

MAJOR SITE PLAN REVIEW REGULATIONS

TOWN OF CANDIA, NEW HAMPSHIRE

2010

*A True Copy of Record Attest:
Christine Dupere
Candia Town Clerk
September 15, 2010*

HISTORY

Adopted – May 21, 1986

Revised & Re-adopted – April 26, 1989

Revised & Re-adopted – November 15, 1995

Revised & Re-adopted – December 3, 2003

Revised – October 3, 2007

Revised – January 10, 2009

August 4, 2010

CANDIA PLANNING BOARD PUBLIC HEARING NOTICE

The Candia Planning Board will hold a Public Hearing on August 4, 2010 at 7:00 p.m. in the Candia Town Offices at 74 High Street to consider the following amendments to the Candia's Site Plan/Subdivision regulations. The full text of all proposed Amendments are available for inspection and review at the Land Use Office during regular office hours. For additional information, please call the Land Use Office at 483-8588.

General Housekeeping Amendments:

Major Site Plans:

P. 9 **Amendment #1:** Amend by updating "Article 5.00 Action by the Board" in accordance with RSA 676:4 regarding procedures on Plats.

P. 20 **Amendment #2:** Amend by adding new Article 13.00 "Appeals" as provided in RSA 677:15 under Section V: Miscellaneous Provision.

P. 20 **Amendment #3:** Amend by adding new Article 14: "Active and Substantial development or Building" under Section V: Miscellaneous Provisions.

P. 12 **Amendment #4:** Amend by adding new "Article 7.00 Development of Regional Impact", under Section II: Procedures and Submission Requirements.

P. 17 **Amendment #5:** Update and replace "Section 7.07 Groundwater protection" in accordance with RSA 674:43 & 44, to match with the Groundwater Protection Plan voted in March 2010.

Minor Site Plans:

Amendment #1: Amend by updating Article 5.00 Action by the Board in accordance with RSA 676:4 regarding procedures on Plats.

Amendment #2: Amend by adding new Article 10.00 "Appeals" as provided in RSA 677:15 under Section VII: Miscellaneous Provisions.

Amendment #3: Amend Section VII Miscellaneous Provisions by adding new Article 11 "Active and Substantial development or Building".

Amendment #4: Amend Section III: Procedures and Submission Requirements by adding new Subsection "3.04, Development of Regional Impact".

Amendment #5: Update and replace "Section 7.07 Groundwater protection" in accordance with RSA 674:43 & 44, to match the Groundwater Protection Plan voted in March 2010.

Subdivision Regulations:

Amendment #1: Amend by updating "Article 2: Administration and Enforcement, Section 2.07 Penalties"; regarding transferring lots in an unapproved subdivision under RSA 674:35 II.

Amendment #2: Amend by adding new Subsection "2.13 Active and Substantial Development or Building" under Article 2 Administration and Enforcement, per RSA 674:39.

Amendment #3: Amend by adding new Subsection "2.14 Development of Regional Impact", under Article 2 Administration and Enforcement per RSA 36:54.

Amendment #4 Amend by adding "Section 11.09 Groundwater Protection", in accordance with RSA 485-C; 2, to correspond with the Groundwater Protection Plan voted in March 2010.

Earth Excavation Regulations: Repeal and replace the 1989 Earth Excavation Regulations with new regulations.

For additional information, please call the Land Use Office at 483-8588.

For the Planning Board,
Mary Girard, Chairperson
August 2010

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SECTION I: ADMINISTRATIVE AUTHORITY

Article 1.00 Authority, Adoption and Amendment:

1.01 Authority:

The Candia Planning Board hereby adopts Site Plan Review Regulations as authorized and required by New Hampshire Revised Statutes Annotated Chapter 674:43 I. and pursuant to the authorization from the Town of Candia by vote at town meeting on March 14, 1986 (Article 28).

1.02 Title:

The regulations shall be known as the Town of Candia Major Site Plan Review Regulations, hereinafter referred to as "these regulations".

1.03 Validity:

If any portion of these regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

1.04 Amendment:

These regulations may be amended whenever such action is deemed advisable by the Board following a duly noticed public hearing on the proposed amendment. All changes to these regulations shall become effective when adopted and signed by the majority of the Planning Board members and filed with the Town Clerk and with the Board of Selectmen. The amendment shall be filed in a central with the Office of State Planning.

1.05 Prohibition of Construction Prior to Approval:

No construction, change of use, land clearing or building development shall be initiated until the final plan of the proposed site plan has been approved by the Board, as evidenced in the issuance of the Notice of Approval.

1.06 Waiver Provision:

Upon the written request of the applicant, the Board may grant a relaxation of one or more of the provisions under these regulations as it deems appropriate.

Article 2.00 Purpose, Scope and Compliance with Other Ordinances:

2.01 Purpose:

The purpose of these regulations is:

A. 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 or prosperity by reason of:

1. inadequate drainage or conditions conducive to the flooding of the subject property or that of another;
2. inadequate protection for the quality of groundwater;
3. undesirable and preventable elements of pollution such as noise, smoke, soot, particulates or any other discharge into the environment which might prove harmful to person, structures or adjacent properties;
4. inadequate provisions for fire safety, prevention and control;

- B. To provide for the harmonious and aesthetically pleasing development of the municipality and its environs;
- C. To provide for open spaces and green spaces of adequate proportions.
- D. To provide the proper and coordination of streets, driveways and entrances within the subject site in relation to other existing or planned streets.
- E. To provide suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access of fire fighting apparatus and equipment to buildings, and to be coordinated so as to develop a convenient system;
- F. To require that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- G. To require that the land indicated on the plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;
- H. To include such provisions as will create conditions favorable for health, safety, convenience, and prosperity; and
- I. To require that appropriate support services and facilities are provided.

2.02 Scope:

The Planning Board shall review and approve or disapprove site plan review applications for initial development or change or expansion of use tracts for any non-residential use or for multifamily dwelling units whether or not such development includes a subdivision or re-subdivision of the site, or whether the proposed use includes the construction of a building.

2.03 Compliance with Other Regulations and Ordinances:

The Site Plan Review procedure shall in no way relieve the applicant from compliance with Candia Zoning Ordinance, the Candia Subdivision Regulations, Earth Excavation Regulations or any other regulations or bylaw which pertains to the proposed development. No site plan shall be approved unless such plan complies with applicable local ordinances and regulations.

2.04 Definitions:

Major Site Plan Review Regulations: For the purpose of the meaning of the term used herein, it shall conform to the definitions found in Article III, of the Candia Zoning Ordinance and Article 20 of the Candia Subdivision Regulations.

Board: The word shall mean the Candia Planning Board.

Performance Guarantee: is a security that may be accepted in lieu of a requirement that certain improvements be made before the Planning Board to approved the Site Plan, including cash passbook, irrevocable letters of credit, escrow agreements, and other similar collateral. All letters of credit must be automatically renewable.

2.05 Construction Standards:

All site improvements, including roadways and parking areas, shall be constructed in conformance with the Candia Subdivision Regulations and the Town Building Code.

2.06 Change of Use Criteria:

Change or expansion of use of a site: any multi family or nonresidential use which substantially differs from the previous use of a building or land. Any activity which in the opinion of the Building Inspector constitutes a change or expansion of use of a site may be subject to Planning Board approval under the Candia Site Plan Review Regulations. The Building Inspector shall be guided by consideration of the extent to which the proposal relates to any of the following types of circumstances each of which is subject to site plan approval.

Criteria:

- A. Any increase in the size of an existing off-street parking area of 50% or more when associated with a multifamily or a nonresidential use;
- B. The creation of an off-street parking area on a site, except when the off-street parking area is associated with a single or two-family residential use;
- C. Any change in the number or size of access points or any change in the location of the driveway providing access to or from the adjoining highway when not covered by the regulations;
- D. Any occupancy for commercial, industrial or multifamily where prior use has been discontinued for two years and where no prior site plan has been approved.

Change of one land use classification to another in accordance with the Standard Industrial Classification using the two digit numerical code as a guideline.

2.07 National Flood Insurance Requirements:

For site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION II: PROCEDURES AND SUBMISSION REQUIREMENTS

Article 3.00 Procedure for Site Plan Review

3.01 Submission of Application:

Submission of application and other information relevant to the site plan proposal shall be made through the Land Use Office. Inquiries for advice concerning procedures, requirements or the status of a particular application may be made to the assistant during regular office hours.

- A. The application shall include the names and street addresses of the applicant and property owner, name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat, and all abutters as indicated in the town records not more than five days before the day of filing. Abutters shall also be identified on any plat submitted to the board.
- B. When the application is submitted copies of the plan shall be provided to the Police, Fire Dept., Building Inspector, and Road Agent for their review. A copy of the plan shall also be provided to the Town Engineer for review at the applicant's expense. Copies to be given no later than 30 days prior to the noticed hearing.

3.02 Notice:

Prior to holding a public hearing, the board shall give notice as follows:

- A. The notice shall include a general description of the proposed site plan which is subject of the application, shall identify the land owner and the site location, and shall state the date, time and place of the public hearing.
- B. A copy of the notice shall be sent to the owners and abutters by certified mail.
- C. For the purpose of these regulations in counting days, the day on which the notice is given and the day of the public hearing shall be excluded.
- D. Notice shall be mailed at least ten days prior to the public hearing.
- E. Notice to the general public shall be given by one publication of a legal public notice in a newspaper as designated by the board, at least ten (10) days prior to the public hearing, and in at least two public places in the Town of Candia.
- G. The applicant shall pay the noticing costs with submission of the site plan application.

3.03 Filing Fees, Administrative Expenses and Other Costs Incurred by the Town and the Board:

The applicant shall pay the filing fees in advance according to the schedule of fees adopted by the Planning Board and placed on file at the Land Use Office. In addition, the Board may require the applicant to pay additional reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications (RSA 676:4 I(g) and 674:44). Such additional fees may also include legal expenses incurred by the Board.

A. Fee Schedule:

The following schedule of fees shall apply to all major site plan review applications:

- 1. Application Fee \$200.00
- 2. Legal Notice Fee \$50.00*
- 3. Abutters, Applicant, Owner, Engineer, Architect,
Licensed Land Surveyor, Soil Scientist Notices (each) \$6.54*
- 4. Compliance Inspection Fee Set as determined as necessary.
- 5. Fire Department review fee \$.10/square foot
- 6. Mylar Recording Fees: (22" x 34" sheet) \$24.00
L-chip recording fee (71/08) \$25.00

* Subject to postal and noticing fee increases.

(Rev. 12/3/03 mins., 10/03/07)

B. Prepayment of Plan Review and Compliance Inspection Fee:

The site owner or authorized agent shall deposit with the Land Use Office, a security deposit sufficient to cover the professional engineer review of the site plan documents and the necessary inspections which the Board deems reasonable and necessary to protect the general welfare of the Town. The Town Engineer will estimate the cost and the applicant will be responsible for any additional cost thereafter. Funds will be kept in an escrow account.

C. Fire Department Review and Inspection Fee:

A fee of \$0.10 (ten cents) per square foot of building area shall be assessed for fire department review of plans, drawings, and specifications, and for necessary inspections of all commercial, industrial, or multi-family structures of three or more dwelling units. A copy of the drawings shall be submitted to the Fire Department at the time of application. Fee payment shall be payable to the Town of Candia.

Article 4.00 Submission Requirements

4.01 Number of Copies and Scale Required:

The application for Site Plan Review shall be submitted with three copies of the proposed site plan drawn at a minimum scale of one inch equals 20 feet. All plans must also be submitted electronically via e-mail or approved storage media in the portable document format (PDF) with a maximum file size of 10 M.B. Copies must include Mylar for Registering at Rockingham County Registry of Deeds. (2009)

4.02 Certification of Plan Required:

The site plan shall be prepared and certified by a civil engineer licensed to practice in New Hampshire.

4.03 Information Required to be Shown on the Plan:

The site plan shall include the following information:

- A. A vicinity sketch showing the location of the site in relation to the surrounding public street system and zoning boundaries within 1000 feet of the site boundary.
- B. The names and street addresses of owner(s) of record and those of the abutting properties.

- C. The name, address and seal of the preparer of the plan.
- D. Certification by a New Hampshire licensed land surveyor of a currently valid boundary survey.
- E. The scale of the plan shall be at a minimum of one inch equals 20 feet, and the plan shall include a north arrow and the date.
- F. A survey of the perimeter boundaries of the proposed use subject to site plan review, including compass bearings, distances and area in acres;
- G. Existing and proposed topography showing surface contours at intervals not in excess of 2 feet.
- H. The shape, size, height and location of all existing and proposed structures, including typical elevation views;
- I. The location of natural features such as rivers, streams, marshes, wetlands and any man-made feature such as existing dams, roads, stone walls, and structures. The plan shall indicate those natural and man-made features which are to be removed, retained or altered;
- J. The use of properties within 500 feet of the site boundary; roads, streets and driveways within 500 feet of the site boundary;
- K. Proposed streets, driveways, parking spaces and sidewalks, with indication of direction of travel and inside radii of all curves. The width of the traveled way of all streets, driveways and sidewalks, and the total number of all parking spaces shall be shown. Loading spaces, trash disposal facilities, and facilities used in connection with any structure on the site shall be shown;
- L. The size and location of all existing and proposed public and private utilities shall be shown on the plan. Public and private utilities shall be underground and shown on the plan;
- M. A plan for exterior lighting and signs;
- N. A proposed landscaping plan indicating plantings to be installed and natural cover to be retained. The plan shall specify in detail the size and types of shrubs, plants, caliper of trees, etc. Such plan shall also show the proposed landscaping and natural cover of the perimeter of the site including all trees greater than 24" in diameter, all groupings and types of trees, screens, fences, and natural cover to be retained within the area to be disturbed;
- O. The dimensional requirements, as per Table I, and the number of parking spaces under the Candia Zoning Ordinance. Typical parking space layout and location of dimensional requirements for areas of five or more parking spaces, as per Exhibit I;
- P. All surface and subsurface storm drainage facilities, including all storm drainage facilities located within 100 feet of the boundary;
- Q. An estimated timetable for construction and completion of buildings, improvements and landscaping;
- R. If the proposed development requires a special exception or variance from the Zoning Board of Adjustment, a copy of the approved minutes is to be made part of the site plan application.

