

Site Plan Regulation Amendments (new language in italics)

Public Hearing April 11, 2019

Article I Authority and Applicability

Pursuant to the authority vested in the Sunapee Planning Board by the Town Meeting of March 10, 1987 and in accordance with the provisions of RSA 674:43-44 as amended, the Sunapee Planning Board adopts the following rules to review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses, ~~and for multi-family dwelling units, and 3 or more residential dwellings in any configuration,~~ whether or not such development includes a subdivision or re-subdivision of the site.

<Reminder of Article I unchanged>

Article III Procedure for Site Plan Review

- A. General: There are three phases in the site plan review process: non-binding consultation and conceptual review (Phase I), ~~preliminary design~~ review, and final application review.

<Remainder of Section A unchanged>

- C. Phase II: ~~Preliminary~~ Design Review: If a person wishes a review of his project which goes beyond discussion of the proposed site plan in conceptual form, he shall apply to the Board in writing on the appropriate Application Form and pay the required fees. The Board shall then give formal public notice of the ~~preliminary site plan design~~ review hearing in accordance with these regulations. Submission requirements are listed in Section V.

The ~~preliminary design~~ review shall be conducted only at formal meetings of the Board. The Board may review the proposal in detail and receive testimony in person or writing from any applicant, any abutter or any other person as permitted by the Board. ~~The Board shall give a formal response to the applicant with respect to the proposal as a whole or any portion of the proposal by informing the applicant in writing of disapproval or any modifications which will be required. Form response shall be given within 90 days of submission of the application, although . The Board will notify the applicant that the design review phase is complete within 10 days of the hearing completion.~~ The review shall bind neither the applicant nor the Board. A form meeting on a particular ~~preliminary design~~ review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

G. Notice of Application; Fees: The Board shall notify the abutters, *applicant, holders of conservation, preservation, or agricultural preservation restrictions, engineer, surveyor, architect, and/or land surveyor* by certified mail of the date upon which the completed application will be formally submitted to the Board. *If a project has a proposed structure within 500' of the bank of a lake, pond, river, or stream, then a notice by first class mail will be sent to NHDES for dam hazard classification purposes only.* Such notice shall be mailed at least then (10) days ~~(not including holidays and weekends)~~ prior to such formal submission. At the same time notice is mailed to the ~~applicant and abutters~~ *above parties*, such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town. The notice shall include a general description of the proposal which is the subject of the application and shall identify the application and the location of the property which is subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

<Remainder of Section G unchanged>

I. Formal Consideration: Time Limits: The Board shall begin formal consideration of the final application within thirty (30) days after the date of the regular public hearing at which the completed application is submitted to and accepted by the Board. The Board shall act to approve or disapprove the application within sixty-five (65) days after ~~submission~~ *acceptance*. The Board may apply to the Selectmen of the Town for an extension not to exceed an additional ninety (90) days) before acting to approve or disapprove the application. The applicant may waive the requirement for the Planning Board action within the foregoing time periods and consent to such an extension as may be mutually agreeable.

Upon failure of the Board to approve or disapprove the application within the above noted time periods, the applicant may obtain from the Selectmen an order directing the Board to act within ~~fifteen (15)~~ *thirty (30)* days. Failure of the Board to act upon such order of the Selectmen shall ~~constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing site plan review and subdivision regulations and zoning and other ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.~~ *allow the applicant to see further relief per the applicable State Statutes.*

K. Notice of Decisions: The Board shall issue a written final decision on all *final* applications for Site Plan Review. If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required the by the Board as a part of the approved decision. If the application is denied, the Board shall state the reason for the denial. The decision of the Board (approval or denial) shall ~~be mailed to the applicant and~~ be available at the Town ~~clerk's~~ Office for public inspection within ~~72 hours~~ *5 days* after the decision is made *and shall be sent to the applicant after signature of the Board Chair.*

Article V Application Requirements

- A (9). Existing and proposed contours at an interval of no more than ~~five (5)~~ *two (2)* feet. If the site is relatively level, sufficient spot elevations shall be provided to indicate topography.
- A(12). Layout of sewage disposal system, including septic tanks(s), leach field and associated piping or tie-in to the Town sewer, including the size and type of all new sewage pipe; location of abutters wells, *and* septic systems. A copy of the application documents submitted to the State of New Hampshire ~~WSPCD~~ *DES* for the septic system *and water supply (if necessary)* approvals shall also be submitted to the Planning Board.
- A (21). *Items noted in D2 Below*
- B(2). ~~A statement of the proposed hours and days of operation~~
- B(3) New Hampshire Department of Environmental Services approvals. Permits that may be required from the state are: -
- a) *Subsurface Sewage Disposal Approval*
 - b) *Alteration of Terrain Approval*
 - c) *Water Supply Approval*
 - d) *Wetlands Approval*
 - e) *Shoreland Approval*

Article X Bonding

The Planning Board shall, where any site improvements are proposed by the applicant or required by the Planning Board, as a condition of approval, require the applicant to complete said improvements or provide security of the completion of said improvements within the time period established by the Planning Board, as the Planning board determines to be appropriate. Such security may be in the form of a performance bond, letter of credit from a New Hampshire Bank or such other form as the Planning Board shall determine to be appropriate. The amount of security required shall be no ~~less~~ *less* than a fair estimate of the costs of the improvements plus an appropriate amount to account for future inflation ~~and diminishing size of the project.~~ *As the project size diminishes the security amount may be reduced accordingly.* Where the cost is nominal, the Planning Board may waive this requirement. The security shall not expire until the improvements are completed and accepted by the Town, or at a reasonable future time, allowing post construction inspection to assure adequacy.

Article XII Building Permit

No building or zoning permit shall be issued for the construction of any structure, including additions, covered by these Site Plan Regulations unless the applicant first presents a Site Plan approved the Planning Board to the Board of Selectmen or Agent.

Two weeks prior to the occupancy of the building, final sign-offs as to the completion of the project, by the Department Heads noted in Article V(3), shall be required along with a sign-off by the Board of Selectmen or Agent.

Article XIII Compliance Hearings

In cases where the Board has placed conditions precedent (one to be fulfilled before the project can be built), there must be a noticed public hearing in which the abutters have a chance to review and comment on compliance with conditions precedent. *A hearing will not be required if the only condition precedent is the receipt of state permit(s).* Approval of a site plan, subject to condition(s) precedent is conditional approval. It is not final approval. Site plans shall not be signed by the Board until all conditions precedent have been met. *A compliance hearing may be waived for small projects such as agricultural uses and home businesses*

Appendix

The figures, dimensions, distances, percentages, etc.. listed in this section are intended to be utilized by both the Planning Board and the developer and are not specifically intended to be definitive regulation requirements.

A. Parking Space Dimensions

(1) Normal vehicles require a rectangular space of at least ~~9 ft. by 18 ft.~~ 10 ft. x 20 ft.

(2) Angled Parking:

Parking Angle	45	60	70	90
Stall Width	10 ft.	10 ft.	10 ft.	10 ft.
Aisle Width	12 ft.	18 ft.	22 ft.	24 ft.

B. Landscaping and Maintenance – See Article IV, Section M for specific details.

(1) Landscaping Parking Area

Large parking areas (greater than 10 spaces) should consider screening and berming. Layout should consider aesthetics as well as traffic flow and practically – snow removal, ice control, etc..

(2) Parking Area Maintenance

Large parking areas and/or parking areas with heavy traffic flow should give special attention to drainage, erosion, dust, and excessive water flow across public ways or property of others.

C. Guidelines for minimum number of parking spaces ~~provided~~ required. (*applicant may show that specific proposal may require more or less spaces based on planning standards specific to project*)

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| (1) Multi-Family Dwelling | 1 space/unit plus ½ space/bedroom over one (e.g. 2 bedrooms needs 1 ½ spaces) |
| (2) Motels & Hotels | 1.25/unit |
| (3) Hospitals/Treatment Facilities | 1.5/bed |
| (4) Educations Facilities | 1 space/seats in largest room or
1 space/staff member, whichever is greater |
| (5) Rest Home or Nursing Home | 1 space/4 beds |
| Assisted Living Facility | 1 space/3 beds |
| (6) Place of Assembly (such as church,
funeral parlor, auditorium,
restaurant, theater, etc..) | 1 space/3 seats |
| (7) Banks | 1 space/200 sq. ft. total floor area |
| Shopping Centers | 1 space/200 sq. ft. total floor area |
| Office Space | 1 space/300 sq. ft. total floor area |
| Warehouse/Storage | 1 space/200 sq. ft. total floor area |
| (8) Flea Market | 2.5 spaces/vendor |
| (9) Marinas | 1.5 spaces/slip |
| (10) Service Stations | 1 space/100 sq. ft. in service bays |
| (11) Additional Considerations | |
| (a) | 1 space for each employee shall be provided |
| (b) | parking requirements for non-residential usage may be reduced if municipal parking is available. |

D. Loading Spaces.
Loading spaces shall be a minimum of 12 ft. in width, 14 ft in height, and 30 ft. in ~~height~~ *depth*. Consideration should be given to the approach, thereby not requiring repeated maneuvering within a public way.

E. Grade Criteria for Drives/Roads

- (1) Minimum = 0.5%
- (2) Maximum = 10%
- (3) ~~First 60' from intersections +/- 2.0%~~

All driveways shall meet town road intersection requirements as found in Section 5.09 of the Subdivision Regulations

F. Fee Schedule

- (1) Base Fee (All Projects) = ~~\$100.00~~ \$150.00
- (2) Additional Fees (Home Business and Agricultural Uses Exempt)
 - (a) Non-Residential:
\$ ~~50.00~~ 75.00 per 1,000 sf of Building Footprint over 2,000 sf plus
\$ ~~50.00~~ 75.00 per 5,000 sf of Additional Land Disturbed beyond
Building Footprint
 - (b) Residential:
\$ ~~50.00~~ 100.00 per unit after ~~2~~ units the first two units