

Site Plan Review Regulations

**TOWN OF SHELBURNE, NEW HAMPSHIRE
PLANNING BOARD**

Amended and adopted on January 10, 2022

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**SITE PLAN REVIEW REGULATIONS
TOWN OF SHELBURNE, NEW HAMPSHIRE**

PREAMBLE TO SITE PLAN REVIEW

In order to enjoy and preserve the harmony of residential and commercial development in our community, the ordinance of Site Plan Review was adopted by the Town of Shelburne in 1983. All development for non-residential uses, or commercial use, or multi-family uses containing more than two (2) dwelling units comes under its authority.

Site Plan Review is an opportunity for the applicant to show compliance with Town, State, and Federal ordinances. It is also the opportunity for abutters to share concerns with the Planning Board to facilitate equitable co-existence of adjacent uses.

All entities subject to Site Plan Review who substantially enlarge their operation or facilities, or change use, or add new operations or facilities or structures, shall apply for Site Plan Review. All entities subject to Site Plan Review who have not yet received approval and who wish to expand or change use shall apply for Site Plan Review.

All entities subject to Site Plan Review shall receive approval to operate subject to conditions placed on them by the Shelburne Planning Board. These may include but are not limited to: provision of buffer zones, fencing, hours of operation, traffic impact, lighting, or any condition deemed appropriate. Failure to comply shall subject the operator to the penalties prescribed in RSA 674.

I. AUTHORITY

Pursuant to the authority vested in the Shelburne Planning Board by the voters of the town in accordance with the provisions of RSA Chapter 674:43, adopted at the Town Meeting, March 1983, the Shelburne Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development of tracts for non-residential or multi-family uses containing more than two (2) dwelling units, 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 Shelburne, New Hampshire.

II. PURPOSE

The purpose of the Site Plan Review Procedure is to protect the public health, safety, and welfare; to promote balanced growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid unnecessary and adverse impacts on neighboring property and uses; and to guide the character of development.

III. DEFINITIONS

*In general, words and terms used in these Regulations shall have their customary dictionary meanings. The word "**shall**" is mandatory and not optional.*

A. Development

A development means the construction or improvements on a tract or tracts of land for the non-residential or multi-family use, containing more than two (2) dwelling units.

B. Improvement

Improvement means all structures, appurtenances, or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these Regulations.

C. Non-residential Use

Non-Residential Use means any use other than that of a single-family residence provided, however, that those Regulations and procedures shall not apply to the construction, expansion, siting or permitted use with respect to any accessory use buildings on the same site as a principal residence

D. Regulations shall mean those of the Town of Shelburne.

E. Wetlands

As defined in RSA 482-A:2:X -Wetlands means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands shall be delineated on the basis of hydrophilic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January 1987) as amended. (Amended 10/4/06)

F. Zoning Ordinances and Subdivision Regulations

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

IV. REVIEW PROCEDURE

A. General Procedure

Whenever any development of site regulated by this regulation is proposed; before any construction, land clearing or building development is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; before any contract or offer of sale, rent, condominium conveyance or lease of lots shall have been negotiated; and before any site plan may be filed in the Office of the Register

of Deeds of Coos County, the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure.

Site Plan Review is required for the expansion of an existing non-residential or multi-family use, or for a change from one such use to another.

B. Preliminary 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 preliminary consultation shall be informal and directed toward:
 - a. Reviewing the basic concepts of the proposal;
 - b. Reviewing the basic concepts of the proposal with regard to the Town Master Plan, Zoning Ordinance, and Subdivision Regulations; and
 - c. Guiding the applicant relative to state and local requirements.
2. Preliminary consultation and review shall not bind the applicant or the Board. Such discussion may occur without a public hearing and formal public notice as provided in Section F and G below. However, no discussions beyond the conceptual and general review shall take place without the identification of and notice to abutters and the general public as described in Section G.
3. Preliminary consultation and review shall be separate and apart from formal consideration under Sections C and D below and the time limits for acting under Section E shall not apply until a formal completed application is submitted.

C. Completed Application

1. A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to proceed with consideration and to make an informal decision.
2. The following shall be required for and constitute a completed application:

An application for Site Plan Approval properly filled out and executed by the applicant and filed with the Board in accordance with Section D below together with the following:

 - a. The name and addresses of the applicant and all abutters as indicated in the town records not more than five (5) days before the day of filing.
 - b. A check payable to the Town of Shelburne to cover filing fees, mailing, advertising, recording, and/or other costs provided in the Fee Schedule.
 - c. Three (3) paper print copies of the Site Plan Layout in accordance with and accompanied by the information required in Article V.

D. Filing and Submission of Completed Application

1. The completed application shall be filed with the Board or its agent at least fifteen (15) days prior to a scheduled meeting of the Board.
2. An incomplete application filed by the applicant will not be formally accepted by the Board, nor will notices of public hearing be mailed, posted, or published as provided under Section G.2 below.
3. The completed application shall be formally accepted by the Board only at a subsequent regularly scheduled meeting after due notification to applicant, abutters, and the general public of the date the completed application will be submitted to and received by the Board.
4. Applications may be disapproved by the Board without public hearing on grounds of failure of the applicant to supply information required by these regulations, including:
 - a. Abutters' identification and information required for preliminary layout,
 - b. Failure to pay costs of notices or other costs and fees required by these regulations, or
 - c. Failure to meet any reasonable deadline established by these regulations.
5. When a completed application is accepted by the Board, the Board shall provide a receipt, upon request, to the applicant indicating the date of formal acceptance.

E. Board Action on Completed Application

1. The Board shall consider the completed application within thirty (30) days of its submission. After review of the completed application, and after a duly noticed public hearing as provided in Section F below, the Board shall act to approve or disapprove the completed application within ninety (90) days after acceptance of the completed application, subject to extension or waiver as provided in accordance with RSA 676:4.
2. Final approval of the Site Plan shall be certified by written endorsement on the Site Plan and signed by a majority of the Board. The Board or its agent shall transmit a copy of the Site Plan with such approval endorsed in writing therein to the Register of Deeds of Coos County. The developer shall be responsible for the payment of recording fees. 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.
3. If the Planning Board has not obtained an extension as provided in Section E.1 above and has not taken action to approve or disapprove the completed application within ninety (90) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days.

Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the superior Court as provided in RSA 676:4.

F. Public Hearing

Prior to approval of a Site Plan, a public hearing shall be held as prescribed by RSA 676:4, and notice to applicant, abutters, and the public shall be given in accordance with Section G. The public hearing shall be held within thirty (30) days after acceptance of the completed application. The Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for the project. A hearing for Site Plan Review 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.

G. Notices

1. Notice of the intent to submit a completed application shall be given by the Board to the abutters and the applicant by certified mail, return receipt requested, mailed at least ten (10) days prior to the submission, and to the public at the same time by posting in at least two public places in the Town or publication in a newspaper of general circulation. The notice shall give the date, time, and place of the Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application and the location of the proposed site development.
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 the 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.

H. Fees

1. A completed application shall be accompanied by a filing fee found in the Fee Schedule.
2. All costs of notices, whether mailed, posted, or published, shall be paid by the applicant. 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 special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision, the cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Site Plan, as provided in RSA Chapter 676:4(g).

V. PERFORMANCE GUARANTY

- A.** Before any construction, land clearing, or building development is begun, the Planning Board may require a performance bond, certified check, or some form of surety in an amount of money equal to the total cost of construction of all streets, utilities, and improvements, as specified in the Site Plan or such other surety acceptable to the Selectmen.
- B.** The developer's obligations set forth in the performance bond shall be secured by a surety company authorized to do business in New Hampshire and to be filed with the Board of Selectmen in form satisfactory to it and in amount determined under Submission Requirement V.B.25.
- C.** The performance bond shall be released one year after the date of issuance of the Certificate of Occupancy if the Planning Board is satisfied that the developer has complied with all requirements.
- D.** In the event that the Town of Shelburne is required to enforce the bond, then it shall be entitled to reasonable attorney's fees, awarded by the court to be paid by the developer.

VI. SUBMISSION REQUIREMENTS

A. General Requirements

- 1. Site Plan with the following characteristics:
 - a. Scale: not less than 1" = 100'.
 - b. Submit three (3) copies of blue or black line prints and 1 Mylar.
 - c. Date, Title, north point arrow, scale
 - d. Name and address of developer, applicant, and owner.
 - e. Name, address and signature of New Hampshire licensed land surveyor and licensed civil engineer (when road is involved) who certifies the plan.
- 2. Location map at the appropriate tax map scale showing the site in relation to the major roads in town and the tax map and parcel numbers for the site and abutting parcels.

B. Site Plan Requirements

- 1. An accurate plan of the site showing existing natural features, buildings, 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 will be retained.
3. Existing and proposed topography of the site at two-foot contour intervals.
4. Soil types and their boundaries, as shown on the soils maps of the Town of Shelburne.
5. The location of all buildings within 200 feet of the boundaries of the site, and the location of all intersecting roads or driveways within 500 feet, at a scale of 1"=100' if shown separately.
6. The location of all building setbacks required by the Zoning Ordinance.
7. Location of flood hazard areas.
8. The lot area, street frontage, and the zoning requirements for minimum lot size and frontage.
9. Location of off-street parking and loading spaces with a layout of the parking indicated.
10. The location, width, curbing, and types of access ways and egress ways.
11. The location of all existing and proposed deed restrictions, covenants, etc.
12. Surveyed property lines showing their deflection angles, distances, radius, lengths of arcs, and control angles, and monument locations and names of all abutters.
13. If the development is a subdivision, the lines and names of all proposed streets, lands, ways of easement intended to be dedicated for public uses. All subdivision regulations shall apply.
14. Plan views of all buildings, either existing or proposed, with their use, size, location, and floor elevations indicated.
15. A typical elevation view of all existing and proposed buildings indicating their height, bulk, façade design, and signing.
16. The type and location of solid waste disposal facilities.
17. The location, size and design of proposed signs and other advertising or instructional devices.
18. A separate drainage plan showing:
 - a. The existing and proposed methods of handling normal and storm water runoff.
 - b. The direction of flow of the runoff through the use of arrows.

- c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - d. Engineering calculations used to determine drainage requirements.
19. An erosion and sediment control plan showing:
- a. Property lines, wetlands, stream courses, and all proposed improvements, including buildings, driveways, parking lots, etc.
 - b. Existing and proposed topography at two (2) foot intervals.
 - c. Location of areas to be stripped of vegetation and other exposed areas.
 - d. Revegetation plans and specifications for all unprotected or unvegetated areas.
 - e. Location and design of all erosion and sediment control measures.
 - f. General information relating to the implementation and maintenance of the sediment control measures.
20. 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 facilities on the site and on abutting properties to a distance of 200 feet.
21. The size and location of existing and proposed public and private utility connections, including provision for fire protection.
22. The location, total lumens, directions, and type of all existing and proposed lighting for all outdoor facilities.
23. Copies of all applicable state approvals and permits.
24. Location of Zoning District boundaries.
25. The developer's civil engineer shall furnish to the Planning Board, in writing, an itemized estimate as to the full cost of all improvements. Such estimate shall be reviewed by the Selectmen, or their agent, who will recommend the amount of the bond to the Planning Board. The Planning Board shall then determine the amount of the bond and include fees for inspection of improvements by the appropriate town agents.

VII. GENERAL STANDARDS

- A. 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. Improvement to existing streets, traffic access to the site from town streets and state highways, 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.
 2. Off-street facilities shall be provided for all institutional, commercial, and industrial uses. These facilities shall be located so that delivery vehicles are parked outside of the street right-of-way.
- B. Landscaping and screening shall be provided with regard to the impact on the adjacent properties, the public highway, and the site itself.
1. Parking areas shall be landscaped. Signs shall be properly placed. Buffer zones will be required to the extent they are necessary to reduce noise and visual problems.
- C. Provisions shall be made for winter snow storage and/or removal, positioning of outdoor lighting, protection of natural features and for the site to be serviced by the necessary utilities.
- D. All elements of the site development shall maximize the amount of normal and storm water runoff that is allowed to percolate into the soil. Storm drainage for the site shall be designed for a 25-year flood and provisions shall be made for retention and gradual release of storm water if the existing drainage system is in adequate.
- E. On-site waste and sewage disposal systems shall be designed to prevent pollution of water supply systems, wetlands, water courses and flood plains.
- F. Construction requirements for roads, parking, streets, drainage, and bridges shall be in accordance with the “Standard Specifications for Road and Bridge Construction” as published by the State of New Hampshire Department of Public Works and Highways and the road standards of the Town of Shelburne. Where alternative construction specifications are given, the Planning Board, with the advice of the Road Agent shall determine which shall be applicable.
- G. All required erosion and sediment control measures shall be designed to effectively manage surface and subsurface drainage, and effectively minimize soil erosion and resulting sedimentation during and after site development.
- H. The Planning Board may require such additional information as it deems necessary to apply the regulations herein.
- I. Wherever reference to owner, applicant, developer, owner’s authorized agent is used, all obligations therein referred and/or implied are to be, individually and /or severally, their responsibility including , but not restricted to, the owner of record of the property under consideration.

VIII. WAIVER

- A. Upon written request by the applicant, or upon the motion of any regular member, the Board may vote to waive, in whole or in part, any provision(s) of Section V when, in the

majority opinion of the full Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question.

B. Upon written request by the applicant, the Board may vote to waive, in whole or in part, any provision(s) of Section VI when, in the opinion of the full Board:

1. Literal enforcement of the regulation would create unnecessary hardship due to unique characteristics of the site in question,

AND

2. Such waiver would not adversely compromise the purpose or intent of the regulation.

IX. CHANGES OR DEVIATIONS FROM APPROVED PLAN

If during the development stage and/or construction period, the developer chooses to make any changes or deviate from the plan, as approved, he may at regularly scheduled Planning Board meeting present to the Planning Board such documentation to support a request for relief of, or change in, an approved commitment of condition. The Board may require such additional information it deems necessary to make a sound decision in consideration of, but not restrictive to, the effects on health, safety, and welfare of the community and its citizens, and how any change would alter the scope and intent of the original approved plan.

Changes or alterations in an approved plan may be granted by the Planning Board upon good cause and request of the applicant and upon public notice and hearing as are required in Section III paragraphs F & G.

X. FEES SUBSEQUENT TO SITE PLAN APPROVAL

In addition to imposition of fees provided in paragraph III. H. 3, herein, the Planning Board may require special information prerequisite to making an informed decision prior to issuance of a Certificate of Occupancy and/or release of any existing performance guarantee. Reasonable fees may be charged to the developer by the Board to recover costs in these matters.

XI. GUARANTEE OF CONSTRUCTION AND IMPROVEMENT INSTALLATION

A developer shall construct the site plan and comply with all requirements within the time limit stipulated in the Approved Site Plan, not to exceed three (3) years. The developer shall notify the Planning Board, in writing, when construction has been completed and all conditions met. If it is determined that any requirements and/or conditions are unfulfilled, the Board will notify the developer, in writing, of such deficiencies and establish a time, not to exceed one (1) year for their rectification.

For a period of one (1) year after the issuance of a Certificate of Occupancy, or one (1) year after the correction of all deficiencies, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the requirements as set forth in the Approval, the Board shall notify the developer, in writing, of such failures and the developer shall rectify such failures at his expense.

Should said deficiencies continue uncorrected the Board shall take all necessary actions to protect the Town's rights and interests, including, but not restricted to, suspension and/or revocation of the Approval. In the event of legal action, the town shall be entitled to reasonable attorney's fees, awarded by the court, to be paid by the developer.

If within one (1) year of the date of approval of the Site Plan there is no significant progress in construction, no evidence of intent to commence construction immediately and no written documentation received by the Planning Board justifying the delay, the Board, by written notice to the developer, may determine the project abandoned and the Site Plan null and void.

XII. CERTIFICATE OF OCCUPANCY

No development may be occupied or used unless a Certificate of Occupancy has been issued by the Selectmen or their appointee. The Selectmen or their appointee shall not issue such Certificate of Occupancy until these regulations have been complied with and the improvements made, or a performance bond provided to the Town for unfinished improvements.

XIII. OTHER ORDINANCES

The Site Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, 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 ordinances and regulations.

XIV. AMENDMENTS

Amendments to these Site Plan Review Regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the notification procedure outlined in RSA 675:7

XV. 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.

XVI. APPEALS

Any person aggrieved by any official action of the Board may appeal there from to the Superior Court as provided by RSA 677:15.

XVII. EFFECTIVE DATE

This ordinance shall take effect upon a vote by the Planning, filing of the Regulation with the Town Clerk, the Board of Selectmen, and the Register of Deeds of Coos County.

XVIII. ATTACHMENTS

APPENDIX I – CERTIFICATE OF OCCUPANCY

APPENDIX II – SITE PLAN REVIEW APPLICATION

**APPENDIX I
SITEPLAN REVIEW REGULATIONS
TOWN OF SHELburnE NEW HAMPSHIRE**

CERTIFICATE OF OCCUPANCY

This form is intended to ensure that all of the requirements and conditions of site plan approval have been satisfied prior to occupancy and use of the site.

Name & address

Name & location of site

Date of Planning Board Approval:

Copies of Approval and Bonding Conditions must be attached.

Items for review; but not restricted to,

Storm Drainage	Plat Plan to Scale	Roads
Water Supply	Location Map	Parking
Sewage Disposal	Existing Buildings	Loading
Access and Egress	Existing Water Bodies	Landscaping
Solid Waste Disposal	Flood Hazard Areas	Lighting
Topography/Soil Types	Easements	Utilities
Deed Restrictions/ Covenants	Erosion Controls	Signs
Cost of Improvements	Setbacks	Others

Does the development meet the requirements of all necessary state and local approvals?

Based on a review by the Planning Board or its agent:

() A Certificate of Occupancy for the building or the premises for the purpose described herein is hereby authorized.

() A Certificate of Occupancy for the building or premises for the purpose described herein is denied for the following reasons:

Town of Shelburne

Board of Selectmen

**APPENDIX II
SITE PLAN REVIEW APPLICATION
TOWN OF SHELBURNE, NEW HAMPSHIRE**

Names & Addresses

Applicant: _____

Property owner of record if different from above:

Developer:

Description of Development:

Estimated Date of Completion:

Tax Map & Parcel #s:

Abutters: Name & Mailing Address:

Add separate sheet if more space required.

