

MINOR SITE PLAN REVIEW REGULATIONS

TOWN OF CANDIA, NEW HAMPSHIRE

2010

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

Adopted January 29, 1992
Revised and Adopted July 19, 1995
Revised and Adopted December 3, 2003
Revised October 3, 2007
Revised August 4, 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:

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 12.00 "*Appeals*" as provided in RSA 677:15 under Section V: Miscellaneous Provision.

Amendment #3: Amend by adding new Article 13: "*Active and Substantial development or Building*" under Section V: Miscellaneous Provisions.

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

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 PROVISIONS

Article 1.00 Authority, Adoption, and Amendment

1.01 Authority :

The Candia Planning Board hereby adds Minor Site Plan Review Regulations to the Candia Site Plan Review Regulations under the authority of NH Revised Statutes Annotated Chapters 674:43 and 674:44 and pursuant to the authorization from the Town of Candia by vote at town meeting on March 14, 1986 (Article 28) and by said Planning Board vote at their Meeting of May 5, 1986, and pursuant to the authorization from the Town of Candia by vote at town meeting on March 14, 1989 (Article 2). These Minor Site Plan Review Regulations are adopted by the Candia Planning Board on July 19, 1995.

1.02 Title :

These regulations shall be known as the Town of Candia Minor 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 in a central file 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 proposed site plan has been approved by the Board, as evidenced by the Board's Notice of Decision.

1.06 Waiver Provision:

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

SECTION II: PURPOSE, SCOPE AND COMPLIANCE

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 persons, structures, or adjacent properties.
 - 4. Inadequate provisions for fire safety, prevention, and control.
- B. To require that the land indicated on plans submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- C. To include such provisions as will create conditions favorable for health, safety, convenience and prosperity.

2.02 Scope:

The Planning Board shall review and approve or disapprove minor site plan review applications using the following criteria in its determination on whether or not a proposal falls under the jurisdiction of minor site plan review:

A. Definition:

A minor site plan review project is defined as a change or expansion of an existing legal non-residential use or a change from an existing residential use to a non-residential use in the commercial zone, where the overall effect on a lot would be the lesser of either:

- 1. 25% of existing floor space (outside dimensions); or
- 2. 2,000 square feet of total disturbed land, of which no more than 1,000 square feet is to be new building floor space.
- 3. Disturbed land includes, but is not limited to parking, driveway, septic and leach field, drainage pipes, drainage ditches, building footprint, etc.

B. Requirements:

For minor site plan review applications, the acreage, frontage, and set-back requirements of the subject lot shall meet minimum Zoning Ordinance requirements for the district in which the lot is located, and the proposed use/change is use shall be a permitted use in the district in which the lot is located.

C. Exemption:

Paving of an existing driveway and/or parking lot, 1,600 square feet in area or less, shall be exempt from site plan review only, unless there is an environmental impact, as determined by the Building Inspector. Appropriate permits are required.

D. Validity:

The minor site plan review process shall be used only once in any 3-year period with respect to a particular parcel. The 3-year period shall run from the date of approval.

2.03 Compliance with Other Ordinances:

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

2.04 Definitions:

For the purpose of the Minor Site Plan Review Regulations, the meaning of terms used herein shall conform to the definitions found in Article II of the Candia Zoning Ordinance and Article 20 of the Candia Subdivision Regulations.

2.05 Construction Standards:

All site improvements, including parking area, shall be constructed in conformance with the Candia Subdivision Regulations, State of New Hampshire Standard Specifications for Road and Bridge Construction, and the Candia 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 III: PROCEDURES AND SUBMISSION REQUIREMENTS

Article 3.00 Procedure for Minor Site Plan Review

3.01 Filing of Application

Filing a minor site plan review application and other information relevant to the minor 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. If all filing requirements are satisfied, the assistant will schedule a public hearing on the proposal following the procedures outlined in Article 3.02 of this Section. At the public hearing, the minor site plan application will be submitted to the Board for acceptance or rejection.

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 minor site plan which is the subject of the application, shall identify the 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 owner and the abutters by certified mail.
- C. For the purpose of these regulations in counting days, the day on which 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.
- F. The application shall include the names and street addresses of the applicant and property owner, and all abutters as indicated in the town records nor more than five days before the date of filing. Abutters shall also be identified on any plan submitted to the Board.
- G. The applicant shall pay the noticing costs at the time of filing the minor site plan application.

3.03 Filing Fees:

The applicant shall pay all filing fees in advance, according to the following schedule:

- A. Application Fee \$ 75.00
- B. Legal Notice Fee \$ 50.00
- C. Abutters Noticing Fees (each) \$ as per schedule
- D. Compliance Inspection Fee (if necessary) at cost
- E. Fire Department Review Fee \$ as per schedule

3.04 Development of Regional Impact:

A. Purpose.

- 1. *Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of the Town of Candia.*
- 2. *Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the Town of Candia.*
- 3. *Encourage the Town of Candia to consider the interests of other potentially affected municipalities.*

B. Definitions:

Fulfill the statutory Definition – Any development which the Planning Board determines could reasonable be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- a. *Relative size or number of dwelling units as compared with existing stock.*
- b. *Proximity to the borders of a neighboring community.*
- c. *Transportation networks.*
- d. *Anticipated emissions such as light, noise, smoke, odors, or particles.*
- e. *Proximity to aquifers or surface waters which transcend municipal boundaries.*
- f. *Shared facilities such as schools and solid waste disposal facilities.*

C. Review Required:

Review Required: The Candia Planning Board, upon receipt of an application for subdivision, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

D. Procedure:

- a. *upon determination that a proposed development has a potential regional impact, the Candia Planning Board shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.*
- b. *Not more than 5 business days after reaching a decision regarding a development of regional impact, the Candia Planning Board shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Candia Planning Board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant. (This statute went into effect Jan. 1, 2010).*
- c. *At least 14 days prior to public hearing, the Candia Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.*

- d. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the regional planning commission and the affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit. Applicability: The provisions of this section shall superseded any contrary or inconsistent provisions of local land use regulations enacted under RSA 155-E and RSA 674. (August 4, 2010)*

Article 4.00 General Information and Filing Requirements:

Site plans prepared for applications under these regulations are not required to be prepared by a professional engineer or licensed land surveyor. All plans must be drawn to scale.

4.01 Number of Copies Required:

The application for minor site plan review shall be submitted with three copies of the proposed site plan to the Planning Board. In addition, copies of the plan must also be submitted to the Fire Chief, Police Chief, Conservation Commission, and Building Inspector at the time of application.

4.02 General Information:

The following general information is required for all minor site plan applications:

- A. name and address of property owner and authorized agent;
- B. location of site, street address, tax map information;
- C. abutters list;
- D. description of existing and proposed use/change in use;
- E. statement of authorization, if applicable; and
- F. all filing fees.

4.03 Filing Requirements:

The following minimum filing requirements are to be shown on the plan at the time of filing the application:

- A. name and address of person preparing the plan;
- B. scale of plan, minimum 1 inch = 25 feet;
- C. north arrow;
- D. date of plan;
- E. name and address of person preparing other data to be included in the plan (if different than preparer of plan);
- F. boundary of site within 100' of disturbed land, and set-backs;
- G. total area of proposed building and disturbed land; and;
- H. zoning district and ZBA Case # if applicable.

4.04 The following information must be shown on the final minor site plan to be approved by the Planning Board:

- A. vicinity sketch identifying location of site;
- B. existing easements, if any;
- C. use of abutting properties and special features, natural or man-made and other data, within 100 feet of proposed activity, such as bodies of water, streams and water courses, swamps, marshes, wetlands, wooded areas, grave sites, discontinued roads;
- D. miscellaneous data, such as gas and/or electric lines, paved areas, location and size of structures, proposed driveways and parking spaces (in accordance with the Zoning Ordinance), location of all utilities, and existing and proposed site drainage;

