

Site Plan Review Regulations
Moultonborough, New Hampshire

July 23, 1986

Revisions

July 1991

December 1992

June 1997

October 2007

August 2008

June 2011

SITE PLAN REVIEW REGULATIONS MOULTONBOROUGH, NEW HAMPSHIRE

1. Authority

Pursuant to the authority vested in the Moultonborough Planning Board by the voters of the Town of Moultonborough on May 20, 1986, in accordance with chapter 674:43 of the New Hampshire Revised Statutes Annotated, the Moultonborough Planning Board adopts the following Regulations for the Submission of Site Plans for Review under Non-Residential or Multi-Family Site Plan Review procedure.

No development, material change in use or material expansion of existing use for non-residential properties, or for multi-family dwelling units other than one or two family dwellings, whether or not such development, change in use or expansion of existing use include a subdivision or re-subdivision of the site shall be established, nor shall any building (including its footprint) or other structure be erected, expanded or enlarged and no area for parking, loading, vehicle services or driveway access, shall be established, expanded or changed except in conformity with a Site Plan approved by the Planning Board.

2. Purpose

The intent of these Site Plan Review Regulations is to protect the public health, safety and welfare; to ensure the adequacy of traffic access, circulation and parking; to ensure the provision of adequate buffers, landscaping and screening to protect adjoining properties against any possible detrimental or offensive uses on the site, including but not limited to, unsightly or obnoxious appearance, smoke, and noise; and to protect against adverse environmental impacts from a proposed development, including inadequate sewage disposal, refuse and other waste and/or inadequate surface drainage.

These Regulations recognize that certain developments and uses of land, because of their complexity, size or possible impact, may adversely affect the public health, safety and welfare unless careful consideration has been given to certain critical design elements. It is the intent of these regulations to provide a vehicle for the review of such critical design elements within the development subject to Site Plan Review, and to allow the Moultonborough Planning Board to approve with or without conditions, or to disapprove, applications pursuant to these regulations.

3. Jurisdiction

A Site Plan submitted to the Planning Board for review must be in compliance with the Town of Moultonborough Zoning Ordinance, Site Plan Regulations and any other Ordinance which pertains to the proposed development. All plans shall be prepared in accordance with these Site Plan Regulations.

4. Certificate of Use and Occupancy

Upon completion of construction and prior to the occupancy of the premises, a Certificate of Use and Occupancy shall be obtained from the Town Building Inspector, pursuant to the BOCA Building Code and must be in compliance with all applicable Ordinances of the Town of Moultonborough and with any conditions set by the Moultonborough Planning Board.

5. Site Plan Application and Review Procedure

A. Discussion/Applications

An applicant may informally appear before the Planning Board to discuss a proposal with the Board and receive information from it on the requirements for submitted Site Plans. A "rough drawn" preliminary sketch may be submitted at this time to aid in the discussion.

B. Application Procedure and Requirements

An owner or a designated agent shall file an application to the Planning Board office to be date stamped no later than fourteen (14) business days prior to a scheduled hearing. The Board shall only consider a completed application which consists of the following:

- 1) A properly completed application form obtained from the Planning Board office.
- 2) An application fee payable to the Town of Moultonborough.
- 3) Six (6) hard copies and one (1) PDF copy of the Site Plan and all other plans and documents required in Section 12.
- 4) One (1) copy of the Site Plan to the Moultonborough Fire Department.

C. Notification and Public Hearing Procedure

The board, before considering or taking formal action upon a Site Plan Review Application, shall hold a Public Hearing in accordance with the procedure specified in RSA 676:4, to provide an opportunity for public testimony relative to the consequences of the proposed Site Plan.

At the hearing, the applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify subject to Board approval at the hearing.

The applicant and all abutters shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of such hearing and a general description of the Site Plan proposal and its location, before the date fixed for the hearing.

Hearing notice to the general public shall also be given at least ten (10) days before the date fixed for the hearing by posting in 2 public places in the town and by publication in a newspaper of general circulation therein.

D. Board Action on Completed Application

The Board shall consider a completed application within thirty (30) days of its submission and acknowledgment, and shall act to approve, conditionally approve, or disapprove the application within ninety (90) days, subject to an additional ninety (90) day extension as provided in accordance with RSA 676:4. Additionally, the applicant may request a waiver of this requirement and consent to a mutually agreeable extension of the period for action.

Approval of the Final Site Plan shall be demonstrated by the issuance of a Notice of Decision and written endorsement on the plan signed by the Chairman of the Board. In case of disapproval of any part of the plan, the grounds for such disapproval shall be

stated in the records of the Board and notice given to the applicant. If the Board requests modification of the plan, the applicant shall submit a revised plan showing all modifications which will become the final plat used for filing with the registry and town.

No Building Permits shall be issued on any plan acted upon by the Planning Board until such time as the Selectmen or their authorized agent has received a copy of the approved Site Plan, any required approval from the Zoning Board of Adjustment and the Building Permit Application.

6. Amendment of Approval

The Planning Board shall have the power to modify or amend its approval of a Site Plan on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, if such power is reserved by the Board in its original approval. Any Site Plan coming before the Board for modification or amendment shall be placed on the agenda and posted in the usual manner. The Board reserves the right to require certified mail, return receipt requested, notification to abutters in which case the applicant shall then submit a list of abutter's names and addresses and letters ready for mailing. Notification shall be as set forth in these Regulations under Section 5.c.

7. Performance Bond

The Planning Board may require the applicant to post a bond or file an escrow agreement in an amount approved by the Board to guarantee that improvements intended to insure access, adequate streets and roads, sewer and water disposal, drainage or any other requirements and conditions of the Planning Board in accord with Site Plan Review Regulations to reduce impact upon the abutters and/or the public are performed. Where an applicant is required to post a bond, it shall be posted prior to the start of any construction or improvement and prior to the issuance of a Building Permit.

8. Statute Of Limitations

Planning Board approval of a Site Plan shall be valid for one (1) year from the date of approval. If a Building Permit has not been issued or if a Building Permit has been issued but not substantially acted upon within a one (1) year period, the Site Plan shall lapse unless a request for extension of this one (1) year time period is applied for by the applicant, prior to the date of lapsing. If such a request is received by the Board, the Board may, for cause, extend the valid time period of the permit for one (1) year, one (1) time only.

9. Fee Schedule

Fee Schedule available at the Land Use Office.

10. General Requirements Checklist for Site Plan Submission

An application for Site Plan approval shall be accompanied by the following information and documents:

A. Base Survey

- 1) Bearings and lengths of the boundaries of the parcel.

- 2) Topography with not more than five (5) feet contour interval. At any construction site contour interval shall be no more than two (2) feet. Existing contours shall be shown as dashed lines.
- 3) Reference to established permanent bench mark based on USGS or other datum approved by the Town Building Inspector.
- 4) Location and names of approved roadways and rights-of-way and any easements.
- 5) Boundaries of existing natural features (rivers, lakes, wetlands, swamps, ledges, etc.)
- 6) Surface cover of total area (weeded, cleared, graveled or paved areas.)
- 7) Any important specimen trees.
- 8) Any existing features on and within a minimum of fifty (50) feet of the site boundaries. If the site is located on a state highway, any existing features on and within one hundred (100) feet from the property line corners on state highway, as measured along the state highways, as applicable. Existing features include but are not limited to driveways, roads or other elements which may have an impact on the sites operations or use.

B. Site Plan

- 1) Sheet size 36 x 24 with one (1) inch border on three (3) sides and two (2) inches on left edge.
- 2) Scale: 1" = 20' (Preferred)
- 3) Title block in lower right corner giving name and location of development, scale, contour interval, survey by, design by, seal of the surveyor, seal of the engineer or architect, legend and signature of the engineer and/or surveyor..
- 4) North Arrow.
- 5) Locus - shows site in relation to surrounding portion of the town.

C. Site Plan Detail

All planned roads and driveways shall comply with the Town's Subdivision Regulation standards for such roads and driveways.

- 1) Planned Roads Showing:
 - a. Complete horizontal and vertical alignment data.
 - b. Planned road width (shoulder to shoulder), include typical cross section.
 - c. Access - driveways and openings.
 - d. Right-of-way location.

- 2) Parking area, location with overall dimensions, parking method (parallel or angle) capacity, and type of surface and method of calculating the required parking in accordance with the town's zoning ordinance.
- 3) Structures and Special Facilities:
 - a. Location to Scale
 - b. Proposed finished grade elevation at foundation
 - c. Finished Floor Elevations
- 4) Finished Contours - Proposed grades shown in solid lines.
- 5) Location of proposed and existing water lines, wells, sewage lines, sewage systems, surface drainage system and utility lines, including location of source, tanks, drains, size of pipes, poles, and sewage disposal field, service areas, loading area.
- 6) Limit of lawn areas, location and type of landscape planting, existing trees to remain.
- 7) Location of walks, fences and screening.
- 8) Location of signs and lighting.
- 9) Site lighting.
- 10) Show ingress and emergency egress, including walkways and ramps for the handicapped.
- 11) Drainage on all site plans shall be designed to adequately treat stormwater runoff for a 24-hour, 50-year storm event.

D. Additional Material or Information Required

- 1) For on-lot sewage systems: NHDES Approval for Construction.
- 2) Approved Driveway Permit from NHDOT or the Town of Moultonborough.
- 3) Sight distance at entrance from the center line of the street entirely within the street right-of-way, each point to be at a height of four (4) feet above the road surface.

11. Design Standards and Required Improvements Checklist

A. Off-Street Parking and Loading - General Requirements

- 1) All developments shall make adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the orderly flow of traffic on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses.
- 2) Whenever an existing use is expanded or changed to a new use, parking and/or loading facilities shall be provided for such new use.

- 3) Every development shall provide an area for parking and loading on the site which is properly drained. The number and size of parking spaces and the loading area shall conform to the requirements in the Moultonborough Zoning Ordinance.
- 4) All developments shall provide for parking and loading to be situated on the same parcel of land as the primary use or structure except when off-street public parking is available. The calculations used to determine the number of parking spaces shall be shown.
- 5) There shall be adequate parking for the handicapped.
- 6) Consideration shall be made for the plowing and storage or removal of snow during the winter months.

B. Signs

- 1) All development proposals shall submit designs for all signage. The size and location of existing signs shall be noted on the plan.
- 2) Sign size, type, location, height and illumination shall conform to the Moultonborough Zoning Ordinance.
- 3) Any sign which refers to a discontinued commercial use shall be removed, pursuant to the Zoning Ordinance of the Town of Moultonborough.
- 4) All signs shall be maintained in good condition and in good repair at all times.

C. Landscaping

- 1) All landscaping shall be maintained and cared for including mowing and pruning where necessary, and shall be kept free from disease, pests, weeds, and refuse. In general, landscape plans should incorporate plants of varying varieties, heights, widths, and types.
- 2) When greenspace is proposed to be changed, a Landscape Plan shall be submitted which shall include:
 - a. The location (present and future), size and type, including common names of all new plant material, to be installed.
 - b. The location of all existing plant material, to be retained on the site.
 - c. The location, width and material of all walkways, pathways and handicapped access.
 - d. The location, type material and dimensions of all fences, walls, and outdoor recreation facilities.
- 3) Selective tree and/or shrub plantings may be required in established buffer areas or other areas as determined by the board. Buffers of only wood chips or crushed stone shall not be considered acceptable, where green areas are required.

- 4) A landscaped buffer area shall be required or natural plant buffer area shall be retained wherever a non-residential use of the site abuts an adjacent residential parcel.
- 5) Where “screening” is required by Town regulations and ordinances or the Planning Board, plants shall be of sufficient size and type to create complete screening.
- 6) Where a vegetated buffer is required by Site Plan Regulation, Zoning Ordinance, or the Planning Board, the buffer shall be natural or landscaped, and shall comply with the requirements of this section.
- 7) Landscaping Standards:
Plants used in landscapes should be:
 - a.) Drought tolerant
 - b.) Adapted to cold weather and our planting zone
 - c.) Native or naturalized
 - d.) Noninvasive and not destructive to native plants
 - e.) Strong wooded and not brittle; and
 - f.) Alive and in good condition at the time of planting

D. Building Design and Layout

- 1) All construction subject to these regulations shall be designed to provide for the architecturally consistent, harmonious and aesthetically pleasing development of Moultonborough. The Planning Board will determine whether applications meet the requirements of the regulations.
- 2) Recognizing that every property is unique, no particular style is required, however, in all cases designs should be consistent with traditional community character and neighborhood context.
- 3) While no particular design is required, the Board will determine whether the design and layout of the building(s) on the site, including, but not limited to scale and mass, roof design, and the building(s)’ proportions are consistent with the intent of these regulations.
- 4) The following design elements are offered as guidance to applicants:
 - a. All roofs should be pitched or gabled.
 - b. External building materials should have an appearance of natural wood, brick or stone. Exposed cinder block, corrugated steel, aluminum, sheet plastic, sheet metal or sheet fiberglass materials are not acceptable as external siding materials.
 - c. Architectural details should be in proportion to the building.
 - d. Subtle, neutral colors should be used on larger, plain buildings. Bright colors are discouraged.
- 5) An accurate rendering or depiction (to scale) of what the exterior of the structure will look like shall be submitted.

12. Documentation

A. Applications for Site Plan approval shall include the following documentation:

- 1) A statement describing the development, including the use or uses to be conducted on the lot or any changes of an existing use.
- 2) If the development is to be staged or phased, a description of the project in terms of such stages.
- 3) Deeds of easements and rights-of-way.
- 4) Covenants or restrictions that are intended to cover all or part of the land area to be developed.
- 5) Articles of Incorporation of a Landowner's Association and the Bylaws of the Associations.
- 6) If applicable, the Condominium Declaration, as it has been prepared for submittal to the State of New Hampshire Attorney General's Office.

13. Administration

A. Enforcement

The Planning Board shall have the power to modify or amend its approval of a Site Plan on application of the owner, lessee, mortgagee of the premises, or upon its own motion if such power is reserved by the Board in its original approval.

Further, if the Planning Board finds that any of the conditions of an Approved Final Site Plan application are violated, the Planning Board shall give notice to the owner to make such corrections as it deems necessary to bring the site into compliance with the conditions of such approval. For violations that are structural or infrastructural, an owner shall comply with such notice within a period of time extending not more than sixty (60) days from the original violation notice.

For violations that are not structural or infrastructural, the owner shall comply within 7 days of the violation notice.

All notices of violations shall be by Certified Mail, return receipt requested.

Where the owner fails to conform to the notice and order of the Planning Board, the Board may, through its authorized agent, impose all fines and penalties available to it through statutes and local ordinances in addition to other legal or equitable remedy as may be afforded through appropriate legal action.

For any repeated offense the Board may, through its authorized agent, immediately upon notification of the repeated offense impose all fines and penalties available to it through statutes and local ordinances other legal or equitable remedy as may be afforded through appropriate legal action.

B. Waivers

When, in the judgment of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause undue

hardship or injustice to the owner of the land to be developed and being reviewed, and where the review procedures have been in general conformity with these regulations and provided the general spirit, intent, and purpose of these regulations will not be adversely or substantially affected or harmed, and further provided that the public convenience and welfare of the citizens of Moultonborough will be substantially served and not adversely affected, the Planning Board may waive or modify such specific requirements of these regulations.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

A petition for any waiver shall be submitted in writing by the applicant when the application is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

C. Site Inspection

The Board and/or its designated agent may conduct a Site Inspection for the purpose of determining natural/built-up conditions of the site and to review the layout of the proposed improvements.

D. Special Investigative Studies

Pursuant to RSA 674:44 it shall be the responsibility of the developer, if the Board deems it necessary, to pay reasonable fees for the review of documents, the cost of Special Investigative Studies, Board Administrative Fees and other matters which may be required by particular applications.

E. Procedure for Applications Requiring the Zoning Board of Adjustment Action

An applicant who is proposing to develop, make a change in use, expand an existing use or construct and/or operate a facility which requires a Special Exception or Variance to the Zoning Ordinance is required to go to the Zoning Board of Adjustment first.

Once a Special Exception has been granted, the applicant then is required to go to the Moultonborough Planning Board for a Site Plan Review to meet the requirements of the Planning Board as stated in the Site Plan Review Regulations.

F. Final Approval

All approvals are subject to completion of Conditions of Approval if any exist. No Occupancy Permits will be issued by the Building Inspector/Code Enforcement Officer until all conditions are satisfied unless otherwise permitted in the Notice of Decision.