

SITE PLAN REVIEW REGULATIONS FOR THE TOWN OF EFFINGHAM, NH

As adopted by the Planning Board at the meeting of March 18, 2000

SECTION 1 AUTHORITY

Pursuant to the authority vested in the Planning Board by the voters of the Town of Effingham on March 18, 2000, and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Effingham Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multifamily dwelling units (more than two units), whether or not such development includes a subdivision or re-subdivision of the site.

SECTION 2 PURPOSE

The purpose of the Site Plan Review process is to protect the public health, safety, and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development. The Site Plan Review procedure in no way relieves the developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.

SECTION 3 DEFINITIONS

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

SECTION 4 SCOPE OF REVIEW

4.1 Site Plan Review Regulations apply to any non-residential or multifamily development, including any change or expansion of use; whenever any changes are proposed which differ from the existing site plan previously approved by the Planning Board; before any construction, land clearing, building development or change is begun; before any permit for the erection of any building or authorization for development on such site. The owner of the property or an authorized agent shall apply for and secure from the Planning Board approval or exemption for proposed site development in accordance with procedures outlined in this regulation.

The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. Some examples requiring Site Plan Review include but are not limited to:

- A. A proposed change of use, e.g. from residential to non-residential, or from single family to multi-family.
- B. Proposed external modifications or construction, including parking lots, related to multi-family and non-residential uses.
- C. A change of use or expansion impacting traffic, parking or lighting, etc.

4.2 Site Plan Review: Exemptions

The Planning Board grants or denies written requests for exemptions. All requests must be in writing.

A. Home Occupation/Cottage Industry may be exempt from Site Plan Review if the Planning Board determines it meets all of the following conditions:

- Lot is primarily residential
- Structure must be kept primarily residential
- No employees except for family living in house
- Restricted public access
- No noxious use as defined in Section 902 of the Zoning Ordinance
- Does not involve construction of new structure or expansion of existing structure
- Is not dangerous or hazardous to public safety

A Bed and Breakfast is not an example of a Home Occupation. A Bed and Breakfast is considered a non-residential use.

B. Farm Stands may be exempt from Site Plan Review if they meet all of the following conditions:

- Must be seasonal
- Must be moveable
- Must be temporary
- Limited to one temporary structure no greater than 150 sq. ft. and not to exceed 10 ft. in height
- Road setback shall be a minimum of 15 ft. from the edge of the traveled way
- Is not dangerous or hazardous to public safety

4.3 Site Plan Review: Minor

A. Minor Review by the Planning Board shall be required for the following:

1. Change of use of a site for which no change in floor area is proposed and which either maintains or decreases the intensity of use on the site with respect to parking demand and traffic generation, or for a site with 2,500 square feet or less of gross floor area
2. Expansion of floor space by 500 square feet or less, with no change of use
3. Site improvement alterations without new development, re-development, expansion or change of use
4. Home occupations maintaining business hours open to the general public
5. Other minor amendments to existing site plans or existing non-conforming uses that the Planning Board decides not to require Major Review

4.4 Site Plan Review: Major

Major Review by the Planning Board shall be required for the following: Any other development, redevelopment, change of use or expansion not covered under Minor Site Plan Review or exempted from this regulation.

SECTION 5 APPLICATION PROCEDURE

The application procedures as outlined in Section 6 of the Effingham Subdivision Regulations shall apply to Site Plan Review.

SECTION 6 SUBMISSION REQUIREMENTS

6.1 Minor Review Submission Requirements

- A. Four sets of the site sketch no smaller than 11" x 17" shall be submitted. The site sketch shall be drawn to scale and shall show:
 - 1. The boundary lines of the area included in the site including angles or bearings of lines, dimensions, and the lot area (in acres)
 - 2. Site location map, shown as an inset on the site sketch, which shall show the proposed development in relation to major roads of the town
 - 3. North point, bar scale, date of preparation and dates of any revisions
 - 4. The shape, size and location of existing and proposed structures
 - 5. Name, address of property owner and person or firm preparing the sketch
 - 6. The key elements of the site including but not limited to parking spaces, driveways, wells, septic systems, surface water, wetlands, pedestrian facilities, sign locations, lighting and utilities
 - 7. Zoning district
- B. Before final approvals can be granted all required Federal and State approvals must be submitted to the Planning Board. One copy of each of the following shall be submitted:
 - 1. A brief description of proposed use
 - 2. One copy of the property assessment card, all pages
 - 3. A statement of proposed hours and days of operation
 - 4. An estimate of peak period traffic generated by the development, and an assessment of peak period traffic impacts at all adjacent intersections
 - 5. Abutters list with address labels and completed certified mail form
- C. An approval or pending approval of the following shall be submitted, including but not limited to:
 - 1. Approvals from New Hampshire Department of Environmental Services - Subsurface Bureau for any proposed sewage disposal system
 - 2. Approvals from the New Hampshire Department of Transportation for access driveway

approval for any access onto a State Highway, or Approval from the Town of Effingham granting driveway access onto a Town road (driveway permit)

3. Approvals from New Hampshire Department of Environmental Services - Wetland Bureau for any proposed wetland or streams impacts

6.2 Major Review Submission Requirements

A. Four copies of the plat, sized 22"x 34" or 24" x 36", with a scale of 1 inch equals 100 feet or larger, shall be submitted. All plats shall, at a minimum, show the submission items listed below unless a waiver from any of these is granted by the Planning Board as per Section XI. All existing conditions shall be drawn in solid lines; proposed conditions shall be drawn in dotted lines.

B. Plat Submission Items

1. Name of project or identifying title, names and address of owners of record, and tax map and lot number.
2. North arrow, date of the plat, scale appropriate to the scope of the development, name and address of the person preparing the plat, signature block for Planning Board approval.
3. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets and the zoning district(s).
4. All abutting landowners, physical features and uses of abutting land within 200 feet of the site.
5. Boundary lines, their source, dimensions and bearings, and lot area shown in acres and square feet. A certified survey shall be required. The survey shall be conducted according to the standards outlined by the New Hampshire Surveyors Association.
6. The shape, size, height, locations and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
7. Show location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the provisions in the Effingham Subdivision Regulations. In considering waivers for this requirement, the Planning Board shall take into account the anticipated use and impact.
8. Show location of existing and proposed sidewalks and driveways, with indication of direction of travel for any that are one-way. Both vehicular and pedestrian circulation shall be shown.
9. Show identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets, and copy of any driveway permit(s).
10. Location and total number of parking spaces, loading spaces and other similar facilities associated with the use.
11. A landscape plan, describing the number, location, types, and size of all existing and proposed landscaping and screening.

12. The location, type and nature of all existing and proposed exterior lighting.
 13. Show natural features such as streams, marshes, lakes, or ponds. Wetlands, as defined by the Town of Effingham Wetlands Ordinance and Steep Slopes and Critical Elevations.
 14. The existing and proposed grades and topographical contours based on USGS data, with spot elevations and base flood elevations where appropriate.
 15. The size and location of all existing and proposed water mains, sewers, culverts, to include location and distance to any fire hydrants and/or fire ponds.
 16. Copy of certification by a licensed septic designer that an existing system is adequate to meet the needs of the proposed use.
 17. Location and type of proposed waste disposal system, with an outline of the 4,000 square foot areas reserved for any new system; location of test pits and record of percolation tests.
 18. Location of existing and proposed on-site well (showing 75-foot radius).
 19. Soil survey data from the Carroll County Soil Survey.
 20. Location of any existing or proposed easements, deed restrictions, covenants.
- C. One copy of each of the following shall be submitted as a condition of final approval:
1. Any necessary Federal, State, or local permits and approvals, including but not limited to Board of Adjustment, Department of Transportation, Historic District Commission, or Department of Environmental Services.
 2. Erosion Control Plan that meets the design standards and specification set forth in the “Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire” (USDA Soil Conservation Service). This shall be submitted where one or, more of the following conditions are proposed:
 - A cumulative disturbed area exceeding 20,000 square feet
 - Construction of a road or street
 - Construction of three or more dwelling units
 3. An adequate storm water drainage system developed by a certified engineer.
 4. Copies of any proposed or existing easements, covenants, deed restrictions, etc.
- D. The Planning Board may require an impact analysis which takes into account, to the extent the Planning Board deems applicable, the following items which include but are not limited to:
1. Demographic Description.
 2. Community Facilities Impacts (sewage disposal, water system, traffic, schools, public safety, recreation).
 3. Environmental Impact Analysis.

- E. Such other information as deemed necessary by the Planning Board in order to apply the regulations contained herein.
- F. Abutter list with address labels with completed certified mail form.

6.3 “As Built” Plans - Major

An “as-built” plan shall be required by the Planning Board to update the final plat to reflect final construction conditions and details. The plan shall show any easements and dedicated roadways. A security bond may be required to guarantee performance of the applicant’s obligations as described herein.

6.4 General Standards - Major

- A. Design of development should fit the existing natural and manmade environments with the least stress:
 - 1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped, as delineated in a landscape plan.
 - 2. Landscape treatment shall consist of natural, undisturbed vegetation of features, or newly installed ground cover, shrubs, or trees where appropriate.
 - 3. Grading and filing must be conducted to minimize the alteration of surface and subsurface drainage to, toward, or across abutting properties.
- B. Illumination
 - 1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
 - 2. Signs advertising goods or services offered on the premises are not to be internally lit.
 - 3. Outdoor lighting is restricted to that which is necessary for advertising, security, and public safety and welfare.
- C. Pedestrian Safety: Sidewalks shall be provided for pedestrian traffic to provide connection between the main entrances of business, housing, or industrial establishments and parking areas. Permeable pavement shall be encouraged.
- D. Off-Street Parking and Loading Requirements
 - 1. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking, and/or loading or unloading must not take place from a public place.
 - 2. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties.

3. Permeable pavement (e.g. gravel, ledge-pack, brick, and other alternatives to asphalt) which is non-dust creating should be encouraged to reduce the need for installation of drainage facilities to accommodate runoff, as well as decrease the amount of runoff itself. Where deemed necessary, the Planning Board may require that access, parking, and loading areas be conventionally paved.
- E. Screening: Appropriate screening/buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting nonresidential sites.
1. Buffer strips (10 feet minimum distance largely dependent upon the density of development in the area) must be maintained between proposed use and residential uses. Buffer strips between nonresidential and residential uses must contain vegetation, which will screen nonresidential uses from sight of the residential uses during winter months.
 2. Storage areas must be fenced or screened from on-site or adjoining parking and neighboring properties.
 3. Litter (garbage) collection areas must be screened.
 4. The use of either fencing or hedges is encouraged.
- F. Street Access/Traffic Pattern: Access to public streets will meet the requirements of the NH Department of Transportation and/or the Town of Effingham. Any new road construction shall conform to the road standards as specified in the Effingham Subdivision Regulations. The internal traffic pattern will accommodate the proposed use as well as providing easy, unimpeded access for emergency vehicles.
- G. Water Supply and Sewage Disposal Systems: These must be sized to adequately meet the needs of the proposed use under the regulations of the NH Department of Environmental Services. It shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewerage disposal system, and that the existing systems are adequate to serve the needs of the proposed development.
- H. Underground or Aboveground Fuel Storage Tanks: These shall comply with the standards of the NH Department of Environmental Services.
- I. Stormwater Drainage: No increase in the peak flow of surface runoff should be permitted if such increased runoff passes beyond the property lines of the parcel upon which the development occurs, unless it is within an approved public storm drainage system.
- J. Pollution Control: To avoid undesirable and preventable elements of pollution such as noise, smoke, soot, particulate, or any other discharges into the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties. The applicant will employ the standards and technology available at the time. No plan shall be approved which does not appropriately protect groundwater and other natural resources from adverse conditions caused by the development.
- K. Where required by law, all buildings shall have access for handicapped persons.
- L. Unsuitable Land: Land of such character that it cannot safely be used for building purposes

because of danger to health or peril from fire, flood, or other hazard shall not be platted for occupancy, nor for other use which would tend to increase the danger to health, life, or property or aggravate a flood hazard. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not be developed. No land described above and no land designated a flood zone or shown to be a bog, marsh, swamp area, area of high water table, or designated as wetlands, or any similar situation, or with slopes in excess of 15%, or ledge which is exposed, or land which is subject to an easement or right-of-way shall be developed.

- M. The site plan shall provide for the safe and attractive development or change or expansion of use of the site and guard against conditions as would involve danger or injury to health, safety, or prosperity.
- N. The site plan shall be developed in a manner that is consistent with the character of the town as described in the Town of Effingham Master Plan.
- O. The site plan shall show open spaces and green spaces which shall be adequate to satisfy the needs of those who may come to occupy or use the land.

6.5 Expenses and Fees

- A. The applicant is responsible for all costs for processing their application, including but not limited to:
 - 1. Demographic Description
 - 2. Community Facilities Impacts (sewage disposal, water system, traffic, schools, public safety recreation)
 - 3. Environmental Impact Analysis
- B. The cost of recording the site plan with the Registry of Deeds, cost of any required publication, cost of posting notices, cost of mailing notices of hearings, the reasonable anticipated cost of the consultation by the Planning Board with any expert or specialist, and the reasonable anticipated cost to the Town of Effingham for the services of the Planning Board's designated agent, its attorney and engineer, all must be paid by the applicant at the time of filing an application with the designated agent of the Planning Board.
- C. All expenses and fees incurred during the review of the application shall be paid by the applicant prior to the approval.
- D. Failure to pay these costs as specified will be valid grounds for refusal to accept the site plan as complete, or for disapproval of the site plan.

SECTION 7 DEVELOPMENTS HAVING REGIONAL IMPACT

All applications shall be reviewed for potential regional impacts. Upon such a finding, the Planning Board shall furnish the Lakes Region Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Planning Board shall notify by certified mail the Lakes Region Planning Commission and the affected municipalities of the date, time place, of the hearing, and of their right to appear with the status of the abutters to offer testimony concerning the proposal.

SECTION 8 COMPLIANCE WITH ZONING REGULATIONS

All applicants must also be in compliance with the articles contained in the Effingham Zoning Regulations when applying for site plan review.

SECTION 9 PERFORMANCE GUARANTEE

As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray the cost of construction of streets and public utilities. The amount of the security shall be based on an estimate of costs provided by the applicant; the amount of the security shall also include fees to cover the cost of periodic inspections. At the discretion of the Planning Board, the proposed security shall be reviewed by a licensed engineer. All costs of such review shall be paid by the applicant. The security shall be approved as to form and sureties by the Planning Board and the municipal counsel.

Where electrical lines or other utilities are to be installed by a corporation, municipal department, or public utilities, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town. Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Planning Board or its designee, in accordance with the plan approved by the Planning Board.

SECTION 10 REVOCATION OF PLANNING BOARD APPROVAL

10.1 An approved and recorded subdivision plat may be revoked by the Planning Board in whole or in part, under the following circumstances:

- A. At the request of or by agreement with the applicant;
- B. When any requirement or condition of approval has been violated;
- C. When the applicant has failed to perform any condition of approval within the time specified or within four years;
- D. When four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or
- E. When the applicant has failed to provide for the continuation of adequate security.

SECTION 11 WAIVERS

Any portion of these regulations may be waived where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of the regulations.

SECTION 12 ADMINISTRATION AND ENFORCEMENT

12.1 These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen. The applicant must have an Approved Site Plan prior to receiving a Building Permit. No construction that requires Site Plan Review is permitted to begin prior to receiving such approval from the Planning Board.

12.2 Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided by the Town of Effingham Zoning Ordinance.

12.3 Appeals: Any person aggrieved by a decision of the Planning Board may appeal said decision to the Superior Court pursuant to RSA 677:15. When disapproval by the Planning Board is based upon non-compliance with the Zoning Ordinance the applicant may appeal that administrative decision to the Zoning Board of Adjustment.

SECTION 13 VALIDITY

If any provision of these regulations shall be held invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.

SECTION 14 AMENDMENTS

These regulations may be amended by the Planning Board following a public hearing on the proposed changes. Such changes shall not take effect until a copy of said changes, as approved by a majority of the Planning Board, are filed with the Town Clerk.

SECTION 15 EFFECTIVE DATE

These regulations and any amendments thereto shall take effect upon their adoption.

ADOPTED BY THE PLANNING BOARD AT THE MEETING OF MARCH 18, 2000.

Amended April 17, 2008

Amended December 1, 2011

Amended January 7, 2016