditionally approve the application within sixty-five (65) days after acceptance of the completed application.
2. The Board may request permission of the applicant to schedule a site visit in order to thoroughly and knowledgeably review the proposal. Denial of permission prior to completion of the review process may result in the Board's disapproval of the application for lack of sufficient information.
3. The applicant may consent to an extension of time for the Board to act beyond the initial 65-day period on the condition that such consent shall be in writing and shall be made part of the Board's record.
4. If the Planning Board has not obtained an extension, and has not taken action to approve, approve with conditions, or disapprove the application within sixty-five (65) days of its acceptance, the applicant may seek relief as provided by RSA 676:4, as amended.
5. Final approval of the Site Plan shall be certified by written endorsement on the Site Plan and signed by the Chairman and 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 4.10 below.

4.7 Public Hearing

Prior to approval or disapproval of a Site Plan, a public hearing shall be held, and notice to the applicant, abutters, easement holders, professionals whose seal appears on the plan, and the general public shall be given in accordance with Section 4.8. 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.

4.8 Notices

1. Notice of the submission of an application to the Board for acceptance shall be given by the Board to the abutters and the applicant as well as to holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan, 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 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 hold the public 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.

4.9 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 plan without a public hearing.
3. The Board may require, at the applicant's expense, special investigative studies, environmental assessments, 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 676:4,1(g) and 676:4-b.
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.

4.10 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 findings of fact and 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) Findings of fact;
 - (c) A detailed listing of all conditions of approval, including a statement that all design and construction requirements of these Regulations shall apply unless waived;
 - (d) For any conditions which must be met prior to the signing of the approved plan (Conditions Precedent), including any security requirement under Article V, a stated date by which such condition is required to be met;
 - (e) A listing and description of any waivers granted by the Board under Section 11.02;
 - (f) Any requirements for off-site improvements, as provided in Section 5.5;
 - (g) A description of land, if any, to be dedicated to widen existing streets;
 - (h) All agreements, if any, between the applicant and Board concerning matters not required by these Regulations, but which the Applicant has agreed to perform;
 - (i) Designation of any conditions of approval which will require an additional public hearing pursuant to RSA 676:4, I(i) due to being nonadministrative in nature;
 - (j) Specification, if appropriate, of what amount of development shall qualify as “active and substantial development” and “substantial completion” for purposes of RSA 674:39 III;
 - (k) A statement that all details and representations contained in any plans, reports, or other documents submitted by the applicant, or made by the applicant or applicant’s agent at the public hearing, are incorporated into the Notice of Action; and
 - (l) 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, provided the applicant has granted an extension if past the 65-day deadline. 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 the Secretary) within five (5) days after the Board’s vote. A copy shall be mailed to the applicant.

4. After the applicant has completed any conditions required to be met prior to the signing of the plan (Conditions Precedent), including the security requirements of Article V, the approved plan, signed by the Board Chair and 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.

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 Planning Board has, after a duly-noticed public hearing, granted an extension for good cause.

4.11 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.

4.12 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 application which will require notification per Section 4.8, 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.

ARTICLE V. COMPLETION OF IMPROVEMENTS

5.1 Performance Guarantee

- A. 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 facilities that 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 that could pose a risk or 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. The amount of the security shall be sufficient to cover the cost of the specified work or improvements, and shall be set by the Board, 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, 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.
- 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 municipal legal counsel at the applicant's expense.
- D. The performance guarantee shall be released when the Planning Board is 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 may enforce its rights under the performance guarantee.

5.2 Inspection of Improvements

- A. 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 in quality and quantity to accepted engineering and construction practices.
- B. 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.

5.3 Time for Completion

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 extension 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 Planning Board, 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.

5.4 Certificate of Occupancy

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 except 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 Planning Board as provided in Section 5.1 above, and a Certificate of Occupancy and Use may be issued. 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 or if the uncompleted work poses a potential health or safety hazard.

5.5 Off-Site Improvements

The Planning Board may require the applicant to extend or improve the street, sidewalk, 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).

ARTICLE VI. SUBMISSION REQUIREMENTS

6.1 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, along with a PDF.
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 as

indicated in the Town tax records not more than five days before the day of filing, and holders of conservation, preservation, or agricultural preservation restrictions. 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 if not owner.
7. Name and seal of the New Hampshire licensed 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(s).
10. All tax map and lot numbers, the relevant zoning district, and all zoning district lines located in the area shown on the plan.

6.2 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 mapped flood hazard areas and areas of visibly eroding shorelines.
8. The lot area, street frontage, and the zoning requirements for minimum lot size and frontage.
9. Parking plan documenting required number of spaces and showing location of off-street parking and loading spaces.
10. The location, width 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 common 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, indicating their height and signing.
16. The type and location of solid waste disposal facilities.
17. A separate drainage plan showing:
 - a. The existing and proposed methods of handling stormwater in conformance with Section 7.4.
 - 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.
 - d. Provisions for long-term maintenance.
18. 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.
19. If any exterior lighting is being proposed, a lighting plan which demonstrates compliance with Section 7.3 of these Regulations. The plan shall include the location of all exterior lighting fixtures, their proposed mounting height, lumens, and the area of direct illumination to be provided by each such fixture.
20. 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.
21. 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.
22. The size and location of existing and proposed public and private utility connections.
23. Provisions for fire protection.
24. Snow storage areas(s).
25. Copies of all applicable state approvals and permits. (May be provided later, but will be a condition precedent if not available before the Board is ready to make its decision.)

6.3 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.

6.4 Where ZBA Approval Is Required

If the site plan proposal is one which cannot be implemented without a Special Exception from the Zoning Board of Adjustment, the site plan application shall not be granted final approval by the Planning Board unless or until that Special Exception has been approved. 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.

ARTICLE VII. GENERAL STANDARDS

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.

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:

7.1 Access and Parking

- A. Improvements to existing streets, traffic access to the site from 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.
- B. Parking space facilities shall conform to the Sugar Hill Zoning Ordinance.
- C. 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 with room to maneuver without blocking the movement or visibility of traffic or pedestrians.

7.2 Landscaping and Screening

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 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. The Board shall ascertain that the owner or owner's agent has made adequate provision to meet all of the following specific requirements:

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

1. Preserving the visual appearance of the Town;
2. Protecting and preserving the appearance, character, and value of surrounding neighborhoods;
3. Providing landscaped areas within parking lots which are designed to facilitate safe movement of pedestrian and vehicular traffic;
4. Breaking up large areas of impervious surfaces;
5. Providing shade and buffer and screen adjacent properties;
6. Promoting energy efficiency and conservation in landscaping and site design;
7. Mitigating the visual impact of such accessory uses as loading areas, dumpsters, utility equipment and storage areas;
8. Mitigating increases in temperatures which may be caused by large unshaded pavement areas;
9. Reducing erosion and protecting wetlands, water bodies and aquifer recharge areas; and
10. 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.

- B. 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" – 2½") 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.

C. Landscaping Requirements for the Interior of Parking Areas:

1. 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.
2. 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.
3. 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.
4. The landscaped area or islands 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.

D. 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:

1. Service areas and facilities including garbage and waste disposal containers, recycling bins, and loading areas;
2. Outside storage areas;
3. Electrical and mechanical equipment such as transformers and compressors; and
4. 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.

E. Maintenance: The property owner shall be responsible for maintaining all landscaping in good, healthy condition so 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.

F. Erosion Control:

1. Graded areas shall be revegetated to ensure erosion control by seeding, mulching and fertilizing. Disturbed areas shall be planted with suitable plant materials.
2. Maximum grading shall not exceed a ratio of 2 horizontal to 1 vertical, without special erosion control measures, such as, for example, terracing and/or retaining walls combined with plantings and erosion control blankets or geotextiles

- G. 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. This existing plant material must be maintained and replaced when needed in accord with Paragraph E above.
- H. Prohibition on Sight-Obscuring Plantings: All plantings, fences, and/or walks necessitated by these landscaping and screening requirements shall conform to the street intersection sight-obstruction requirements provided in the Sugar Hill Zoning Ordinance. All plant materials must be pruned as necessary to continue in compliance.
- I. Encroachment on Landscaped Areas: The storage, display or parking of vehicles, boats, mobile homes, travel trailers, construction equipment or inventory within landscaped areas shown as such on the approved landscape or Site Plan is expressly prohibited and a violation of these Regulations.
- J. 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.
- K. 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.

7.3 Exterior Lighting

- A. On-site lighting along roadways, walkways and parking areas shall be designed with consideration to luminaire mounting, height, spacing and distribution of light to ensure adequate illumination for the safety of vehicles and pedestrian travel. Exterior lighting shall be installed and operated in such a way that adjacent uses 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 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.

B. In addition to the general standards above, the following shall also apply to all new and replacement outdoor lighting installed for multifamily housing and nonresidential uses unless listed as exempt in Paragraph D below:

1. Any fixture with a lamp or lamps rated at a total of more than 1800 lumens shall be fully-shielded so as to produce no light above a horizontal plane through the lowest direct-light-emitting part of the fixture.
2. Any fixture with a lamp or lamps rated at a total of more than 1800 lumens, and all flood or spot lights with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$ where D is the distance in feet to the nearest property boundary. The maximum height of the fixture shall not exceed 20 feet.
3. Any fixture with a lamp or lamps rated at 1800 lumens or less, and all flood or spot lights with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that, to prevent light trespass and glare, if any spot or flood light is aimed, directed, or focused so as to cause light trespass or glare to be a nuisance for neighboring properties, or to create glare for persons operating motor vehicles on public ways, the light shall be redirected or its light output reduced or shielded as necessary to eliminate such conditions.
4. 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 so as to prevent light trespass and/or glare and directed to the target area to prevent light spillage.
5. Lights mounted on a canopy shall be recessed in the ceiling of the canopy so that the lens cover is recessed or mounted flush with the canopy and fully shielded.
6. Moving, fluttering, blinking or flashing lights shall be prohibited.
7. Lamps shall have a Correlated Color Temperature of 3,000 Kelvin (3000k) or less.
8. Outdoor lighting at places of business or public venues shall be turned off no later than one hour after closing, unless public safety concerns demand otherwise. Vacant parking lots shall not remain lighted unless public safety concerns demand otherwise. Security lighting shall make use of timers, dimmers, motion sensors and other adaptive controls to substantially dim or extinguish lighting outside of business hours. In addition, there shall be no light trespass to any other property or glare when viewed from a road.

C. The following definitions apply for purposes of this section:

Glare: Lighting entering the eye directly from luminaires or indirectly from reflective surfaces that causes visual discomfort or reduced visibility.

Light Trespass: Unwanted light falling on public or private property from any location external to that property, generally caused by a light on a property that shines on the property of others.

- D. Exemptions: The following types of lighting are exempted from these requirements:
1. Lighting required by the FAA or FCC.
 2. Security lighting controlled by sensors set to provide illumination for a maximum of fifteen (15) minutes.
 3. Lighting of non-commercial flags expressing constitutionally protected speech.
 4. Decorative holiday lighting for a temporary period, provided that the amount of holiday lighting at any one property does not create glare or light trespass.
 5. Lighting required for construction projects, related to road construction and repair, installation of utilities, and other public infrastructure.

7.4 Stormwater Management

Stormwater management systems shall be designed to permit unimpeded flow of all natural watercourses, ensure adequate drainage of stormwater away from buildings and parking areas and off of streets, and prevent erosion and the resulting sedimentation. All subdivisions shall be developed in accordance with the NHDES *New Hampshire Stormwater Manual*, latest edition, to the extent practicable. This shall include but not be limited to the following measures:

1. The smallest practical area of land should be exposed at any one time during development.
2. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months.
3. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development.
4. Stormwater treatment should be provided to remove sediment from run-off waters and from land undergoing development.
5. Provisions should be made to effectively accommodate and treat the increased run-off caused by the changed soil and surface conditions during and after development.
6. The permanent, final vegetation and structures should be installed as soon as practical in the development.
7. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation should be retained and protected.
9. Storm drainage shall be designed to handle adequately a 50-year frequency 24-hour rainfall amount as reported in the Northeast Regional Climate Center's Extreme Precipitation Table or other source based on current data and trends acceptable to the Planning Board, with emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
10. Flow volume and velocity shall not be increased, nor water quality decreased at the property line when compared to pre-development conditions.
11. The applicant shall bear final responsibility for the installation, construction, and

establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.

7.5 Water and Sewer

Wells and subsurface disposal facilities shall be of sufficient capacity to serve the projected needs of the development and comply with all applicable local and state requirements, including protective radius for wells. All such facilities shall be approved by the NH Department of Environmental Services.

7.6 Flood Hazard Areas

The following requirements are for sites having land identified as Special Flood Hazard Areas (SFHA) by the National Flood Insurance Program (NFIP):

- A. 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.
- B. The Planning Board shall require that all proposals for development greater than 5 acres include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

7.7 Construction Standards

Construction requirements for roads, parking, streets, drainage, and bridges shall be in accordance with the *Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any, as published by the New Hampshire Department of Transportation, or the road standards of the Town of Sugar Hill if stricter. Where alternative construction specifications are proposed, the Planning Board shall determine which shall be applicable following consultation with the Town Engineer or Board's consultant engineer.

7.8 Snow Removal and Storage

Adequate provision shall be made for winter snow removal and storage.

7.9 Fire Protection

New and enlarged nonresidential and multifamily developments shall meet the approval of the Sugar Hill Fire Department, documented by the Fire Chief or designee, relative to emergency access, and fire prevention, protection, and water supply. Installation of hydrants, cisterns or fire ponds may be required by the Planning Board if recommended by the Fire Chief or designee. The supply of water for firefighting purposes shall be located and maintained so as to be accessible year-round to Fire Department apparatus.

7.10 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.

ARTICLE VIII. DEFINITIONS

- A. "Development" means the construction or improvements on a tract or tracts of land for non-residential use, or for multifamily 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.

ARTICLE IX. WAIVERS

11.01 Waiver of Application Requirement

Upon written request by the applicant, or upon the motion of any member, the Board may vote to waive, in whole or in part, any application requirement contained in Section 6.2 when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question.

11.02 Waiver of Standards

Pursuant to RSA 674:44 III.(e), upon written request by the applicant, the Board may vote to waive, in whole or in part, any provision(s) of Article VII. General Standards, when, in the majority opinion of the Board:

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 and Notice of Action.

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

ARTICLE XII. 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.

ARTICLE XIII. 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.

ARTICLE XIV. 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, or to the Zoning Board of Adjustment in accord with RSA 676:5 if the appeal is based on the terms of the Zoning Ordinance.

ARTICLE XV. 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.

ARTICLE XVI. EFFECTIVE DATE

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.

ADOPTION

These Regulations were amended xxx, 2024 by the Sugar Hill Planning Board.

Sugar Hill Planning Board Approval:

_____	_____
_____	_____
_____	_____

Received by Town Clerk:

Signature

Date