

SITE PLAN REVIEW REGULATIONS  
FOR WIRELESS TELECOMMUNICATION SERVICE FACILITIES (WTSF)

TOWN OF FREEDOM, NEW HAMPSHIRE

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**SITE PLAN REVIEW REGULATIONS TOWN OF FREEDOM, NEW HAMPSHIRE**

**SECTION 1 AUTHORITY AND PURPOSE**

- 1.1 Authority.** Pursuant to the authority vested in the Town of Freedom Planning Board voted on at the March, 2001 Town Meeting, in accordance with the provisions of New Hampshire Revised Statutes Annotated (RSA) 674:43, as amended, the Town of Freedom Planning Board adopts the following regulations governing the review of site plans for developments or change or expansion of use of tracts for non-residential uses or multi-family dwelling units within the boundaries of Freedom, as defined in the *Freedom Zoning Ordinance (District Objectives and Land Use Control)* whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled “Site Plan Review Regulations, Town of Freedom, New Hampshire.
- 1.2 Purpose.** The purpose of the Freedom Site Plan Review Regulations as authorized by RSA 674.44-II is to protect the public health, safety and welfare; to promote balanced growth; to protect property values; to encourage uses that are in harmony visually and aesthetically with rural living; to prevent premature and uncoordinated development without the adequate provision of public service and facilities; to ensure sound site utilization; and to avoid unnecessary and adverse impacts on neighboring property and uses.
- 1.3 Applicability.** The Freedom Site Plan Review Regulations govern the review of site plans for non-residential and Multi-family Developments of more than three (3) living units, as defined in the *Freedom Zoning Ordinance*, whether or not such development includes a subdivision or re-subdivision of the site. Planning Board approval of the site plan is required before a Building Permit can be issued in these areas.

**SECTION 2 RELATIONSHIP TO OTHER ORDINANCES AND REGULATIONS**

- 2.1 General.** These Site Plan Review Regulations in no way relieve the developer, his/her agent or individual from compliance with the *Freedom Zoning Ordinance*, Subdivision Regulations or any other ordinance which pertains to the proposed development.
- 2.2 Exceptions/Variances.** If a special exception or variance is required, the applicant can choose whether to obtain the special exception or variance from the Zoning Board of Adjustment (ZBA) before applying for site plan review. If the applicant applies for site plan review first, the Planning Board’s approval (if granted) will be conditional pending the applicant obtaining the required special exceptions or variances.
- 2.3 Improvements.** No construction or site development improvements shall be permitted except in conformity with a site plan approved by the Planning Board.
- 2.4 Concurrent Hearings.** Site Plan Review hearings may be held concurrently with hearings on Subdivision and Special Use Permits.

**SECTION 3 DEFINITIONS**

- 3.1 General.** For the purposes of these Site Plan Review Regulations the meaning of terms or words used herein shall conform to the definitions in the *Freedom Zoning Ordinance*.
- 3.2 Regulation definitions.** Terms specific to the regulations include: “Board” shall mean the Freedom Planning Board, “Regulation” shall mean the Site Plan Review Regulation, and “Plan” shall mean The Site Plan. “Development” means the construction or improvements on a tract or tracts of land.  
“Tract” means any lot or parcel of land.  
“Site Inspection” Shall refer to a written report, of an inspection of the Site, by the Board or Freedom Zoning Officer.  
“Owner” also means the owner’s agent, contractor, or developer.

## SECTION 4 NOTICE REQUIREMENTS

- 4.1 Notice** When notice is required, the Board shall give Notice as follows:
- 4.1.1** The Notice shall include a general description of the proposed site plan which is the subject of the application; shall identify the applicant and the location of the subject property; and shall state the day, time, and place of the public meeting/hearing.
  - 4.1.2** A copy of the Notice shall be sent to all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45 and abutters by certified mail. The names and addresses shall be furnished by the applicant as taken from the Town records not more than five (5) days before the day of filing, along with preaddressed #10 envelopes and U.S. Certified Mail Cards.
  - 4.1.3** For the purposes of these Regulations, in counting days, the day on which Notice is given and the day of public hearing/meeting shall be excluded.
  - 4.1.4** Notice shall be mailed at least ten days prior to the public meeting/hearing.
  - 4.1.5** Notice to the public shall be given by publication of a copy of the Notice in the Conway Daily Sun or a newspaper of general circulation at least ten days prior to the public meeting/hearing. Notice shall also be given in two other places, including the Freedom's email list, town office, and post office.

## SECTION 5 PLAN PHASES

- 5.1 Site Plan Phases.** There are four phases to Plan's application procedure. They are used to provide guidance in order to minimize the cost for changes in preparing the final Plan. Phase 1 is optional.
- 5.1.1 Pre-application Consultation and Review (Informal Discussion).** Prior to submission of the Plan, the owner/agent may submit a preliminary sketch showing any preliminary information s/he desires to the Board for discussion purposes only.
  - 5.1.2 Design Review** (RSA 676:4, II(b), (c)) The purpose of design review is for the board to thoroughly review and understand the essential characteristics of the site and specific requirements of local regulations and for the applicant to understand the concerns of board members, abutters, and the general public before the final design is prepared. It also gives the Planning Board the opportunity to determine whether or not the development has the potential for regional impact under RSA 36:54. The Planning Board will require a third-party review of the preliminary layout of every application as provided by RSA 676:4-b.
  - 5.1.3 Completed Application.** The purpose of this phase is to determine if the application is complete. If so, the Board will take jurisdiction over the application and proceed to 5.1.4 Final Plan Approval.
  - 5.1.4 Final Plan Approval.** This phase determines if the application is compliant with regulations in Section 8 (Design Standards and Required Improvements) The Board will set conditions, when necessary, for further changes or additions to ensure compliance.

## SECTION 6 PLAN SUBMISSION AND PROCEDURES

- 6.1 General.** Whenever any development of a site subject to this Regulation is proposed, the developer or his/her authorized agent shall apply for and secure approval of such proposed site development in accordance with this section
- 6.1.1 Pre-application Consultation and Review (Informal Discussion).**

Procedure: Upon request of the applicant, the Planning Board Chair shall place an Informal Discussion on the agenda of the Planning Board at a regularly scheduled meeting. Abutter notice is not required. The Informal Discussion between the applicant and the Board shall be limited to a discussion of the concept in general terms for the limited purpose of familiarizing the Board with the location and type of development and the applicant with general requirements of the Board as set forth in the Regulations.

Information Requested: The applicant shall provide the Board with a sketch plan only showing the location and type of the proposed development, with additional information such as general topography including prominent natural features of the tract and how the concept conforms with the Master Plan. Presentation of a detailed plan will require postponement and notice to abutters.

Action of the Board: Following the Informal Discussion, and after determining the general character of the proposed site plan, the Board shall advise the applicant concerning procedures and submission requirements for 5.2.2 Design Review.

### 6.1.2. Design Review (RSA 676:4, II(b), (c))

Procedure: Applicant shall submit the materials for the Design Review phase 21 days in advance of the meeting. Upon receipt of the Design Review material, the Board shall conduct a review of the proposed site plan at a public hearing. Notice shall be given as required in Section 4. The Board will discuss any issues it sees relating to the proposal and allow abutters and the public to raise concerns for consideration. Unless the Board has waived the need for a third-party review in the Informal Discussion phase, the application will be sent to the reviewer. The Board reserves the right to request additional studies based on the reviewer's comments.

Information Required: In order to provide the information needed for third-party review and to identify other studies will be required, the applicant shall provide the following:

- A site location map placing the parcel in the larger context of the community;
- Location of all existing and proposed commercial development of the site (buildings, roads, other structures)
- A site survey showing pertinent features of the site;
- A topographic map of the area;
- Any soils information, such as permeability or boring data, which has been gathered; and features and easements, and lot measurements
- A sketch showing streets, and recreation areas; watercourses; natural features and easements.

Stamp all material presented during this phase "design review." Any information not modified or changed may be filed as part of the formal application and the notation may be changed accordingly.

Action of the Board: After review of the Design Review materials, the Board shall submit in writing its recommendations and reservations with respect to the proposed site plan. The Board shall determine what additional information shall be required to be included with the final application.

### 6.1.3. Completed Application.

Procedure: The applicant shall file the Application for approval with the Planning Board Chair or other person designated by the Board 21 days prior to the public meeting at which the Application is to be considered for acceptance by the Board. Before any review of the proposed Application, the Board shall first determine if the Application is complete. Applicants must submit a completed application (see <https://townoffreedom.net/wp-content/uploads/2023/11/Site-Plan-Review-application.pdf>) with the information listed below in Section 6.1.4, including the checklist, as well as any fees, and an appointment of agent form, if applicable. Any information not modified or changed in the Design Review phase may be filed as part of the formal application and the notation may be changed accordingly.

At the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements Section 4, the Board shall determine if a submitted application is complete according to the Board's regulations. It may waive any item within the Regulation, but this can only be accomplished upon the written request of the applicant. (The waiver form is attached to the application.)

Upon determination by the Board that a submitted application is incomplete according to the Board's regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. If the missing information is minor, the Board may accept the application as complete with the condition that the missing information be provided before Board approval. The Board shall begin formal consideration and shall act to approve, conditionally approve, or disapprove within 65 days.

At the time the Board determines a submitted application is complete, the Board shall determine if the application is a project of regional impact. If so, the Board will notify all affected towns of the determination.

In the case of a determination by the Board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the Board shall have an additional 30 days to act to approve, conditionally approve or disapprove. Such action shall be noted on the Application and in the records of the Board.

Review of the Complete Application: The Board will review the application to determine if all the requirements are met. It may waive any item within the Regulation, but this can only be accomplished upon the written request of the applicant.

Action by the Board: If all waivers are granted, the Board may provide Phase 4 approval after acceptance of a completed plan application. If any missing information will not prevent the Board from moving forward with its deliberations, the Board will make the completion decision conditioned upon the applicant adding that information before the application receives final approval.

#### **6.1.4 Site Plan Application Submission**

6.1.4.1 General. A letter of intent detailing the proposed development along with a list of names and addresses of all abutters to the site, as defined by R.S.A. 672:3 as may be amended, who own property not more than five (5) days before the day of filing, as shown in the Town Records and signed by a Town Official shall be submitted to the Planning Board.

##### 6.1.4.2 Site Plan Plat

6.1.4.2.1 Copies. The applicant shall submit five copies, 24" x 36" of the plat. (No mylar needed)

6.1.4.2.2 Scale. The scale shall be at a minimum scale of 1-inch equals 100 feet.

6.1.4.2.3 Preparation. A land surveyor shall sign the plat.

6.1.4.2.4 Content. The Plat shall contain the following:

1. A location plan at a minimum scale of one-inch equals one thousand feet
  - showing property lines of parcels being developed in relation to surrounding areas;
  - names and locations of town streets; names and locations of proposed streets;
  - names of water courses and water bodies on and adjacent to the site
2. North arrow and bar scale.
3. A title block with title;
  - owners name and physical address (and mailing address, if different);
  - name of agent;
  - scale of plan; and
  - name, seal, and address of preparer.
4. Surveyed property lines of the parcel showing their bearings and distances.
5. Area of entire parcel and leased section in acres and square feet
6. Deed reference and tax map number
7. Names of all abutting property owners, showing book and page as shown in the Carroll County Registry
8. Zoning and special district boundaries.
9. Dimensions, area, and minimum setback requirements on all existing and proposed lots.
10. Location and layout of existing and proposed structures, ~~and~~ buildings, and equipment shelters.
11. Location of the fall zone.
12. Existing and proposed contours at five-foot intervals for the entire site being considered for development. Where grade is proposed, existing contours shall be dotted lines and finished elevations solid.
13. Total on-site square footage of impervious surfaces
14. Location and size of proposed and existing signs, walls, and fences
15. Location, widths, and purposes of any easement or right-of-way.
16. Location width, curbing and paving of access ways, egress ways, and streets within the site.

17. Location and layout of all on-site parking and loading facilities.
18. Location and size of all municipal and non-municipal utilities and appurtenances including water, sewer, electric, telephone, gas lines, and fire alarm connections, indicating whether overhead or underground, and the locations of well and septic systems.
19. Type and location of solid waste disposal facilities.
20. Location, elevation, and layout of catch basins and other surface drainage features.
21. Location of all physical/natural features including:
  - water bodies,
  - water courses,
  - wetlands,
  - vegetation/foilage lines,
  - soil types,
  - railroads,
  - rock outcroppings, and stone walls.
22. Location of all buildings, wells, and leach fields within one hundred and fifty feet of the parcel.
23. Proposed landscaping including size and type of plant material.
24. Snow storage requirements
25. Date and permit number of all required state and federal permits, including the FCC license of the primary telecommunications tenant.
26. Dimensions and area of all property to be dedicated for public use of common ownership
27. Pedestrian walks providing circulation through the site.
28. For all site plans that involve and designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP) assure all necessary permits required under Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334
29. For site plans that involve land designated as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP), proposals for development of greater than fifty (50) lots or five (5) acres (whichever is the lesser), must include Base Flood Elevation (BFE) data (i.e., floodplain boundary and 100-year flood elevation).
30. For projects in the shorefront district, drainage studies showing the current runoff and the runoff from the site caused by proposed improvements.
31. The Board shall require plans and elevations of all new and renovated buildings proposed as part of the application. These plans must show all current life safety code requirements.

6.1.4.3 Visibility Plan should provide sketches, photographs, or other depictions of the proposed tower that show:

- 1 How the tower will look at 10 feet and 40 feet above the average tree canopy based on a tree inventory as defined in the Zoning Ordinance.
- 2 The color of the tower and the camouflage of the tower.
- 3 The tower’s relationship to historic buildings or districts as well as open areas in town.

6.1.4.4 Coverage Maps.

- 1 Map showing all existing facilities of all carriers within the surrounding area and relevant engineering reports for collected towers showing compliance with ANSI and industry safety and structural codes.
- 2 Proposed Tower Coverage Map. Map showing the additional coverage that this tower application will provide and coverage gaps that would exist in Freedom.

6.1.4.5 Alternative Location Report. Narrative description of the analysis conducted to meet the burden of proof requirements in zoning ordinance section 1703.2.2.



- 6.1.4.6 Additional Plats.-The Board can also require additional plats if necessary. Examples of additional plats are as follows: Erosion Control Plan, Landscape Plan, and Profiles and cross- sections on roadways and bridges
- 6.1.4. 7 Additional Documentation. At the request of the Board additional documents may be required. Examples of additional documentation include drainage studies, traffic studies, wetland studies, and environmental, and fiscal impact studies.

### **6.1.5. Final Plan Approval.**

The accepted application shall be deemed to be submitted to the Board as of the date on which the Board accepted the completed application. Within 30 days of such date, the Board shall begin formal consideration of the application at a public hearing for which notice has been given. The Board will review the completed application for compliance with Section 8 of these regulations Design Standards and Required Improvements. The Board shall act to approve, approve with modifications, or disapprove the Application within 65 days of the date of submission. The applicant may waive the requirement for Planning Board action within the sixty-five (65) and consent to such extension as may be mutually agreeable

If the Board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension pursuant, the Board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application.

The Planning Board shall issue a final written decision which either approves or disapproves a site plan application and make a copy of the decision available to the applicant. The decision shall include specific written findings of fact that support the decision. Failure of the Board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. If the application is not approved, the Board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the Board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

If the Planning Board does not act on the application within that 65-day time period, then the selectmen shall certify on the applicant's application that the plat is approved. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

Failure of the selectmen to certify approval of the plat upon the Planning Board's failure to act within the required time period shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application. The superior court shall act upon such a petition within 30 days. If the court determines that the failure of the selectmen to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such an order.

Information Required: None.

Action of the Board: The Board will approve the application as is or with conditions. The Board will specify which conditions must be met before work on the proposed project(s) may begin. If the Board finds that the application is not sufficiently compliant with the regulations, it can deny the application.

Upon completion of any Board required actions, the Plan may be approved for Building Permit.

## **SECTION 7 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS**

### **7.1 Architectural.**

- 7.1.1 Roof mounted WTSF that extend above the roof height of the building shall attempt to conceal or camouflage

the facility within or behind existing or new architectural features to limit its visibility from public ways and stepped back from the front façade.

- 7.1.2 Ground-mounted WTSF shall be surrounded by a buffer of dense tree-growth that extends continuously for a minimum distance of 150 feet from the mount, security barrier or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. The 150-foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease.
- 7.1.3 Side Mounted WTSF shall blend with the existing building's architecture and, if individual antenna panels are over five square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.
- 7.1.4 Color. To the extent that any WTSF extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings.
- 7.1.5 Equipment Shelters. Equipment shelters for WTSF shall be designed consistent with one of the design standards specified in section 1008.4 of the Freedom Zoning Ordinance.
- 7.1.6 Tower Height. The height of the proposed tower shall meet the requirements of the *Freedom Zoning Ordinance*.

**7.2 Bridge and Road Construction.** Construction of roads and bridges shall be controlled by standards and specifications provided in the Freedom Subdivision Regulations, the Freedom Road Ordinance, and the NHDOT Standards and Specification for Road and Bridge Construction.

**7.3 Sedimentation and Erosion Control.** Erosion of soil and sedimentation of watercourses and water-bodies shall be minimized by employing the following "best management" practices:

1. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
2. Duration of exposure of the disturbed area shall be kept to a practical minimum.
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
4. Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction.
5. Until a disturbed area is stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Board.
6. The top of cut or bottom of fill sections shall not be closer than ten (10) feet to adjoining properties, unless specified by the Board.
7. Extraction operations shall be in accordance with the Town of Freedom, New Hampshire Earth Excavation and Reclamation Regulations.
8. During grading operations, methods of dust control shall be employed wherever practicable.
9. Any material used for erosion control shall be removed once the project has been completed and the soil stabilized.
10. For details on erosion and control standards see Carroll County Erosion and Sediment Control Handbook.

**7.4 Storm Water Drainage.**

- 1 All development shall make adequate provision for storm water facilities which shall be designed to handle a one hundred (100) year storm events, containing all increases in drainage onsite and stamped by a licensed professional engineer.
- 2 Storm water drainage systems shall be constructed within specified easements to carry storm water to existing watercourses or existing storm drains.
- 3 If the storm water drainage system creates any additional flow over other properties, the developer shall obtain easements from the owners of said property for that system.
- 4 Storm water runoff shall be carried away in a storm water system designed in accordance with the standards established in the Standards for Roadway and Bridge Construction, NHDOT 1997. Such drainage facilities shall be located in the road right-of-way where feasible.
- 5 Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

**7.5 Flood Hazard Plan**

Flood Hazard Plan: For projects involving land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP), the plan shall provide sufficient evidence (construction drawings, grading, and land treatment plans) so as to allow a determination that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

**7.6 Water Quality.**

1. The location of individual wells shall comply with all standards of the New Hampshire Department of Environmental Services.
2. All outdoor storage facilities for fuel, chemicals or industrial waste and potentially harmful raw materials must be located on impervious pavement and shall be completely enclosed by impervious dikes high enough to contain the total volume of liquid kept in the storage areas plus accumulated rainfall of a fifty (50) year storm.

**7.7 Dust, Fumes, Vapors, Gases, and Odors.**

1. Emission of dust, dirt, fly ash, fumes, vapors, or gases which could be injurious to human health, animals, or vegetation, detrimental to enjoyment of adjoining or nearby properties, or which could soil or stain persons or property, at any point beyond the lot line of the commercial, industrial establishments or home occupation creating the emissions, shall be prohibited.
2. No land use shall be permitted which produces harmful, offensive, or bothersome odors, scents, or aromas perceptible beyond their lot lines, either at ground or habitable elevation.

**7.8 Lighting**

1. Lighting for new development or redevelopment of a site, whether mounted on the building or on poles, shall be designed to point downward and not to spill onto adjacent properties.
2. Lighting elements shall be covered by a shield that directs the light downward.
3. Where there is a mix of residential and commercial uses, light standards are restricted to a maximum of twenty (20) feet in height.

**7.9 Glare.** No land use or establishment shall be permitted which produces a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring property, or onto any town way so as to impair the vision of the driver of any vehicle on the townway.

**7.10 Noise.**

1. Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume.
2. The time period and type of land use district shall establish the maximum permissible sound level of any continuous regular or frequent source of sound produced by any activity subject to this regulation.
3. Sound pressure shall be measured at all major lot lines, at a height of at least four (4) feet above the ground surface.

District	7 am to 10 pm	10 pm to 7 am
Commercial District	65 dB(A)	55 dB(A)
Residential District	55 dB(A)	45 dB(A)

**7.11 Sewage**

1. All development shall make adequate provision for sanitary sewage disposal facilities.
2. The facilities shall be designed and stamped by a registered New Hampshire engineer.
3. Sanitary sewage disposal shall be accomplished through the provision of individual waste disposal systems or private central sewage systems.
4. The State of New Hampshire Department of Environmental Services shall approve the design and location of individual disposal systems.
5. The system shall be located on private property.
6. The location shall be no closer than one-hundred and twenty-five (125) horizontal feet to a watercourse, a water body, a wetland. The location shall be no closer than seventy-five feet (75) to a well that is being used as a source of individual water supply

7. The State of New Hampshire Department of Environmental Services must approve the design and location of a private central sewage system.
8. The developer shall bear maintenance and operating costs of the system.

**7.12 Utilities.** The applicant is responsible for all coordination with utility providers to assure that all utilities are installed in accordance with plans approved by the Board pursuant to these regulations. All utilities shall be underground.

**7.13 Signs.** Sign size, type, location, height shall conform to the requirements of the Freedom Zoning Ordinance.

**7.14 Parking.** The plan must show sufficient parking for the use of the tower operator.

## **SECTION 8 INDEPENDENT STUDIES AND INVESTIGATIONS**

**8.1 General.** The Board reserves the right to require additional studies to determine the potential impact of the proposed site development. Studies may include, but are not limited to, Life and Fire Safety, Traffic Impact Analysis, Fiscal Impact Analysis, and Environmental Impact Analysis. The applicant is responsible for the paying costs of these studies. In addition, the planning board reserves the right to retain the services of an outside agency for the purpose of reviewing any independent studies submitted. This review shall be at the expense of the applicant paid prior to final approval of the plan.

1. **Life and Fire Safety.** When a site plan is subject to any fire and life safety regulations, the Planning Board shall request as a condition of approval that the Fire Chief inspect the plans and the site for compliance. The Fire Chief as the Authority Having Jurisdiction (AHJ) under section 1.15 Technical Assistance of the NFPA 1: Fire Code, shall be permitted to require an approved independent third-party review.
2. **Traffic Impact Analysis.** When it is determined that a study is needed, it shall be presented in accordance with the Regional Planning Commission's Guidelines.
3. **Fiscal Impact Analysis.** When it is determined that a study is needed, it shall be presented in accordance with the Regional Planning Commission's Guidelines.
4. **Environmental Impact Statement.** Specifications will be dictated on a case-by-case basis.
5. **Legal Analysis.** When it is determined that legal issues are applicable for the Board to consider, such as but not limited to Developer's easements, sufficiency of plans, review of supplemental documents, procedures of the Board regarding the Development and site plan review including litigation of appeals thereof, the Board reserves the right to retain the services of the Town Attorney. The fees and expenses of the attorney shall be paid by the applicant prior to final approval of the plan.

## **SECTION 9 MITIGATION**

**9.1 Traffic.** Whenever, in the opinion of the Board, traffic generated by the development will adversely impact existing public streets, the Board may require improvements to be made to such streets and intersections in an effort to mitigate these impacts. This impact may include dust and noise that affects properties abutting the road accessing the applicant's development.

**9.2 Inspection.** Whenever, in the opinion of the Board, the project warrants construction observation because of the scope of development, the Board shall require an independent engineer or qualified professional hired by the Town and paid for by the developer, to perform scheduled inspections during construction of the project. The inspector shall keep regular records and report to the appropriate Town official and the Board. The Board prior to approval of the Site Plan shall receive payment for this service.

**9.3 Maintenance Guarantee.** A financial surety shall be in an amount equal to the cost for completion of all roads, public and private, drainage, and landscaping. The financial surety shall be effective for a period of two years after the site improvements are completed. If such repairs are needed and are not satisfactorily installed by the developer, then such a guarantee shall be used to complete and/or install such improvements.

**9.4 Roadside Trees.** If it is absolutely necessary to remove roadside trees at the proposed site, the Board shall require the applicant to plant an equal number of new trees of a type and at a location specified by the Board. Planting of new or replacement trees every thirty (30) feet along the road is encouraged, to reinforce the rural character of the community.

- 9.5 Refuse Disposal.** The Board shall consider the impact of particular industrial or chemical waste or by-products on the town's disposal area (in terms of volume, flammability, and/or toxicity) and may require the applicant to dispose of such waste elsewhere, in conformance with all applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical waste to be generated by the proposed operation.

## SECTION 10 POST-CONSTRUCTION REQUIREMENTS

- 10.1 Legal Documents.** All deeds covering land to be used for public purposes, easements, and rights-of-way over property to remain in private ownership, and right of drainage across private property shall be submitted in a form satisfactory to the Town Attorney
- 10.2 As-built construction drawings.** As-built construction drawings, plans, and profiles at a scale of 1-inch equals 20 feet, shall be prepared for all infrastructure improvements, buildings, and structure footprints, including, but not limited to: *Underground Utilities Drainage ways, ditching, impoundments, swales, etc., and Road construction*
- 10.3 Security for Removal.** The amount of the security shall be based upon the removal cost plus 15 %, provided by the applicant and certified by an independent professional structural engineer licensed in New Hampshire. If the cost has increased more than 15%, the owner of the facility shall provide additional security in the amount of the increase.

## SECTION 11 ADMINISTRATION AND ENFORCEMENT

- 11.1 Violations.** The Board may bring to the attention of the Zoning Officer any violations or lack of compliance with the approved plans. The Zoning Officer must act on the violation within a timely manner.
- 11.2 Board Modification.** The Board shall have the power to modify or amend its approval of a Site Plan on application of the owner. The cost of an amended Site Plan shall be the same as a new submission.
- 11.3 Acceptance.** The Board shall at the next regular meeting, or within 30 days following the delivery of the application for which notice can be given in accordance with the requirements of NH RSA 676:4.I.d determine if a submitted application is complete according to the Board's regulations and shall vote upon its acceptance.
- 11.4 Security Instrument.** The Board may require a security instrument, with surety and/or conditions, in lieu of completion of work and installations previous to the issuance of a Certificate of Approval. A security instrument provision may be required for actual construction and installation of improvements and utilities within a specified time period.
- 11.5 Penalties.**
- 1. Initial Notification.** If the Board finds, as a result of a Site Inspection, that any of the conditions of the latest approved Site Plan are in violation, the Board or the Zoning Officer shall give written notice to the owner to make corrections, as it deems necessary, to bring the use and operation into compliance with the conditions of the approved Site Plan. Such an order shall be complied with within a period of time extending not more than sixty (60) days from the initial notification
  - 2. Second Notification.** As a result of a follow-up where the owner fails to conform to the original notice, the Board or the Zoning Officer shall again give notice to the owner to make corrections, to bring the use and operation into compliance with the conditions of the approved Site Plan. Such an order shall be complied with within a period of time extending not more than thirty (30) days from the second notification. In addition, a fine not to exceed \$100.00 per day may be levied against both the owner and General Contractor/Builder in addition to any other legal or equitable remedy as may be afforded through appropriate legal action, pursuant to RSA 676:15 (Injunctive Relief) and RSA 676:17, together with the Town's costs of enforcement including reasonable attorney's fees.
  - 3. Third Notification.** The Third Notification of non-conformance is an immediate cancellation of the Site Plan Building Permit. Any further development/improvement to the site without re-issuance of a new building permit may result in a

fine not to exceed \$200.00 per day against both the owner and General Contractor/Builder. A re-application to the Board will be required for a new Building Permit approval.

## **SECTION 12 WAIVERS AND SUBSTITUTIONS**

- 12.1** An applicant may request the modification or waiver of a standard or requirement contained in Section 5. The applicant must submit a waiver for each requirement for which a request is made. The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may only grant a waiver if the Board finds, by majority vote, that:
1. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or
  2. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- 12.2** A waiver request shall be considered only at or after a noticed public meeting or hearing by the Board on the subject application, and at which the written waiver request is presented or discussed, so that abutters have an opportunity to be made aware of all waiver requests.
- 12.3** The Board may condition any waiver granted so as to secure the objectives of this chapter.
- 12.4** The request for waiver shall be granted only when a motion to grant the request, duly seconded, is carried by a majority of the members present and voting. If the motion is not carried, the request is denied, and no further motion is required. If no action is taken on the waiver request, it shall be deemed to be denied.
- 12.5** In the event that alternative design standards which are independently and scientifically derived are provided to and accepted by the Board, the Board may permit their substitution for the Town design standard. Such substitution shall be permitted at the Board's option only when, in the Board's opinion, the alternative standard would better accomplish the intent of this chapter for this case. Substitution shall require a formal motion of the Board, and the minutes of the meeting should indicate the Board's reasoning for future reference. No waiver is required for design standard substitution.