

From: Bill Klubben, Director
Community Development

Subject: Planning Board Agenda of 2/4/10 - Notice of Public Hearing
on proposed amendments to the **Site Plan Review
Regulations**

Date: January 21, 2010

The below notice should be posted as soon as practical. If you have any questions, please call me at 225-3008. Thank you.

NOTICE OF PUBLIC HEARINGS

Planning Board
Town of Bow

Public hearings will be held at 7:00 PM on Thursday, February 4, 2010 at the Bow Municipal Building, 10 Grandview Road. The purpose of the hearings is to consider amendments to the **Site Plan Review Regulations**. Proposed amendments to be considered on February 4th include:

- * 7.01A & B and new 8.04 Conceptual Consultation requirements for submittals;
- * 5.02X establish minimum area and location standards for snow storage;
- * 5.02C and 8.02B requirements to comply with National Flood Insurance Program;
- * 5.02S and new 5.02AA - add provisions for Private Streets for construction standards, obligations for property owners to pay for upgrades, and standards to meet State Fire Code requirements;
- * new 5.02AA - require restoration plan and performance guarantee to ensure site restoration;
- * add new 7.02D authorization for access by abutters at Board site walks;
- * new 5.02AA to require as built plans;
- * 3.03 Jurisdiction - exempt Home Occupation and Cottage Industry from Site Plan Review Approval;
- * new 8.02GG - require operational brief for applications;
- * 5.02T monumentation requirements;
- * 11.00 new statutory standards for waivers; and
- * 8.02 plan sheet size limit.

Copies of the proposed revisions are available for review at the Municipal Building.

- 1. Conceptual Consultation: specific requirements for submittals. The intent of the revision is to focus the presentation and discussion. Affected sections include 7.01A & B and new 8.04.** draft dated 12-9-09

Section 7 - Procedure:

7.01 Preliminary Conceptual Consultation:

- A. Prior to submission of an Application for Board approval, the Applicant may discuss the proposal with the Board's Agent, and may make an appointment to discuss the proposal at a regularly scheduled Board meeting by notifying the Board's Agent three (3) weeks prior to the meeting. At least one week prior to the regularly scheduled meeting, the applicant shall provide the materials required in 8.04.
- B. At the meeting, the Applicant may address the Board concerning the proposal but must limit the presentation to the intent, and location of the proposal, and the materials identified in 8.04 without going beyond a general description of the basic concept.
- C - G. Sections 7.01 C - G are identical to Subdivision Regulations 4.01 C - G.
- H. The Board recommends that the applicant contact abutters to discuss the project. The applicant may notify abutters of the Conceptual Consultation or request that the Board agent notify abutters at the applicant's expense.

Section 8 - Application Requirements: Exhibits and Data

The following items are required before a Site Plan Review will be initiated by the Board. Plans, reports, documents, and other materials submitted to the Planning Board to fulfill the requirements of the Site Plan Review Regulations shall be free of any restrictions on reproduction. Proximate to any copyright symbols, reservations of rights, or statements of ownership, shall be an affirmative statement which expressly agrees to reproduction.

- 8.04 Preliminary Conceptual Consultation: The Applicant shall prepare a Concept Plan of the site and surrounding properties in sufficient detail to allow the Planning Board to discuss the proposal. The Concept Plan should be drawn on a USGS Quad, other topographical map, or aerial photograph at a scale of one inch equals five hundred feet (1" = 500') or larger, and should show approximate tract boundary lines and tax map, block, and parcel numbers for the proposed area of development, all contiguous holdings of the Applicant, and the names and addresses of the owners of all contiguous abutting properties. All existing Streets, sewer and water lines, and other rights of way or easements should be

shown as appropriate. One week prior to the meeting at which the concept plan is to be discussed, the applicant shall submit a summary of the project; a list of waivers, variances, and special exceptions required; the specific questions to be posed to the Board; and, if the applicant is not the owner, written permission from the owner to proceed.

2. **Section 5.02X Snow Storage. Modify Section 5.02X to establish minimum area standards and stipulations for location.** draft dated 12-9-09

Section 5 - General Requirements:

5.01 Responsibility: It is the responsibility of each Applicant to read and follow these Regulations. If an Applicant does not fully understand the Regulations, it is his or her responsibility to seek the advice and counsel of Town Officials, agents, or other qualified persons.

5.02 All Site Plans: This Section sets forth certain general requirements that apply to all Site Plans.

X. Snow Storage: Provisions for removal and storage of snow from all parking, maneuvering, loading, and pedestrian areas must be shown on the site plan. The plan shall include a calculation of the area from which snow will be cleared. For every five (5) square feet of area to be cleared, onsite snow storage areas of a minimum of one (1) square foot shall be shown on the plan and designated on the site.

3. **Requirements to comply with National Flood Insurance Program. In addition to the amendments to 10.02 of the Zoning Ordinance adopted in May 2008, the Planning Board is required to revise its Site Plan Regulations at 5.02 C and 8.02 B.** draft dated 12-9-09

5.02 All Site Plans: This Section sets forth certain general requirements that apply to all Site Plans.

C State and Federal Approvals: Copies of all Applications to the State of New Hampshire for approval of on-site septic systems, ~~for "Site Specific" Approval~~ alteration of terrain permits, for dredge and fill permits, for and driveway cuts permits, and copies of Applications to federal agencies for Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334 or for any other permit or approval required by the State of New Hampshire or federal agency for with regard to the Site Plan must be filed with the application. Approval of any Final Application will shall be conditioned upon filing with the Board of evidence of the issuance of copies of permits for all such state and federal approvals.

8.02 All Site Plans shall be drawn at no less than one inch equals one-hundred feet (1" = 100') and shall have the following information.

- B. Tract Boundary lines, right-of-way lines of all streets, street names, easements and other rights-of-way, park areas or land to be reserved or dedicated to public use. All lot lines and other site lines, water courses with accurate dimensions, bearing or reflection angles and radii, arch, and central angles of all curves, and flood zone locations and base flood elevations as shown on the Town of Bow Flood Insurance Rate Map effective ~~November 20, 2000~~ as adopted by the Board of Selectmen that may exist within five hundred (500) feet of the development boundaries with dimensions and soil types. For Site Plans that involve land designated as Special Flood Hazard Areas, the applicant shall submit sufficient evidence (construction drawings, grading, and land treatment plans) to allow the Planning Board to determine that the proposal is consistent with the need to minimize flood damage; that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and that adequate drainage is provided so as to reduce exposure to flood hazards.

4. ***Private Roads. In section 4, add a definition to refer to the Subdivision Regulations. Modify 5.02S Access to refer to Subd Reg 8.01A and 8.01G2 to reference the State Fire Code requirement for Fire Department Access Roads and radius for turnarounds. Add new 5.02 AA to add financial responsibility for upgrades prior to Town taking over maintenance. Note existing 8.02 EE for existing maintenance provisions.*** draft dated 1-7-10

Section 4 - Definitions:

- H. Private Street: as defined in Section 2.35.04 of the Subdivision Regulations.

Renumber following sections to be I. & J.

- 5.02 All Site Plans: This Section sets forth certain general requirements that apply to all Site Plans.

- S. Access: Any road or driveway serving more than twelve (12) lots or residential units shall have an approved secondary means of access. Where recommended by the Fire Department, the Board may require an approved secondary access for non-residential development. The secondary access may, at the discretion of the Board, be parallel to the primary access, separated by a continuous island with a minimum width of 25 feet, to accommodate safety vehicles. All Public and Private Streets shall comply with State Fire Code standards (NFPA 1141, Chapter 5 Means of Access) for Fire Department Access Roads. For deadend streets in excess of three hundred (300) feet, the radius of the centerline of the pavement around the turnaround shall be a minimum of one hundred five (105) feet.

AA. Private Streets: Where access is to be provided to multiple parcels or sites via a Private Street, a statement shall be added to the recorded plan and included in each deed requiring each parcel, unit, or site owner to be responsible for a proportionate share of the total cost to upgrade the Private Street(s) to Town road standards in the event the Town chooses, in accordance with RSA 231:28-33, to conditionally lay out the Private Street as a Town road. The statement shall include each parcel, unit, or site owner's acknowledgment that the development has been approved conditioned upon the cost of any betterment being unconditionally borne solely by the owners of the land abutting or being served by the betterments. The total cost of the betterment shall include, but is not limited to, construction, engineering, right of way and drainage easements, and relocation of underground utilities.

5. **Site Restoration and related Performance Guarantee. For developments that require an Alteration of Terrain 485-A:17 permit , add a new general requirement 5.02 AA to require that a restoration plan be submitted to reclaim disturbed areas until permanently stabilized. In addition the applicant must submit an independent cost estimate to implement the restoration plan. Once the cost estimate is approved, a performance guarantee shall be submitted to ensure completion of the restoration plan.**

Please note that amendment 4 also proposes a new 5.02 AA. If both are adopted, this section will be "BB". draft dated 1-7-10

- 5.02 All Site Plans: This Section sets forth certain general requirements that apply to all Site Plans.

AA. Restoration Plan and Performance Security Required: A restoration plan shall accompany all Applications for Site Plans that require an Alteration of Terrain Permit. The purpose of the plan and security is to ensure that disturbed areas are permanently stabilized if construction ceases for more than one year, if erosion and sedimentation controls during construction are not maintained in accordance with the approved plan, if the developer disturbs an area outside the area or phase approved, or if the site is abandoned for any reason. The plan shall specify the methods and standards proposed to permanently reclaim disturbed areas. The plan shall be accompanied by an independent cost estimate to implement the restoration plan. The cost estimate shall be subject to approval by the Board. An approved performance security sufficient to implement the restoration plan shall be submitted prior to Disturbing the Environment (see 5.02 H).

6. **Site walks and access by abutters. Add a new 7.02 D, similar to Subdivision Regulation 4.03 I, to authorize site visits by the Board and Town agents and to authorize access by abutters and interested persons during a posted Board site walk.** Please see also draft amendment to

7.02 Site Plan Review Application:

D. Consent to On Site Board Inspection:

1. By filing an Application, the Applicant consents to the inspection of the property by Board members and Board agents at reasonable times and in a reasonable manner. The consent includes attendance by Abutters, as defined in Section 2.01 of the Subdivision Regulations, and other interested parties at a posted on-site visit.
2. Prior to the Board's approval of a Site Plan Application, at least three (3) members of the Board shall schedule and conduct an on site inspection of the property. All lot corners on existing streets, the centerlines of all new driveways, the corners of proposed buildings, the location of stormwater detention and retention facilities, wetlands, and the perimeter of parking areas shall be staked or flagged prior to such inspection.
3. The on site visit and final action on the Site Plan Application may be postponed until no later than May 1st following the acceptance of the Application if, in the opinion of the Board, winter conditions prohibit making a proper inspection and evaluation of the site.
4. An on-site visit is considered a meeting of the Planning Board. As such, minutes and attendance shall be taken and attendees have the same rights to hear and record the meeting as a meeting of the Board. Where an applicant states in writing that security issues as envisioned in RSA 91-A:3, II,(i) are present at the site and requests prior to scheduling of an on-site visit that on-site attendees not take photographs or use video recorders, the Board may prohibit such use.

7. ***Add a new 5.02 AA to incorporate a requirement for as built plans for private roads, stormwater management facilities (for use in updating the Town Stormwater Management Facilities map and data base), and other quasi-public improvements in site plans. The as-built plan checklist in the Subdivision Regulations (see 6.05 & Appendix C) already includes hard copy and electronic data for roads and drainage facilities.*** Please note that amendments 4 & 5 also propose a new 5.02 AA. If all three are adopted, this section will be "CC". draft dated 10-20-09

Section 5 - General Requirements:

- 5.02 All Site Plans: This Section sets forth certain general requirements that apply to

all Site Plans.

AA. Prior to issuance of a certificate of occupancy for new development in an approved site plan that includes a new private street, common water or sewage disposal systems for multiple structures, or underground stormwater management facilities, an approved Record Drawing (as built plans) shall be submitted. The Record Drawing shall comply with the Appendix C: Record Drawing Plan Requirements of the Subdivision Regulations.

8. DROPPED FROM CONSIDERATION 9-17-09

9. *Modify Section 3.03 Jurisdiction to add Home Occupation (ZO 7.06) and Cottage Industry (ZO 7.07) to the exemption from Site Plan Review Approval.*

draft dated 10-20-09

Section 3 - Jurisdiction

These regulations shall apply to the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or Resubdivision of the site.

3.01 No building permit(s) shall be issued until the Applicant or his agent shall obtain Site Plan approval by the Planning Board.

3.02 No building permit(s) shall be issued until the approved Site Plan is filed with the County Registry of Deeds.

3.03 Any non-residential development that includes only additions of not more than 1,200 square feet to an existing building(s), is a Home Occupation, or has been approved as a Cottage Industry, and that does not constitute a change of use, shall be handled in the same manner as building permit application. No site plan submission for review under these regulations shall be required.

10. DROPPED FROM CONSIDERATION 9-17-09

11. *Operational brief for applications. Add a new 8.02 GG (application requirements for all site plans) to require a written description of the project. The operational brief will describe the proposed use, activities, hours of operation, customer base and/or tenants expected. The brief will describe natural amenities of the property that are to be preserved, access routes to site, abutting sites and uses, and the environmental status and history of the site (known releases of regulated materials; listings with NHDES or USEPA as a hazardous waste site, and hazardous waste or*

Section 8 - Application Requirements: Exhibits and Data

8.02 All Site Plans shall be drawn at no less than one inch equals one-hundred feet (1" = 100') and shall have the following information.

GG. Operational Brief. A written description of the development to include: natural feature of the site and identification of those to be preserved; proposed use, business activities, hours of operation, customer base and / or tenants expected; traffic volume, vehicle types, and access routes; abutting sites and uses; and NHDES / USEPA environmental status including known releases of regulated substances, hazardous waste sites, and storage tanks for regulated materials on site and surrounding properties. For residential site plans, a description of the neighborhood and relationship to abutting properties.

HH Other information required by the Planning Board.

12. DROPPED FROM CONSIDERATION 9-17-09

13. Definition of Abutter (section 4A). The Site Plan Regulation definition of abutter refers to the definition in the Subdivision Regulations, so expanding the definition there to include persons who own property within 200' will apply to site plan applications.

14. Monumentation requirements (section 5.02T). The amendment is intended to clarify where monuments are required and would reduce the number of locations where 4"x4"x35" stone or concrete bounds are required. In addition the amendment would clarify that monuments are to be set prior to recording the mylar.

draft dated 1-7-10

Section 5 - General Requirements:

5.02 All Site Plans: This Section sets forth certain general requirements that apply to all Site Plans.

T. Monuments:

1. All lot lines, beginning and end of curves, and points of a curve change shall be identified in the field by monuments in conformance with NH Land Surveyors Association Ethics and Standards for acceptable monuments (6.2 and 6.2a for materials), August 1989. Principal corners that monument the furthest extent of each lot shall be of stone or concrete, 4" X 4" X 35" long. Concrete bounds are to be reinforced with 2 two ½" diameter reinforcing bars of a minimum diameter of ½". The final plat shall identify each monument found or set and shall describe the

monument.

A change in bearing along a property line or an accumulated change of bearing of five (5) degrees or greater shall indicate separate lot lines and shall be monumented. Where such lines are marked in the field with stone walls, the stone wall may be used for monumentation, except on principal corners.

2. All monuments shall be set ~~by a~~ under the direct supervision of a licensed land surveyor. All monuments shall be set ~~such that six inches is exposed above~~ flush with finished grade. No monument shall be set until all construction which would disturb or destroy the monument is completed. The maximum distance between monuments shall be 500 feet.
3. All monuments shall be set and their installation certified by a licensed land surveyor prior to recording the final plat unless installation of the monuments is assured by a performance guarantee in conformance with Section 9 - Inspections and Performance Guarantees.

15. *Waivers of Site Plan Review Regulations (section 11.00). Chapter 292 Laws of 2009 (HB 43) established new standards for granting waivers [RSA 674:36, II,(n)].* draft dated 10-20-09

Section 11 - Waivers:

The proposed Development shall conform to the Zoning Ordinance of the Town of Bow. Where (a) strict conformity to these Site Plan Review Regulations would cause undue hardship or injustice to the owner of the land or where (b) 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, a Site Plan substantially in conformity with these Regulations may be approved by the Board, provided that the spirit of these Regulations and public convenience and welfare will not be adversely affected.

Requests for waivers shall be submitted in writing and shall include the basis for granting the waiver. The Board may accept an oral request for waiver at the public hearing for a site plan application. The basis for any waiver granted by the Board shall be recorded in the minutes of the board.

16. *Sheet size limit for submitted plans (section 8.02).* draft of 12-9-09

8.02 All Site Plans shall be prepared on twenty two by thirty four inch (22" X 34") standard sheets measured from cutting edges and shall be drawn at no less than one inch equals one-hundred feet (1" = 100') and shall have the following information.

