

SITE PLAN REVIEW REGULATIONS

Wilmot, New Hampshire

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Section I: Authority

Pursuant to the authority vested in the Wilmot Planning Board by the voters of the Town of Wilmot on March 10, 1987 and pursuant to Chapter 674:43 of the N.H. Revised Statutes Annotated, the Wilmot Planning Board, consistent with RSA 675:1, 6, 7, 8, and 9, adopts the following regulations for site plan review.

Section II: Purpose

1. Non-residential and Multi-family. The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all proposed site plans for the development of land for all non-residential uses and for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site. The change of existing structures resulting in three or more dwelling units on a single tract and/or the change of an existing use to a non-residential one shall be subject to these regulations. It is the goal of these regulations to provide for the safe and attractive development of the site and to guard against such conditions as would involve danger or injury to health, safety and prosperity in accordance with RSA 674:44. In addition, maintenance of existing neighborhood property values will be a primary concern of the Planning Board.
2. Single and Two-Family Residences Excluded. The construction of a residential single or two-family dwelling shall not be covered by these regulations.

Section III: General Standards

In the review of any site plan conducted under these regulations, the Planning Board shall ascertain that adequate provisions have been made by the owner or his authorized agent for the following:

1. Traffic circulation and access including adequacy of streets, entrances and exits, traffic flow, compatibility with existing or planned streets or roads.
2. Safe pedestrian access and emergency vehicle access.
3. Off-street parking and loading.
4. Wastewater and solid waste disposal.

5. Storm water drainage based on a 10-year storm intensity occurrence, utilizing on-site absorption wherever practical and taking into account the land contours.
6. Protection against elements of pollution such as noise, smoke, soot, particulates or any other discharge into the environment which might prove harmful to persons, groundwater, structures or adjacent properties.
7. Signs and exterior lighting.
8. Open and green spaces, landscaping, screening, protection of natural land features and similar elements which provide for an aesthetically pleasing site which is in keeping with the general character of the surrounding area.
9. Compliance with these Regulations, the Town of Wilmot Planning and Zoning Ordinance and Subdivision Regulations, and any other applicable state laws and regulations or local ordinances.
10. Adequate Fire Protection as approved by the Fire Chief.
11. All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is lesser, must include within such proposals base flood elevation data.

Section IV: General Site Plan Submission and Review Procedures

- A. **Conceptual Consultation:** A non-binding review of the basic concept of the proposal.
 - 1) No specific plans are presented.
 - 2) No notification of interested parties.
 - 3) Consultation is scheduled with the Planning Board.
- B. **Design Review:** A non-binding discussion involving specific designs and engineering details.
 - 1) Check list is provided.
 - 2) Applicant must provide a list of interested parties [I.(E)] in accordance with RSA 676:4-II(B).
 - 3) Cost of notification must be prepaid by the applicant.
- C. **Formal Application:** The Applicant is prepared to file an application.
 - 1) The appropriate application and checklist is provided.
 - 2) Applicant must provide a list of interested parties [I.(E)] in accordance with RSA 676:4-II(B).
 - 3) Fees and costs of notification must be prepaid by the applicant.
 - 4) Applicants for HOME OCCUPATIONS, MINOR SUBDIVISIONS (not more than 3 LOTS), OR MINOR PROJECTS may wish to proceed immediately with a formal application if all necessary documents are available.

- 5) VOLUNTARY MERGERS, require an application but notification of interested parties or Public Hearing is not required. (RSA 674:39-a)

D. Notification of Public Hearing. The Planning Board, before considering or taking final action upon a completed site plan submission, shall hold a public hearing as required by RSA 676:4, to provide an opportunity for public testimony.

The applicant, abutters or any person with a direct interest in the matter may testify in person or in writing. Notice to the applicant and the abutters shall be sent by certified mail and notice to the public shall be provided by a prominent posting of same in three places within the Town.

Such notices shall contain a statement of the time and place of the hearing, a general description of the site plan proposal and location and shall be mailed and posted not less than 10 days prior to the date fixed for the hearing.

D. Board Action on Completed Application

1. Time Frames. The Board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice is given, determine if a submitted application is complete according to the Board's regulation and shall vote upon its acceptance.

Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete.

Upon determination by the Board that the application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days, subject to an extension by the Board of Selectmen not to exceed an additional 90 days as per RSA 676:4.

The applicant may request a waiver of the statutory requirement for an extension and consent to a mutually agreeable extension of time for final action. The Board also may provide for an expedited review of site plans, but in no event shall final approval be granted by the Board without notice to the abutters and the public.

2. Approval/Disapproval. Approval of the final site plan shall be indicated by written endorsement on the plan and signed by the Chair and Secretary of the Board. In the case of disapproval of the plan, the grounds for such disapproval shall be stated in the records of the Board and notice of same shall be provided to the applicant.
3. Compliance with Conditions. Whenever the Planning Board approves a site plan placing a condition or conditions precedent on the approval, all such conditions must be met within a reasonable specified time as determined by the Board, at which time a hearing shall be held, with notice to abutters provided, to review compliance with the conditions.

In lieu of the completion of street work and utility installations prior to the final approval of a plat, the Planning Board shall accept a performance bond or escrow agreement as security for the completion of such items. The Board, at its discretion, shall prescribe the type and amount of the bond or agreement, require satisfactory evidence of the financial ability of any surety or financial institution to pay such bond or agreement, and specify the period for the completion of the street work and utility installations in order to secure to the Town the actual completion of such work and installations. Such bonds or agreements shall be enforced by the Town pursuant to RSA 674:44, IV (b).

4. Amendments to Plan/Waiver. The Planning Board shall have the power to modify or amend its approval of a site plan on application of the owner or on its own motion if such power is reserved by the Board in its original approval. Such modifications or amendments shall be placed on the agenda and posted in the normal manner and, if the board deems necessary, certified mail notice to the abutters shall be required at the expense of the applicant.

When, in the judgment of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause undue hardship or injustice to the owner of the site being reviewed, where the review procedures have been in general conformity with the spirit and intent of these regulations, and where the public health, safety and prosperity will be served, the Planning Board may waive or modify specific requirements of these regulations.

- E. Building Permit/Limitations on Approval. No building permit shall be issued by the Selectmen for projects covered by these regulations unless that application therefor is accompanied by the site plan approval issued by the Planning Board.

Planning Board approval of a site plan shall be valid for one year from the date of approval and, if a building permit has not been issued within that time period or if one has been issued but not substantially acted upon as determined by the Planning Board within that period, then the approval shall automatically become null and void.

Section V: Specific Site Plan Submission Items

A. Existing Data

1. Location of site, names and addresses of owners of record and owners of abutting land as well as any property that adjoins or is directly across any public road or stream from the land under consideration pursuant to RSA 672:3..