TOWN OF WATERVILLE VALLEY
NEW HAMPSHIRE

SITE PLAN REVIEW REGULATIONS

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TOWN OF WATERVILLE VALLEY, N.H.

SITE PLAN REVIEW REGULATIONS

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SECTION I Authority

Pursuant to the authority vested in the Waterville Valley Planning Board by the voters of the Town of Waterville Valley in accordance with provisions of New Hampshire Revised Statutes Annotated as amended 1987 and 1996 (674:43-44), the Waterville Valley Planning Board adopts the following rules governing the review of site plans for the development of tracts for non-residential uses or for multi-family dwelling units other than one- or two-family dwellings, whether or not such development includes a subdivision or re-subdivision in the Town of Waterville Valley. These rules shall be entitled "Site Plan Review Regulations, Town of Waterville Valley, New Hampshire".

SECTION II Purpose

The intent of the Town and its residents is to permit development within an approved Master Plan that will ultimately lead to the completion of a high-quality thoroughly planned resort community. The Town has enacted regulations and ordinances to insure that growth is orderly and controlled and in accordance with the Master Plan. The Town has established design standards and criteria for all development that takes place within its limits.

The purpose of Site Plan Review is to encourage logic, imagination, innovation, and variety in the design process and to ensure the congruity of the proposed development and its compatibility with the surrounding area. The Site Plan Review procedure considers building design, siting and treatment of outdoor areas.

The Site Plan Review Regulations are intended to include, but are not limited to:

A. Protection of public safety by incurring:

   1. Adequate provisions for vehicular, bicycle and pedestrian traffic and for parking, loading facilities, etc.
   2. Adequate lighting and sign facilities.

B. Preservation of natural features to the greatest extent possible, with special consideration for rivers, brooks and streams.

C. Insuring that the finished project will have a pleasing visual effect that is:

   1. in harmony with its surroundings
   2. screens unsightly objects
   3. landscaped adequately so as not to be offensive to neighbors or to passersby.

These Regulations parallel the Subdivision Regulations in many respects and should be used in conjunction with them.

SECTION III Definitions

A. Development

The construction of improvements on a tract or tracts of land for non-residential use or for multi-family dwelling units, other than one- or two-family dwellings, whether or not such development includes a subdivision or re-subdivision.

B Other Definitions

The definitions contained in the Waterville Valley Zoning Ordinance and the Waterville Valley Subdivision Regulations shall, where applicable, apply to the Site Plan Review Regulations.

SECTION IV Procedure for Planning Board Review

A Submission of Documents

A Site Plan Application shall provide all the information described in Section V of these Regulations and shall be submitted to the Board 15 days prior to a regularly scheduled meeting. The Board shall notify the applicant and all abutters no less than 10 days before the meeting, by certified mail, and shall also post notice of the same in two public places and/or publish in a newspaper of general circulation.

B Board Action on Site Plan Application

At the meeting specified in Section IV.A, the Board shall either accept the Site Plan Application and issue a receipt therefore to the applicant or shall reject the Application and note in its records the reasons for such rejection, notifying the applicant by certified mail for such action.

Within 90 (ninety) days of accepting the Site Plan Application, the Board shall approve, or disapprove, the Application, provided that the Board may apply to the Selectmen for an extension not to exceed an additional 90 (ninety) days before acting to approve or disapprove. Also, the 90-day period may be extended if the applicant requests and the Board agrees to a waiver.

C Public Hearing

Within 30 (thirty) days of acceptance of the Application for Site Plan Review, the Board shall schedule a Public Hearing and shall notify the applicant, abutters and public of the hearing in the same manner as described in Section IV.A at least 10 (ten) days before the date fixed for the hearing. The applicant, prior to the hearing, shall pay the costs of all notices mailed, posted and published.

Following the hearing, the Board shall approve or disapprove the plan. In case of disapproval of any proposed site plan submitted, the grounds for such disapproval shall be adequately stated on the records of the Planning Board and the applicant notified by certified mail.

D Failure to Act

If the Planning Board has not acted within 90 (ninety) days of acceptance of the Site Plan Application and if it has neither received an extension nor a waiver, the applicant may obtain from the Selectmen an order directing the Board to act within 15 (fifteen) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4 as amended.

SECTION V Submission Items: Site Development and Supporting Data

The Site plan shall be submitted in the following formats: 1 (one) 22”x34” paper print copy, electronic copy in .pdf format, 1 (one) 11”x17” paper print copy. The date shall be sufficiently clear to illustrate all conditions and establish the basis and clarify the design requirements for the Site Plan. Maps shall be at a scale of not more than 100’ = 1” but shall be of sufficient scale to clearly depict details of the project and shall contain a bar scale. The Site Plan shall contain or be accompanied by the following information:

A. Basic Data

1. Name of municipality and site plan, project name and purpose, name and address of developer and designer.
2. Name and seal of engineer and/or land surveyor licensed by the State of New Hampshire.
3. Names and addresses of abutting property owners.

B. Existing and Proposed Site Conditions

1. A statement by a qualified engineer of conditions of land as to suitability for development.
2. A site map at the scale of the official map (100’ = 1”) identifying exactly the development location and proposed streets or other features shown on the official map.
3. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided; north point, bar scale, date, and dates of any revisions.
4. Boundaries of Zoning Districts relative to the Site Plan, municipal boundary if any, land use designation from Master Plan.

5. Disposition of land into streets, open spaces, drainage courses, and accurate locations and all easements running with the land. Areas shall be described in square feet and acres.
6. Existing and proposed contours at 5' intervals. 2' intervals may be required at the discretion of the Board.
7. Existing and proposed easements, deed restrictions, etc.
8. Proposed subdivision or development, if any, adjacent to the site plan and identification of separate phases of development.

C. Buildings

1. Location of all existing buildings on the property and within 200' thereof.
2. Location and purpose of all proposed structures, including accessory buildings, in relation to topography.
3. Building setback lines.

D. Streets and Parking

1. Existing and proposed street rights-of-way lines, widths of streets.
2. Proposed names of new streets.
3. Street profiles, including cross sections.
4. A statement of the work required on existing public streets to meet the minimum standards set in Subdivision Regulations, including cost estimates and the method of meeting such costs.
5. Parking areas, with provisions for snow removal and/or storage.
6. Service areas.
7. Locations of existing and proposed bicycle and pedestrian paths.

E. Drainage and Utilities

1. Watershed areas and immediate and long-term drainage computations.
2. A statement and contours in sufficient detail to indicate clearly the method of storm water drainage on- and off-site; soils data if required (see IV.07 of Subdivision Regulations). Storm drainage shall be carried to existing watercourses, or connect with existing storm drains.
3. If the storm water drainage system creates any additional flow over any other property, except through defined watercourse, the developer shall obtain an easement therefore from the other owner and shall hold the Town harmless from any claims for drainage there from.
4. Existing and proposed plans for telephone, electric and water supply and solid waste and sewage disposal facilities.

F. Special Flood Hazard Areas (SFHA)

1. 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 972, 33 U.S.C. 1334.

2. The Planning Board shall require that all subdivision proposals 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).

3. 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:

    a. All such proposals are consistent with the need to minimize flood damage;
    b. all public utilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
    c. adequate drainage is provided so as to reduce exposure to flood hazards.

G. Landscaping

1. Locations of existing and proposed open space, watercourses, large trees, foliage lines and significant natural and manmade features.
2. A landscape plan of sufficient clarity for interpretation by the Board and abutters (see 4.13 of Subdivision Regulations).
3. A plan for lighting and signing within the project.
4. Location and proposed screening method for all exterior mechanical/electrical appurtenances.

H. Legal

1. A written acknowledgement of the developer's responsibility for maintenance and the assumption by him of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.
2. If the Site Plan abuts a state highway, or if a proposed street intersects a state highway, a written statement from the New Hampshire Department of Public Works and Highways approving any proposed driveway or street access to such state highway.

3. If a site is to be served by public water supply or by public sewers, a statement from the Municipal Services Department attesting to the availability of such service.
4. In the case of electric lines or other utilities to be installed by a public utility corporation, a statement shall be received in writing from such public utility that the work will be done within a reasonable time and without expense to the Town and that utilities will be placed underground.
5. Where applicable to a specific site, the following are required, in form as approved by the Town Attorney, prior to approval of a Site Plan:

    a. Easements and/or rights-of-way over property to remain in private ownership.
    b. Rights to drain onto or across property, whether public or private, including a street.
    c. Deeds covering land to be used for public purposes.
    d. Performance requirements as described in Section VI.
    e. All fees and expenses relative to submission and approval of the Site Plan shall be borne by the developer.

6. Any additional information, which the Board may deem necessary in order to apply the Regulation, contained herein.

SECTION VI Performance-Maintenance, Guarantees and Occupancy

A. The Planning Board may require a performance bond or a satisfactory substitute before any work commences on a development for that portion of the development which, if not properly completed, will have an adverse effect on adjoining property.

1. One of the following guaranties may be required:

    a. A performance bond, issued by a company authorized to do business in New Hampshire, to be filed with the Town in a form and amount satisfactory to the Board.

    b. Cash, securities or escrow account properly endorsed to the Town and to be deposited with it in an amount to be determined by the Board.

2. The performance guaranty shall not be released until:

    a. As-built plans of all improvements, public and private, are submitted with certifications printed thereon by a registered engineer and/or registered land surveyor that all installations are

as shown. These as-built plans will show installations are as shown.

b. Construction of public streets, public improvements, drainage structures and/or other utilities off the site is completed. Each approval of a site plan shall contain a time limit within which public streets and other public improvements shall be completed, not to exceed two years, unless extended by the Board.

c. Damage to existing streets, utilities and other public improvements are restored.

d. The site is cleaned up and adequately landscaped, whether or not the project is completed as planned.

B. Before acceptance by the Town of streets or public improvements, a maintenance bond or a satisfactory substitute, covering repair and maintenance of the streets and improvements due to construction for a period of two years from completion, shall be required in an amount equal to 10% of the total cost of such improvements, as approved by the Board.

C. Upon failure of the developer to fulfill the terms of the performance or maintenance bond or its equivalent within the time specified, the Board may recommend proceedings to recover all sums due and owing under the said bond, on behalf of the Town.

D. No development may be occupied or used unless the Building Inspector has issued a Certificate of Occupancy. The Building Inspector shall not issue such Certificate of Occupancy or Public Assembly Permit until these Regulations have been complied with and the improvements made or a performance and/or maintenance bond or a satisfactory substitute provided to the Town for unfinished improvements.

Section VII Waiver Procedure

Where an expansion of an existing land use or new land use is of a minor nature, the owner may submit a proposed site plan and request the Planning Board to waive specific requirements for the plan and supporting data. The Planning Board may agree to such a request, provided that the Board has determined that such waiver of any requirements will not affect the purpose and intent of these Regulations. This waiver shall not apply to design and construction standards.

Section VIII Administration and Enforcement

A. <u>Modifications</u>

The requirements of the foregoing Regulations may be modified when, in the opinion of the Planning Board, specific circumstances surrounding a Site Plan

Review, or condition of the land in such Site Plan Review, indicate that such modifications will properly carry out the purpose and intent of the Master Plan and of these Regulations.

B. Acceptance of Streets

Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets by the Town. Nothing herein is intended to modify or control the construction, reconstruction or extension of streets by the Town or state.

C. Four-Year Exemption

Every plan approved by the Planning Board, and properly recorded when necessary with the Registry of Deeds, shall be exempt from all subsequent changes in Subdivision Regulations, Site Plan Review Regulations and Zoning Ordinances, except those which expressly protect public health standards such as water quality and sewage treatment requirements, for 4 years after the date of approval, provided, however, that once substantial completion (in the Board's judgment) of the improvements have occurred in compliance with the approved plat, the rights of the owner or his successor in interest shall vest and no subsequent changes in Subdivision Regulations, Site Plan Review Regulations, or Zoning Ordinances shall affect such improvements and further provide that:

1. Substantial development or building shall have commenced on that site by the owner or his successor in interest in accordance with the approved plat within 12 months after the date of approval; and that all bonds relating to roads, drains and sewers have been posted.
2. Development remains in full compliance with the public health regulations and ordinances specified in this section.
3. At the time of approval, the plat conforms to the Subdivision Regulations, Zoning Ordinances, and Site Plan Review Regulations then in effect at the site.

D. Other Regulations

Where these Regulations are in conflict with other local ordinances, the more stringent shall apply.

E. Enforcement

The Planning Board or its duly authorized representative shall force these Site Plan Review Regulations.

F. Penalties

For a violation of these regulations, including each instance of site work construction (except for surveying and soil testing) begun without prior approval of the Site Plan by the Planning Board, a developer shall be subject to the

maximum penalty, fine or forfeiture provided by law. The Selectmen, in enforcing any infraction of these Regulations, may institute such appropriate enforcement action on compelling of penalties as they deem appropriate.

G. Platting Jurisdiction

Platting Jurisdiction legally acquired by a Planning Board shall be exclusive, and no other statutory control shall be valid as long as the Planning Board shall continue to exercise it powers (676:18).

H. Appeals

Any person aggrieved by an official action of the Board may appeal to the Superior Court as provided by RSA 677:15.

I. Amendments

Amendments to the Site Plan Review Regulations shall be made in the same manner in which amendments to Subdivision Regulations are made.

J. Separability

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.

K. Effective Date

The effective date of these Regulations shall be March 17, 1981, and reviewed March 16, 1982, March 13, 1986 and March 10, 1987.