

Adopted May 9, 1988

## SITE PLAN REVIEW REGULATIONS TOWN OF BENNINGTON, NEW HAMPSHIRE

### SECTION I: AUTHORITY

Pursuant to the authority vested in the Town of Bennington Planning Board voted on at the March 1988 Town Meeting in accordance with provisions of the New Hampshire Revised Statutes Annotated, Chapters 672-677, as amended, the Town of Bennington Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the development of land for non-residential uses and multi-family dwelling units other than one- and two-family dwellings, whether or not such development includes a subdivision or re-subdivision of the site. These regulations also apply to any additions or alterations that change the outward appearance of a non-residential or multi-family residential structure.

### SECTION II: PURPOSE

The purpose of the Site Plan Review Regulations are to protect the public health, safety and welfare; to promote balanced growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to prevent development which may result in negative environmental impacts; and to guide the character of development in such a way as to protect and enhance the quality of life in and around the Town of Bennington.

The Site Plan Review Procedure in no way relieves the developer, his/her agent or other individual from necessary compliance with the Town of Bennington Zoning Ordinance, Subdivision Regulations or any other ordinance pertaining to the proposed development. No Site Plan shall be approved until the proposed development is determined by the Planning Board to be in compliance in all respects with any and all pertinent ordinances and regulations.

### SECTION III: DEFINITIONS

The definitions contained in the Town of Bennington Zoning Ordinance and Land Subdivision Regulations shall apply to the Site Plan review Regulations, where applicable.

### SECTION IV: PROCEDURES

Whenever any development of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing Site Plan as approved by the Planning Board; before any construction, land clearing, building development or change is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; and before any Site Plan may be filed with the Office of the Registry of Deeds of Hillsborough County, the developer or his authorized agent shall apply for and secure approval of such site development in accordance with the following procedure:

#### A. Preliminary Meeting With Applicant:

Prior to formal submission of the application, the applicant is encouraged to meet with the Board to discuss the concepts of the proposal. A potential applicant may request an informal review of the site plan by the Board. This preliminary consultation will occur only at public meetings of the Board, will be non-binding and will discuss the proposal in conceptual terms only.

The Planning Board recognizes that Site Review applications cover a broad spectrum of situations. A substantial portion of these Instructions may, therefore, not be pertinent to your application.

The Board retains the authority to waive sections that are not applicable. Applicants are encouraged to request waiver of non-applicable elements at the time of their preliminary meeting with the Board described above.

B. Filing and submission of completed application:

1. The completed application shall be filed with the Secretary or Chairman of the Planning Board at least fifteen (15) days prior to a regularly scheduled meeting of the Board. The application shall be made by the owner of the property or his duly authorized agent. A complete application shall consist of a completed copy of the application form provided by the Planning Board and all other documents needed to meet the requirements and specifications contained in the Site Plan Regulations, including; the presentation of all required drawings, layouts, reports or other technical data; the payment of all fees as required by the Board in accordance with their fee schedule, and; the names and addresses of abutters as indicated in Town records.
2. At the next meeting for which notice can be posted – or 30 days from the date of delivery – the Board will determine whether the application is complete. If the plan is incomplete, the applicant will need to resubmit the application under a new notification procedure.
3. An application deemed incomplete by the Board because of failure to meet one or more of the requirements of these regulations may be disapproved without a public hearing.

C. Application acceptance/review procedures:

1. In the interest of expediting the process, the Board may opt to begin review of an accepted application at the same meeting in which that acceptance is confirmed. When this sequence is anticipated, the meeting will be warned in the same manner as a Public Hearing, in accordance with RSA 676:4(d).

Following acceptance of the application, which requires an affirmative vote of a majority of the Board members present, the Applicant will be provided with a receipt indicating the date/time of acceptance of that application. This will indicate the start of a 65-day review cycle.

The Board may proceed immediately into consideration of the merits of the application and may move to (1) approve (2) approve with conditions or (3) disapprove within the specified 65-day period.

2. The Board may request an extension in the review period from the Selectmen of up to 90 days. The applicant may waive the requirement for Board action within the time periods specified and consent to such extension as may be mutually agreeable.
3. Whether or not the expedited acceptance/review process described above is followed, a Public Hearing is required to formally approve a completed application. The applicant and abutters shall be notified of the Hearing by certified or registered mail return receipt requested, at the applicant's expense, stating the time and place of such a Hearing, not less than ten (10) days prior to the Hearing date. Public Notice of such Hearing shall also be published in a newspaper of general circulation in the town at least ten (10) days prior to the Hearing. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and location of the proposal.
4. The Board may grant Conditional Approval of an application, but the plot will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:
  - a. are administrative in nature
  - b. involve no discretionary judgment on the part of the Board
  - c. involve the applicant's possession of permits and approvals granted by other Boards or agencies, such as the Department of Transportation or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

5. Approval of the application shall be certified by written endorsement of the Plat, signed and dated by the Chairman of the Board. If an application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant within 72 hours of the decision.
6. An approved plan shall be recorded by the Planning Board, at applicant's expense, with the Registry of Deeds of Hillsborough County within 90 days of approval. Any subdivision plan not filed within the timeframe shall be considered void.

D. Failure of the Planning Board to act.

1. In the event that the Planning Board does not act on an accepted application within the prescribed 90 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days.
2. Should the Planning Board fail to act within 40 days of this directive, the Selectmen must approve of the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition the Superior Court to approve the plan.

**SECTION V: SUBMISSION REQUIREMENTS**

A Site Plan submitted for site plan review shall be submitted in triplicate and shall be in full compliance with the requirements listed herein. All plans submitted shall include:

A. Existing data and information:

1. Location of site, names and addresses of owners of record and abutting land owners.
2. Name and address of the applicant, of persons or firm preparing the map; the scale of the map (to be no greater than 1 inch = 100 feet); north arrow and date; name and address of person or firm preparing other data and information if different from the preparer of the map. Such map shall be stamped by a licensed land surveyor and/or licensed professional engineer. The maximum size of each drawing to be submitted is 22 x 34 inches.
3. The surveyed boundary lines of the area included in the site, including angles or bearings of the lines, dimensions, street frontage and the lot area. Similar data for internal lots, if any, in the site are required. All easements shall be shown.
4. The existing grades, drainage systems, structures and topographic contours at intervals not exceeding five (5) feet with spot elevations where grade is less than five (5) percent.
5. The shape, size, height and location of existing structures located on the site and within 200 feet of the site.
6. Natural features including watercourses and waterbodies, various types of vegetation and topographical features. Man-made features such as, but not limited to, existing roads and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered.
7. Use of abutting properties shall be identified with approximate location of the structures thereon including access roads.
8. The size and location of all existing public facilities and all existing landscaping. This shall include the location and size of existing utilities that are located off-site, with which connection is planned or located within 100 feet of the site.
9. A vicinity sketch (suggested scale 1 inch = 500 feet) showing the location of the site in relation to the surrounding public street system. The zoning districts and boundaries for the site and within 1,000 feet of the site shall be shown. One hundred year flood elevation line shall be included where applicable together with wetlands.

10. Soils data (types and boundaries) as certified by the Hillsborough County Conservation District.

B. Proposed Development:

1. The proposed grades, drainage systems, structures and topographic contours at intervals exceeding five (5) feet with spot elevations where grade is less than five (5) percent.
2. The shape, size, height and location of the proposed structures including expansion of existing structures, with typical elevations and floor plans.
3. Proposed streets, driveways, parking spaces, sidewalks, with indication of direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways and sidewalks and the total number of parking spaces shall be shown. In addition, loading spaces and facilities associated with the structures on the site shall be shown.
4. The design and location of all proposed utilities including but not limited to water supply, waste disposal facilities, septic tanks and leach field systems, or methods of waste water disposal, and provision for future expansion of sewage and water facilities.
5. The location, type and size of all proposed landscaping and screening, including fencing and walls.
6. Exterior lighting plan; proposed signs or instructional devices to be located on the site, including sign orientation, size, height and elevation view.
7. Plans for snow removal and storage.
8. A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets including any traffic control devices necessary in conjunction with the proposed site development plan.
9. Construction drawings including but not limited to walks, steps, curbing and drainage structures.
10. Provisions for control of erosion and sedimentation both permanent and temporary (during construction).
11. Location of any common lands and/or dedication of land for public or common ownership.
12. The phasing of project construction, if staged.
13. Provisions for fire safety, prevention and control.
14. Stormwater drainage plan showing:
  - a. Existing and proposed methods of handling stormwater run-off.
  - b. Direction of flow of the run-off through the use of arrows.
  - c. Location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
  - d. Engineering calculations used to determine drainage and piping requirements all the way to the receiving body of water based upon a ten (10) year storm frequency if the project will significantly alter the existing drainage pattern due to such factors as the amount of new impervious surfaces being proposed.
15. The location of all existing and proposed deed restrictions, covenants, etc.
16. The location of all building setbacks required by the Zoning Ordinance.

\*17.The applicant may be required to conduct a community facilities impact analysis, which takes into consideration the following information to the extent the Planning Board deems applicable:

- a. Demographic Description. The analysis must identify the demographic market the project intends to serve, including:
  - i. average family size;
  - ii. numbers and ages of families;
  - iii. anticipated time period to fill all units or lots.
  
- b. Community Facilities Impact. The applicant shall conduct analysis of the following:
  - i. estimated impact on sewage disposal system, including flow estimates and assessment of capacity;
  - ii. estimated impact on the water system, including flow estimates, capacity and assessment of existing or potential water pressure;
  - iii. estimated impact on traffic system, including the impact of projected trips on flow characteristics and the impact of traffic on the immediate existing road structures;
  - iv. estimated impact on the school system;
  - v. estimated impact on public safety providers including police, fire and ambulances;
  - vi. estimated impact on solid waste disposal system;
  - vii. estimated impact on existing stormwater management systems, including flow and water quality;
  - viii. estimated impact on the recreation resources and the provisions of methods to meet proposed needs;
  - ix. any other study deemed appropriate by the Planning Board.

\*18.The applicant may be required to submit a soil erosion and sediment control plan in keeping with the provisions of the "Model Subdivision and Site Plan Regulation Requiring Adequate Control of Soil Erosion and Sedimentation in the Development of Land", prepared by the Nashua Regional Planning Commission with the assistance of the Hillsborough County Conservation District, Draft 3 - April 23, 1986.

\*19.The applicant may be required to submit maps and information and otherwise comply with the provisions of the "Model Subdivision and Site Plan Regulation Utilizing High Intensity Soil Surveys for Plat Layout Including Septic Tank Siting and Wetland Identification", prepared by the Nashua Regional Planning Commission with the assistance of the Hillsborough County Conservation District and the Southwestern and Southern Regional Planning Commissions, Draft 3 - April 23, 1986.

\* (Should the Planning Board determine some or all of the information described in section V.B (17-19), above, to be required, the applicant shall be notified in writing within ten (10) days after the public hearing described in Section IV.(3), above, of the necessity to submit that information deemed a requirement by the Planning Board.)

C. Board Discretion:

The Planning Board may at its discretion withhold approval of any Site Plan that will require the extension or improvement of Town facilities at Town expense until such time as a duly authorized Town Meeting votes to pay such expense.

**SECTION VI: PERFORMANCE BONDS**

Before any approval of a site plan by the Planning Board, there shall be filed a bond by the developer in an amount sufficient to cover the cost of the preparation of the streets, including internal roadways and access streets abutting the site, plus all required improvements including the extension of public water and any future sewer lines, parking areas and landscaping. This bond shall be approved as to form and sureties by Town Council, and conditioned on the completion of such improvements within one (1) year of the date of the bond.

**SECTION VII: GENERAL STANDARDS AND REQUIREMENTS**

A. The following general standards and requirements shall govern the Site Plan Review:

1. The proposed use, building design and layout shall meet the provisions of the Town Zoning Ordinance, Subdivision Regulations and intent of the Master Plan;
2. The proposed use and design layout will be of such a location and in such size and character that it will be in harmony with the appropriate and orderly development of the surrounding area;
3. The proposed use and design layout will be of such nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved. Factors for the Planning Board to consider in making this determination are the turning movements in relation to traffic flow, proximity to and relationship to intersections, adequacy of sight distances, location and access of off-street parking, street width, emergency vehicle access, and provisions for pedestrian traffic. To satisfy these requirements the applicant may be required to improve existing connecting roads at no expense to the Town;
4. The proposed use, building design and layout shall be located and shall be of such a size, intensity and layout so that all possible nuisances emanating therefrom are eliminated;
5. The proposed location and height of buildings or structures, location, nature and height of walls and fences, parking, loading and landscaping shall be such that it will not interfere, discourage or prevent the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value since these factors should be a positive influence on surrounding properties. The Planning Board at its discretion may require appropriate screening in order to protect and shield adjacent property;
6. Signs shall be in accordance with the regulations of the Zoning Ordinance and in addition shall be so designed and located as not to present a hazard, glare or unattractive appearance to adjacent properties, motorists or pedestrians;
7. The land indicated on the plan shall be of such a character that it can be used for building purposes without danger to health;
8. The proposed use shall provide for open spaces and green spaces of adequate proportions;
9. The proposed use shall provide for the adequate protection of the quality of groundwater;
10. The Site Plan shall provide adequate safeguards against undesirable and preventable elements of pollution such as noise, smoke, soot, particulates or any other discharge into the environment that might prove harmful to persons, structures or adjacent properties;

11. The landscape shall be preserved in its natural state insofar as is practical by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas;
12. Proposed development shall be related harmoniously to the terrain, and to the use, scale and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed development.
13. All open space shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties;
14. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas;
15. Exposed storage areas, exposed machinery installations, service areas, truck loading areas and similar accessory uses and structures shall be subject to such setbacks, screen plantings or other screening and buffering methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties;
16. Appropriate screening, as deemed necessary by the Planning Board, shall be required in cases to shield adjacent properties from incompatible land uses.

#### **SECTION VIII: WAIVER**

Upon a request from an applicant or upon a motion of any regular member, the Board may vote to waive, in whole or in part, the requirements of Section V when the proposed Site Plan involves either no structural changes or only minor structural expansion, or when, in the majority opinion of the Board, the literal enforcement of the regulation would create an unnecessary hardship, due to unique characteristics of the site in question, and such waiver would not adversely compromise the purpose or intent of the Site Plan Review Regulation.

#### **SECTION IX: ENFORCEMENT**

The Board of Selectmen are charged with the responsibility to enforce the provisions of these regulations.

#### **SECTION X: PENALTIES**

As provided in New Hampshire Revised Statutes Annotated Chapter 676:17, a violation of any provision contained in these regulations may be punishable by a civil fine of \$100.00 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the Town of Bennington that he is in violation of these regulations, whichever date is earlier. In addition, nothing herein shall prohibit the Town of Bennington from seeking injunctive or equitable remedies as provided by law.

#### **SECTION XI: FEES**

A fee schedule for the processing and review of an application shall be set by the Planning Board and periodically reviewed and updated. All expenses incurred by the Town of Bennington in processing an application shall be borne by the applicant. Payments are to be made payable to the Town of Bennington prior to approval. A partial payment in the form of a deposit for anticipated costs related to the processing and review of an application may be required.