TOWN OF ASHLAND, NEW HAMPSHIRE
SITE PLAN REVIEW REGULATIONS

Article 1: Introduction

1.1 Authority: pursuant to the authority vested in the Ashland Planning Board by the voters of the Town of Ashland on March 14, 1987, in accordance with the provisions of NH RSA 674:43, the Ashland Planning Board hereby adopts the following regulations for the review of site plans for the development of tracts for nonresidential uses and for multi-family dwelling units.

1.2 Purpose: The purpose of Site Plan Review is to provide a thorough public review and analysis of certain development projects in order to protect the public health, safety, and welfare; to avoid development which results in adverse impacts on the environment, nearby properties, and the community; and to provide for the safe, attractive, and harmonious development of the site and the community.

1.3 Jurisdiction: Site Plan Review is required for the following;

A. Any time a commercial building or rental space within a commercial building changes ownership of any kind including leasing to tenants. After review of the application the Planning Board may waive full site plan review requirements under section 3.1 of the Site Plan Review Regulations.
B. All new construction or enlargement of existing structure for non-residential uses, but not including accessory buildings for one- and two-family residences.
C. All new construction and enlargement of multi-family dwellings with three or more units.
D. Any increase in the number of residential units in a multi-family dwelling containing two or more existing residential units.
E. All changes in use of non residential properties, but not to include general upkeep and/or general maintenance, and/or general repairs of existing buildings or structures.
F. Definition of change of use:

a. If the proposal involves new construction of non-residential or multi-family development.
b. If the proposal involves a change of use category, e.g., from residential to commercial or from single family to multi family.
c. If the proposal involves external modifications or construction, including parking lots (except for single family or duplex housing).
d. If the proposal involves expansion of a building or intensification of use that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc.
e. If the proposal involves a property that has never received Site Plan Review from the Planning Board for previous nonresidential or multi family use.

G. During the Pre-Application consultation (See Section 3.1), the Planning Board may waive part or all of the requirements for Site Plan Review for enlargement or new construction with an area of 250 square feet or less.

1.4 Compliance with other regulations: The Site Plan Review procedure shall in no way relieve an applicant from compliance with applicable sections of the Building Regulation**s,** the Driveway Regulations, the Subdivision Regulations, the Zoning Ordinance, and any other regulations or ordinances of the Town of Ashland and the State of New Hampshire.

Article 2: Standards

2.1 The development shall conform to the provisions of Articles 2 and 4 of the Zoning Ordinance.

2.2 The development shall conform, as much as possible, to the natural topography of the site.

2.3 Outdoor lighting shall be shielded so as not to shine onto abutting properties or onto public highways or streets, and it shall be restricted to that which is necessary for advertising and security of the development.

2.4 Sidewalks shall be provided for pedestrian traffic between the main entrances of business, housing or industrial establishments and parking areas and streets. Sidewalks shall be physically separate from driveways or parking areas.

2.5 Driveways and parking areas shall be designed to allow for efficient plowing and/or storage of snow.

2.6 Access to public streets shall conform to the requirements of the NH Department of Transportation or to the Ashland Driveway Regulations.

2.7 Pollution Control: Provisions shall be provided to prevent ground- and surface-water contamination due to on-site storage or use of petroleum products and hazardous substances in compliance with NH RSA 146-C, 147-A, 153, and 430.

2.8 Landscaped buffer strips shall be provided to assure that the development of the project conforms at its boundaries with the character of the adjoining land and its uses. These buffer areas shall be of sufficient width to provide privacy and noise protection, but in no case shall the width of such areas be less than the setbacks required by the Zoning Ordinance.

2.8a Buffer strips between residential and non-residential uses shall contain vegetation and/or a solid fence that will screen non-residential uses from residential areas during winter months.

2.9 Landscape treatment shall consist of natural, undisturbed vegetation or features, ground cover, shrubs, or trees as appropriate. Where green areas are required by the Planning Board, wood chips or crushed stone may be prohibited.

2.10 Visual screens of solid fencing or hedges shall hide storage and litter or garbage collection areas from adjoining parking areas, neighboring properties, and public highways.

2.11 Grading and filling operations shall be conducted to minimize the alteration of surface and subsurface drainage to, towards, and across abutting properties.

2.12 Provisions shall be made to prevent erosion and sedimentation caused by changed topography and soils and surface conditions during and after construction.

2.12a During construction, sediment in the run-off water shall be trapped by the use of sediment basins or other acceptable method until the disturbed area is stabilized. Diversion, sediment retention basins, and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface materials.

ARTICLE 3: APPLICATION

3.1 Pre-application Consultation: Prior to submitting an application, a potential applicant may appear before the Planning Board to informally discuss these regulations and their possible application to the proposed project. Such pre-application consultation shall bind neither the applicant nor the Planning Board nor its members. The Planning Board may waive the requirement for Site Plan Review according to Section 1.3G.

3.2 Application: The owner of the property, or his designated agent (authorized in writing), shall file a completed application at the Town Office at least 20 days prior to a regularly scheduled meeting of the Planning Board. A completed application shall include:

- A properly completed application and the required fees as provided by the Planning Board
- Eight copies [one 22X34 and seven 11X17] of proposed site plan (reference 3.3 for requirements)

3.2a If the application is incomplete, the Planning Board may refuse to act on it.

3.2b If necessary, the Planning Board may require the applicant to submit additional information relating to the site, the neighborhood, and the proposal and its potential impacts.

3.2c The applicant is responsible for all the costs of any special investigations and of the review of the documents and other materials that may be required by the application, including all engineering and legal expenses. The Planning Board shall determine the scope of such investigations and reviews, and it shall determine the persons or firms to be hired for the investigation and reviews.

3.3 Site Plan Requirements: The site plan shall be drawn accurately and to scale, and it shall show the following:

- Title, date and zoning district
- Names of the owner, developer and designer
- Scale of the plan (1" = 20' preferred), North arrow and location map
- Boundaries, abutters names, all easements, water bodies and water courses
- Building outlines showing the location of steps, entries and loading platforms
- Location of parking loading spaces, and solid waste disposal facilities
- Location and width of walks, streets and other ways within and around the site
- Location of septic systems, wells, and catch basins and other surface drainage facilities
- Location and size of fences, retaining walls, signs and outdoor lighting
- Proposed grading and filling
- Proposed landscaping, including the location, height and type of vegetation with an indication of existing vegetation to be retained.
- Contour lines and surveyed boundaries, if required by the Planning Board

3.4 National Flood Insurance Requirements for Subdivision and Site Plan Regulations

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP)

3.4a 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.

3.4b 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).

3.4c 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.

ARTICLE 4: REVIEW PROCEDURE

4.1 Public Hearing and Notice: Before considering and taking action on a site plan, the Planning Board shall hold a public hearing on the proposal. The applicant and all abutters shall be notified of the hearing by certified mail at least ten (10) days before the hearing. A notice of hearing shall be published in a newspaper of general circulation in Ashland five (5) days before the hearing.

4.2 When, in the opinion of the Building Inspector, a special exception or a variance is required for the project by the Zoning Ordinance, the applicant must first obtain the necessary approval from the Zoning Board of Adjustment before the site plan may be approved. Any conditions required by the Zoning Board of Adjustment shall take precedence over the requirements included in these regulations.

4.2a A joint hearing for a special exception or variance and for site plan review may be held by the Planning Board and the Zoning Board of Adjustment.

4.3 Relaxation of Standards: After a public hearing, the Planning Board may waive or modify any portion of these regulations when, in the opinion of the Planning Board, strict conformity to the regulations would pose an unnecessary hardship to the applicant, and when the waiver or modification would not be contrary to the spirit and intent of these regulations. In granting such waivers and modifications, the Planning Board may require such conditions as will, in its judgment, secure substantially the objective of these regulations.

4.4 When subdivision approval is also required for a proposed development, the Planning Board may hold the site plan review hearing in conjunction with the subdivision hearing.

4.5 Board Action: After the public hearing and such special investigations and review of documents and other matter as may be required by the applications, the Planning Board shall act to approve, approve with modifications, or disapprove the proposed site plan.

4.5a An approved site plan shall be endorsed and signed by the Chairman and the Recording Secretary of the Planning Board, or in their absence by members designated by the Planning Board.

4.5b If the site plan is approved with modifications, the applicant shall present a revised site plan with the modifications required by the Planning Board for the required endorsement and signatures.

4.5c A copy of the approved site plan shall be retained by the Planning Board and a second copy shall be provided to the Building Inspector.

4.5d If the site plan is disapproved, the reasons for the disapproval shall be noted in the records of the Planning Board and in a letter sent to the applicant.

4.6 Performance Bond: The Planning Board may require an applicant to post a performance bond (or to provide any other security acceptable to it) to guarantee the construction of improvements shown on the site plan. The Planning Board shall determine the type and the amount of the security and shall specify the period

4.7 for the completion of the improvements covered by the security. The Planning Board may require satisfactory evidence of the financial ability of any surety or financial institution to pay such bond or other security.

4.7 Site Inspections: The Planning Board, its members, or its designated agents, may conduct site inspections while considering the proposed site plan. After the improvements have been completed the Planning Board or its designated agent shall inspect the site to ascertain compliance with the site plan. The applicant shall pay the costs of any expert inspections and/or tests required as part of this review.

4.8 Amendment of Approval: No changes or alterations shall be made in an approved site plan without the consent of the Planning Board. Upon application of the owner, or his designated agent (authorized in writing), the Planning Board shall have the power to modify or amend its approval of the site plan.

4.9 Approval of a site plan by the Planning Board shall be valid for one year from the date of approval, or for such time as the Board may designate at the time of the approval.

4.10 The standards for reviewing site plans for Communication Towers, as that term is defined by the Ashland Zoning Ordinance, shall be as set forth in Article 9 of the Ashland Zoning Ordinance, as amended from time to time.

ARTICLE 5: ADMINISTRATION

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

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5.2 Enforcement and Penalties: Upon determination by the Planning Board that a violation of these regulations has occurred, notice recommending appropriate enforcement procedures shall be given to the Board of Selectmen, who is responsible for the enforcement of these regulations.

5.2a The Town of Ashland may seek injunctive relief under NH RSA 676:15.

5.2b Whoever shall violate any of these regulations shall be subject to the fines and penalties set forth in RSA 676:17 and shall be liable for all legal costs incurred by the Town in enforcing these regulations.

5.3 Saving Clause: If any provision in these regulations shall be held to be invalid for any reason by any court, such holding shall not invalidate any other provision of these regulations.

5.4 Adoption and Amendment: These regulations shall take effect immediately after their adoption by the Planning Board. The Planning Board may amend these regulations after an appropriately advertised public hearing.

Adopted: May 26, 1987
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