



APPENDIX C SITE PLAN REGULATIONS*

***Editor's note:** Printed herein are the site plan regulations adopted by the planning board on December 15, 1986. Amendments have been inserted and are indicated by the date in parentheses following the amended section. All fees for application, etc., are on file in the city manager's office.

Cross references: Planning division, § 2-263; subdivisions, Ch. 17.

State law references: Site plan review regulations, RSA 674:43 et seq.

CITY OF CLAREMONT SITE PLAN REGULATIONS

Article I: Authority.

In accordance with provisions of RSA 674:44, the vote of the city council on September 11, 1986 and RSA 675:6, the Claremont Planning Board adopts the following site plan regulations. These regulations have been developed to comply with Article I, Ordinance No. 181, "Zoning."

Article II: Purpose and scope.

The Claremont Site Plan Review Regulations authorize the Claremont Planning Board to review, and approve or disapprove, site plans, before any building or zoning permit is issued, for the development or modification of tracts, including the change of use and the filling of land, for nonresidential uses, and for multi-family dwelling units (including condominiums) which are defined as any structures containing more than three dwelling units, whether or not such development includes a subdivision or resubdivision of the site. No site plan review shall be required for one-family to three-family dwelling units and associate accessory uses for one- to three-family units. Pursuant to RSA 674:44, the purpose and scope of Claremont's Site Plan Review Regulations are as follows:

- (a) Provide for the safe and attractive development of the site and guard against such conditions as would involve excessive danger or injury to health safety, or prosperity by reason of:
- (1) Inadequate drainage or conditions conducive to flooding of the property or that of another;
 - (2) Inadequate protection for the quality of aquifers and groundwater;
 - (3) Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove excessively harmful to persons, structures, or adjacent properties; and
 - (4) Inadequate provision for fire safety, prevention, and control.
- (b) Provide for the harmonious and aesthetically pleasing development of the municipality and its environs.
- (c) Provide for open spaces and green spaces of adequate proportions.
- (d) Require the proper arrangement and coordination of streets within the site in relation to existing or planned streets or with features of the official map of the municipality.
- (e) Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a safe and convenient system.
- (f) Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval.
- (g) Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health; and
- (h) Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity in the City of Claremont.

Article III: Procedure for site plan review.

A. *General:* There are three (3) phases in the site plan review process: nonbinding consultation and conceptual review (Phase I), preliminary review (Phase II), and final application (Phase III). Phase I, which involves a discussion of the proposed concept only in general terms, is optional and does not require a public hearing. Phase II involves a more

detailed discussion and review of the site plan proposed. This phase is also optional, although a public hearing is required by state law. Both phases are intended to help the applicant by providing the applicant with guidance and feedback prior to submission of the final application, thereby helping to avoid major alteration of the final drawings.

The last phase is submission and review of the final application (Phase III). This phase is required for all developments and modifications subject to site plan review. A public hearing is required. Once a completed application has been accepted by the Planning Board, the Board must approve or disapprove the final application within ninety (90) calendar days unless an extension has been granted.

The following sections describe Claremont's site plan review procedure in more detail.

B. *Phase I: Nonbinding consultation and conceptual reviews:* In order to save expense and unnecessary changes later on, a person may request to be on the agenda of a formal meeting of the board for a discussion of his proposed concept in general terms and for a review of applicable site plan review regulations, application forms, necessary supporting maps, and documents. There is no application fee or time limit for this nor is this consultation and review binding in any way on either the applicant or the board.

C. *Phase II: Preliminary review:* If a person wishes a review of his project which goes beyond discussion of the proposed site plan in conceptual form, he shall apply to the board in writing on the appropriate application form and pay the required fees. The board shall then give formal public notice of the preliminary site plan review hearing in accordance with these regulations. Submission requirements are listed in section V.

The preliminary review shall be conducted only at formal meetings of the board. The board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter or any other person as permitted by the board. The board shall give a formal response to the applicant with respect to the proposal as a whole or any portion of the proposal by informing the applicant in writing of disapproval or any modifications which will be required. A copy of the appropriate minutes of the planning board shall be a sufficient report. Formal response shall be given within ninety (90) calendar days of submission of the preliminary application, although the review shall bind neither the applicant nor the board. A formal meeting on a particular preliminary review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

If disapproved the planning board may recommend further study of the site plan and resubmission of the preliminary site plan to the planning board after it has been revised or redesigned.

D. *Phase III: Final application review:* Any person desiring approval for site plans, as defined in these regulations, shall apply to the board in writing on the designated application form and pay the required fees. Submission requirements are listed in article V.

The board shall determine the completeness of the application at a public meeting. If complete, and all application fees including the cost of public notices have been paid, and public notice has been given to the abutters and the applicant of the formal meeting (hearing) at which the application will be considered for acceptance, then the board will review the application. Only after such acceptance will the legal time limits be in effect. The board shall give a formal response to the applicant with respect to the decision of the board on the proposal. A formal hearing on the particular final review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

E. *Application for site plan review approval:* The completed application shall (1) be on the form as provided by the board to the applicant; and (2) conform to the requirements and specifications outlined in these regulations.

F. *Filing of application:* The applicant shall file the completed application by delivering the application to the zoning officer at least seventeen (17) calendar days prior to the regularly scheduled public meeting of the board at which the applicant will formally submit the application to the board. The application shall include the names and addresses of the applicant and each abutter as shown in the city records not more than five (5) calendar days before the filing date.

The zoning officer shall give the applicant a receipt of the application including fees and identify the regularly scheduled meeting of the board at which the application will be formally submitted to the board. If more than six (6) months has elapsed between the time of the planning board's report on the preliminary site plan and if the planning board finds that conditions have changed significantly in the interim, the planning board may require a resubmission of the preliminary site plan for further review and possible revisions prior to accepting the proposed final site plan for review.

G. *Notice of application:* The board shall notify the abutters and the applicant by certified mail of the date upon which the completed application will be formally submitted to the board. Such notice shall be mailed at least ten (10) calendar days prior to such formal submission. At the same time the notice is mailed to the applicant and abutters, such notice shall also be given to the general public by publication of the notice in a newspaper of general circulation and by posting a copy of the notice in two (2) public places in the city. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The board may also give notice by regular mail to other landowners in the vicinity of the tract.

H. *Fees and consultants:* All costs of such notice shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the board to terminate further consideration and to disapprove the site plan without a public hearing. The application will not be accepted for review until the fees set forth in the board's current fee schedule (Attachment A) hereto are paid. Additional fees may be imposed by the board during the review process to ascertain compliance, to cover fees and disbursement of consultants to the board including, but not limited to, engineers, surveyors, lawyers, and community planners.

I. *Review by other city departments:* The applicant shall submit detailed final site plans to the city engineer, director of public works, police chief and fire chief at least seventeen (17) calendar days before the planning board meeting for review and recommendation. (Amended, 11-9-87)

J. *Submission of completed application:* If the application has been determined to be complete by the staff and all costs are paid, it will be scheduled for consideration of completeness by the Board. Exhibit A, "Submission Policies" shall become part of these regulations. (Amended, 11-9-87)

K. *Formal consideration; time limits:* The board shall begin formal consideration of the final application within thirty (30) calendar days of the date of the regular public meeting at which the completed application is submitted to and accepted by the board. The board shall act to approve or disapprove the application within ninety (90) calendar days after submission provided, however, that the board may apply to the city council for an extension not to exceed an additional ninety (90) calendar days before acting to approve or disapprove the application and, provided further, that the applicant may waive the requirement for planning board action within the foregoing time periods and consent to such extension as may be mutually agreeable.

Upon failure of the board to approve or disapprove the application within the foregoing time periods, the applicant may obtain from the city council an order directing the board to act within fifteen (15) calendar days. Failure of the board to act upon such order of the city council shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application, if the court determines that the proposal complies with existing site plan review and subdivision regulations and zoning and other ordinances. If the court determines that the failure to act within the time specified was the fault of the board and was not justified, the court may order the board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

L. *Public hearings; notice of public hearing:* No application may be denied or approved without a public hearing on the application. Notice of the hearing shall be given in the same way and with the same time limits as notice of submission of the application under these regulations. The board may give notice of submission and notice of the public hearing in the same notice. Additional notice of an adjourned session of a public hearing is not required if the date, time and place of the adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the board at each hearing. Additional public hearings may be held at the discretion of the planning board.

M. *Notice of decisions:* The board shall issue a written final decision on all applications for site plan review. If the application is approved, the board shall issue a written decision which includes any and all conditions which have been required by the board as a part of the approval decision. If the application is denied, the board shall state the reasons for denial. The decision of the board (approval or denial) shall be mailed to the applicant. Minutes of the planning board meeting shall be a sufficient record of the board's decision.

N. *Compliance hearings:* In cases where the board has placed conditions precedent (one to be fulfilled before the project can be built), there must be a noticed public hearing in which abutters have a chance to review and comment on compliance with the conditions precedent. Approval of a site plan, subject to a condition(s) precedent is conditional approval. It is not final approval. Site plans shall not be signed by the board until all conditions precedent have been met.

As provided for in RSA 676:4, conditional approval becomes final without further hearing upon certification to the board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions provided:

1. The conditions are minor plan changes or conditions, compliance with which is administrative and does not involve discretionary judgment; or
2. The conditions are in themselves administrative and which involve no discretionary judgment on the part of the board (such as compliance with road specifications); or,
3. The conditions pertain to the applicants' possession of permits and approvals granted by other boards or agencies (such as N.H. Water Supply and Pollution Control septic permits).

O. *Recording of site plan:* The applicant shall submit to the board two (2) Mylar copies of the approved site plan. Sheet sizes shall be in accordance with the requirements of the Sullivan County Registry of Deeds. Space shall be reserved on the plan for endorsement by the planning board chairman. The plan shall contain the following statement:

"The City of Claremont Site Plan Regulations, Notice of Decision and Compliance Hearings are a part of the site plan and approval of this site plan requires the completion of the requirements of the Notice of Decision, conformance hearings and said Site Plan Regulations, excepting only relaxation of requirements granted in writing by the Board."

The planning board administrator shall cause one (1) copy of the site plan to be recorded in the Sullivan County Registry of Deeds and shall deliver the second copy to the city for its records. All graphic material and presentations shall be on that surface of the Mylar site plan which is suitable for writing. The act of recording an approved site plan shall not in itself constitute acceptance by the city of any street or easement shown thereon, or of any other approval required by the city or other governmental agency. (Amended, 10-9-00)

Article IV: Procedure when special exception, variance, or subdivision approval is required.

When a special exception or variance is required by the zoning ordinance, the applicant shall obtain the special exception or variance before applying for site plan approval. Any conditions imposed by the zoning board of adjustment shall take precedence over the requirements contained in these regulations, although additional conditions may be required by the planning board as a part of site plan approval. A hearing for site plan review by the planning board may be held at the same time and place that a hearing for special exception is held for the project by the board of adjustment. When both subdivision and site plan approval are required for a proposed development, the board may hold the site plan review hearing at the same time as the hearing required by the subdivision regulations on the final plat. (Amended, 11-9-87)

Article V: Application requirements.

A. Four (4) sets of prints and a Mylar of the site plan map shall be submitted. The site plan map shall be drawn to a scale of one (1) inch equals twenty (20) feet or other suitable scale. If the plan drawn to this scale will not fit on a twenty-eight (28) inch by forty (40) inch sheet of paper, the board may authorize an appropriately suitable scale. The site plan map shall be stamped and prepared by a New Hampshire registered land surveyor or registered professional engineer. The site plan map shall show:

1. Title of drawing, including name and address of applicant as well as city tax map and lot number.
2. Appropriate signature block for the signature of the planning board chairperson, director of public works, police chief and fire chief.
3. The boundary lines of the area included in the site including angles of bearings of lines, dimensions and the lot area;
4. Names and addresses of owners of record and abutting landowners;
5. A site location map, shown as an inset on the site plan map, which shall show the proposed development in relation to major roads of the city;
6. North point, bar scale, date of preparation and dates of any revisions;
7. Name, address and seal of person or firm preparing the map;
8. The shape, size and location of existing and proposed structures;
9. Existing and proposed grades shown by contours at intervals of not more than five (5) feet of elevations if grades exceed three (3) percent, or portions of the site have moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding;
10. Any existing streams or wetlands, marshes, lakes or ponds, whether natural or man-made.
11. Existing and proposed streets, driveways, parking spaces and sidewalks with indications of direction of travel for one-way streets or driveways. The width of streets, driveways and sidewalks and the layout of parking spaces and facilities associated with any structure on the site shall be shown;
12. Layout of sewage disposal system, including septic tank(s), leach field and associated piping or tie-in to the city sewer;
13. Proposed landscaping plan including buffering plans along adjacent properties and public highways;
14. Plans for water supply, fire protection, power and telephone, including location of wells, water supply pipes, power and telephone lines, including the location and size of all existing and proposed utility lines and easements;
15. Exterior lighting plan and proposed signs to be located on the site;
16. Drainage design showing location and size of existing and proposed drainage structures including culverts, pipes, catch basins, manholes, ditches, holding basins, etc. This shall be supported by copies of the design computations based on a twenty-five-year design frequency for all major culverts and brooks that affect any city or state highway or abutting properties;
17. Right-of-way and travel surface of all fronting streets.
18. Location of any retaining walls, fences, and outside storage areas.
19. A notation on the site plan outlining the proposed use(s) and area of building(s) in square feet devoted to each use.

20. Base flood elevation (BFE) data shall be included for all site plans in proximity to flood ways and/or flood plains. (Amended, 6-12-00)

B. One (1) copy of each of the following shall be submitted:

1. Completed application form available from the zoning officer.
 2. Completed abutter's form available from the zoning officer which includes the names and addresses of direct abutters as shown in the city records not more than five (5) days before the filing date.
 3. An area plan showing applicant's entire holdings abutting the property under consideration, as well as that portion of the applicant's property under consideration.
 4. A statement of proposed hours of operation;
 5. An estimate of maximum hourly traffic into and out of the premises;
 6. N.H.W.S.P.C.C. approval of proposed sewage disposal system if applicable;
 7. New Hampshire Department of Public Works and Highways access driveway approval for driveways accessing onto a State highway.
 8. Entrance/exit approvals from the Claremont Planning Board for proposals with access points on city roads.
 9. Entrance/exit approvals from owners of private roads for proposals with access points via private roads.
- C. The planning board may require such additional other information as it deems necessary, at the applicant's expense, in order to evaluate the proposal in relation to the purposes and scope of these regulations.
- D. One (1) copy of the site plan on an 11" X 17" sheet of paper, suitable for photocopying. (Amended, 10-9-00)

Article VI: Standards and criteria.

The planning board shall approve the proposed site plan only upon a determination by the board that the site plan conforms to the following standards and criteria:

- A. Adequacy, safety and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls.
- B. Adequacy, safety and arrangement of pedestrian traffic access and circulation including: separation of pedestrian from vehicular traffic, and pedestrian convenience.
- C. Adequacy of the location, arrangement, size, layout and appearance of buildings, lighting and signs.
- D. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or a noise deterring buffer between adjoining lands.
- E. In the case of an apartment house or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- F. Adequacy of structures, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- G. Adequacy of storm water and sanitary waste disposal facilities.
- H. Adequacy of protection of adjacent properties against noise, glare, unsightliness, or other objectionable features.
- I. Adequacy of fire protection measures including adequate access, building construction, water supply, and other protections such as sprinkler systems or alarm systems.
- J. The development shall conform to the extent appropriate to the natural topography of the site. Major cut and fill proposals shall be discouraged. Site clearing 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 required 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. Adequacy of location, arrangement, appearance and sufficiency of off-street parking and loading.

Article VII: Waiver procedure.

- A. Applications for site plan review may be waived by the zoning officer for 1) a change of use where there is to be no addition to the gross building area and the additional impact is believed to be minimal; or 2) the filling of areas of one-fourth (1/4) acre or less; or 3) building additions where the additional floor area totals less than ten (10) percent of the existing gross area and the additional impact is believed to be minimal. (Amended, 11-14-88; Amended, 8-14-00)
- B. The planning board may waive provisions of these regulations provided that the planning board has determined that such waiver of any requirements will not affect the purpose and intent of these regulations and will be consistent with the master plan.
- C. The planning board may waive formal submission of a site plan or the requirement that the site plan be prepared by a licensed surveyor at the time of Preliminary Review if:

1. A proposed addition is less than twenty-five (25) percent of original floor area of building or one thousand (1,000) square feet, whichever is less, or;
2. A proposed change in use is minor or there is an existing site plan on file.

Article VIII: Amendments.

Amendments to these site plan review regulations shall be made in the same manner in which amendments to subdivision regulations are made.

Article IX: 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 provision contained herein.

Article X: Building and zoning permit.

No building or zoning permit shall be issued for the construction of any structure, including additions and fill, covered by these site plan regulations unless the applicant first presents a site plan approved by the planning board to the zoning officer.

Article XI: Occupancy and bonding.

No certificate of occupancy for any structure, including additions, covered by these site plan regulations shall be issued by the building inspector unless the applicant has made the improvement to comply with the approved site plan or provides the city security for the completion of said improvements.

The planning board shall, where any site improvements are proposed by the applicant or required by the planning board, as a condition of approval, require the applicant to complete said improvements or provide security for the completion of said improvements within the time period established by the planning board, as the planning board determines to be appropriate, prior to the issuance of a certificate of occupancy. Such security may be in the form of a performance bond, first mortgage on the premises, letter of credit from a New Hampshire bank or such other form as the planning board shall determine to be appropriate. The amount of security required shall be no less than a fair estimate of the costs of the improvements plus an appropriate amount to account for future inflation and diminishing size of the project; and, where the cost is nominal, the planning board may waive this requirement. The security shall not expire until the improvements are completed and accepted by the city. If the improvements are not completed and accepted by the city within the time period established by the planning board the security shall be paid to the city as a cash payment.

Article XII: Definitions.

All terms or words defined in article II, section 25 of Ordinance No. 181 "Zoning" shall also be applied to these regulations.

Article XIII: Enforcement.

The zoning officer shall be responsible for the enforcement of these regulations. If the zoning officer is unable to obtain voluntary compliance with these regulations, the violation shall be referred to the city solicitor for appropriate legal action. (See RSA 676:15, injunctive relief and RSA 676:17, fines and penalties).

Article XIV: Conflict with other regulations.

When these regulations are in conflict with other local ordinances or regulations, the more stringent shall apply.

Article XV: Effective date.

These site plan regulations shall take effect upon their passage, December 15, 1986.

Article XVI: Expiration dates for site plans.

All site plans shall be valid for a period of two (2) years from the date of final approval. If a building permit has not been issued before the two-year deadline, the site plan is no longer valid and must be recertified through the Planning Board. All plans on file at the time of adoption of this amendment will be valid from two (2) years from the date of adoption of this amendment.

(Adopted, February 29, 1988) Adopted by the Claremont Planning Board