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THE TOWN OF NORTHFIELD, NEW HAMPSHIRE

SITE PLAN REVIEW REGULATIONS

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SITE PLAN REVIEW REGULATIONS

SECTION 1

AUTHORITY

Pursuant to the authority vested in the Northfield Planning Board by the voters of the Town of Northfield on March 11, 1986, and in accordance with NH RSA 674:43 and RSA 674:44, the Northfield Planning Board adopts the following regulations for the review and approval or disapproval of site plans.

This review authority shall be applied to the development or change or expansion of use of tracts for non-residential uses, or for multi-family dwelling units, which are defined as any structure containing more than two (2) dwelling units, whether or not such development includes a subdivision or re-subdivision of a site. Multiple two-family dwelling units whether on one (1) or more lots shall conform to these regulations.

SECTION 2

PURPOSE

The purpose of the Town of Northfield Site Plan Regulations is to protect the public health, safety, and welfare. The review procedures and requirements contained herein are intended to promote balanced, responsible, and desirable growth. More specifically, these Regulations are intended to:

- A. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
 - (1) Inadequate drainage or conditions conducive to flooding of the property or that of another;
 - (2) Inadequate protection for the quality of groundwater;
 - (3) Undesirable and preventable elements of pollution such as noise, lighting, smoke, soot, odors, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
 - (4) Inadequate provision for fire safety, prevention, and control.

- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs.
- C. Provide for open spaces and green spaces of adequate proportions.
- D. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the planning board for approval;
- G. Require that the land indicated on plats submitted to the planning board shall be of such character that it can be used for building purposes without danger to health;
- H. Require for the adequate provision of lighting which fits in harmoniously with the surrounding environment; and
- I. Include such provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

SECTION 3

DEFINITIONS

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" shall include the word "structure"; the word "shall" is mandatory; the word "may" is permissive.

For the purpose of these regulations, the terms used herein are defined as follows:

ABUTTER - Any person whose property adjoins or is directly across a street or stream from the land under consideration by the Board. For the purpose of notifying a condominium or cooperative, the term "abutter" shall apply to the officers of said association. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration.

ACCESSORY USE/STRUCTURE - A detached building or use which is located on the same lot as the principal building and the use of which is incidental and subordinate to that of the principal use, including, but not limited to, pools, sheds, shipping containers, canvas garages and garages, including a freestanding structure with a flexible or rigid sheathing material such as fabric, canvas, rubber, plastic, wood, metal or glass used as a workspace or for the enclosure and/or storage of property, vehicles, animals or persona.

APPLICANT - Any person, agent, firm, association, partnership or corporation that makes application to the Planning Board for the approval of site plan pursuant to these regulations.

APPROVAL - Recognition by the Board, certified by written endorsement on the plat, that the Final Plat submission meets the requirements of these regulations and all other applicable ordinances and regulations, granted at a duly called meeting of the Board.

BUFFER ZONE - Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. Buffer zones may include such things as fences or berms as well as shrubs and trees.

BUILDING - Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "building" includes open porches, open breezeway and any other roofed areas.

CERTIFICATE OF OCCUPANCY - A document issued by the proper Town Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable Town Ordinances and Regulations.

CLUSTERED HOUSING - A residential subdivision of a tract of land where housing units are grouped on lots of reduced dimensions. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

CODE ENFORCEMENT OFFICER - The individual designated by the Town of Northfield to enforce applicable codes and development regulations.

CONDOMINIUM - Multi-family, group or clustered housing, wherein housing units are individually owned, but wherein open space and group facilities are held in common ownership. Condominium shall be considered a subdivision of land as outlined in RSA 356-B and reviewed accordingly.

DEVELOPER - The owner of land proposed for site plan review or his representative.

DWELLING - A structure or part thereof including a unit of a condominium development or vehicle, stationary or mobile, with living and sleeping accommodations intended for use and/or occupancy by a single family or household. The term shall include, but not be limited to, house, apartment, cottage, tourist cottage, motel, hotel, inn, camp, tent, mobile home trailer, travel trailer, pick-up camper, and other recreational vehicles.

DWELLING, MULTI-FAMILY - A dwelling containing more than two (2) dwelling units.

DWELLING UNIT - One room, or rooms connected together, constituting a separate independent establishment for owner occupancy, rental, or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, and/or sanitary and sleeping facilities.

EASEMENT - An interest in real property conveyed by a property owner for the benefit of another and evidenced by a legal document.

ESCROW - A conditional delivery of money by a developer to a bank to be held until such time as the conditions of final plat approval have been complied with satisfactorily.

FLOOD HAZARD AREA - That portion of land, as designated on the most current Flood Insurance Rate Maps or on the Flood Boundary and Floodway Maps of the Town of Northfield, that, on the average, is likely to be flooded once every one hundred (100) years, i.e., that has a one percent (1%) chance of flood occurrence in any given year.

FRONTAGE - That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. A line dividing a lot from a street.

IMPERMEABLE MATERIAL - Material impenetrable to the passage of fluids, such as buildings, asphalt.

IMPROVEMENTS - Refers to site grading, streetwork and utilities, including water, sewer, electric, gas and stormwater to be installed or agreed to be installed by the applicant on land to be used for public or private streets, and easements for other purposes as are necessary for the general use of lot owners in the subdivision.

LAND USE PERMIT - Written permission issued by the proper Town Official authorizing the construction, repair, alteration or addition to a structure.

LETTER OF CREDIT, IRREVOCABLE - A note to the town from a lending institution to ensure that the approved work will be completed. The terms of the agreement, including a timetable, must be written out and cannot be adjusted. This Letter of Credit shall be addressed to the Board of Selectmen, Town of Northfield. The Planning Board shall determine the amount of the credit and the period of time it is to be held. The holder of the money will retain the money until release is authorized by the Board of Selectmen or the money is transferred to the Town of Northfield.

LOT - A parcel of land undivided by a street or Town line with ascertainable boundaries established by deed or by lot boundary lines on a land subdivision plan filed with the Registry of Deeds. The boundary line of a lot abutting on a public right of way shall be the boundary line of the right of way, even though ownership of land may extend beyond such boundary line.

LOT LINE - The property line dividing a lot from an adjacent property.

LOT SIZE - The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for or dedicated to street purposes.

MAINTENANCE GUARANTY - An irrevocable letter of credit, cash or performance bond accepted by the Board of Selectmen of the Town of Northfield as a guaranty that the necessary improvements will function as required for a specific period of time. The Planning board shall determine the amount and time period of the maintenance guaranty.

MASTER PLAN - The current comprehensive plan or plan of development for the Town as defined in RSA 674:1 and 2.

NONRESIDENTIAL SUBDIVISION - A subdivision intended to be used for purposes other than residential, such as commercial and industrial. Such subdivisions shall comply with the applicable provisions of these regulations.

OFFICIAL MAP - A map adopted in conformance with RSA 674:9-11, inclusive. Such "Official Map" is to be deemed to be final and conclusive with respect to the location and width of streets and the location of parks shown thereon.

ORDINANCE - Any legislative action, however denominated, of the Tow of Northfield which has the force of law, including any amendment or repeal of any ordinance.

OWNER - Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PERFORMANCE GUARANTY - An irrevocable letter of credit, cash or performance bond accepted by the Board of Selectmen of the Town of Northfield as a guaranty that improvements required as part of a site plan review approval are satisfactorily completed. The Planning Board shall determine the amount and time period of the performance guaranty.

PLANNING BOARD - The Planning Board of the Town of Northfield; also referred to as the Board.

PLAT - The maps, drawings, charts and other documents complying with all applicable provisions in these regulations which constitute the plan for site plan review and which the applicant submits to the Town.

PUBLIC HEARING - A meeting announced and advertised in advance and open to the public, with the public given an opportunity to speak and participate.

PUBLIC MEETING - Any scheduled meeting of the Planning Board.

REGISTERED ENGINEER - An engineer properly licensed and registered in the State of New Hampshire.

REGISTERED LAND SURVEYOR - A land surveyor properly licensed and registered in the State of New Hampshire.

RESTRICTED COVENANT - A restriction on the use of land usually set forth in the deed.

RIGHT-OF-WAY (ROW) - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use of a second party.

SETBACK - The distance between a legal boundary (right-of-way, lot line, or property line) and any part of a building.

SITE - Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN REVIEW - The procedure by which the Planning Board will review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structure containing more than 2 dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

STREET - A state highway, or highway or road which is lawfully existing and maintained by the Town for vehicular travel. The word "street" shall include the entire right-of-way.

STREET, ARTERIAL (MAJOR) - A street designed or utilized primarily for high vehicular speeds of for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties and on which geometric design and traffic control measures may be used to expedite the safe movement of through traffic.

STREET, COLLECTOR - A street which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

STREET, LOCAL - A street used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as minor or secondary streets.

SUBDIVIDER - The registered owner(s) or the authorized agent of the registered owner(s) of a subdivision.

SUBDIVISION - The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other divisions of real property for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. Subdivision included re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided. The division of a parcel of land held in common and subsequently divided into two (2) or more parts shall be deemed a subdivision. Except in the case of two (2) lots developed prior to common ownership, contiguous parcels of land held in one ownership (except for lots created by an approved subdivision, which shall remain separate) shall be considered a single parcel for all purposes of these regulations, even though it may (1) have been acquired by separate deeds, (2) have been described in the deed to the owner as separate parcels.

NO DISTURBANCE AREA - An area of land with natural or planted vegetation designed to provide a protective buffer between watercourses, drainage easements and drainage right-of-ways from other uses. In the no disturbance area the construction of structures and buildings, travel of motorized and non-motorized vehicles, the storage of snow, and other similar uses that may disturb the vegetation in this zone are not permitted.

UPLAND SOILS – Soils classified by the High Intensity Soil Survey (HISS) as drainage Class 1 through Class 4.

Symbol A: Drainage Class

- 1 – Excessively drained
- 2 – Well drained
- 3 – Moderately well drained
- 4 – Somewhat poorly drained
- 5 – Poorly drained

- 6 – Very poorly drained
- 7 – Not determined (to be used only with symbol B-6)

WETLAND - An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions per NH DES Wetlands Bureau Code of Administrative Rules. Wetlands includes, but is not limited to, swamps, bogs, marshes, vernal pools and similar areas.

ZONING DISTRICT - A specifically delineated district within the Town where regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

SECTION 4

INTERPRETATION

These Site Plan Review Regulations in no way relieve a developer, his/her agent, or an individual from compliance with the Zoning Ordinance, Subdivision Regulations, and/or any other ordinance which pertains to the proposed development.

The standards contained in these regulations shall be interpreted as minimum requirements, and compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that a proposed application is in the best interest of the Town will the application be approved.

SECTION 5

APPLICABILITY

Site Plan shall be submitted for Planning Board review by any applicant seeking new, altered or converted use of a multi-family residential or non-residential site or structure. Site Plan review shall also be required for mixed use development which combines single-family, multi-family, or non-residential land uses.

Planning Board approval of said site plans shall be a necessary prerequisite to issuance of any building permit. Any special exceptions or variances which are required for the proposed development must be obtained prior to site plan application to the Planning Board. No alterations of any property shall commence or be undertaken prior to obtaining site plan approval from the Planning Board.

SECTION 6

APPLICATION PROCEDURES

6.1 PRELIMINARY CONCEPTUAL CONSULTATION PHASE - SKETCH PLAN

- A. **Timing:** Any applicant may meet with the Planning Board, or its designated agent, on an informal basis to discuss his/her development proposal prior to submitting a formal application. This "preliminary consultation" may occur with the Planning Board only at a regularly scheduled meeting of the Board. Any applicant wishing to proceed with "preliminary consultation" with the Board must first schedule a meeting with the Planning Board. Intent to engage in preliminary consultation with the Planning Board should be provided to the Planning Board, or its designated agent, prior to the Planning Board meeting where the discussions would take place.
- B. **Purpose:** A preliminary consultation may be used for the purpose of discussing proposals in conceptual form only, as they relate to the Master Plan, the desirability of types of development and other policies and procedures established by the Board. The emphasis here is on general discussions only. Engineered drawings and any specifics of a proposal may not be presented or discussed at this phase of the application process. Preliminary consultation may occur without giving formal public notice and shall not be binding on either the Board or the applicant (RSA 676:4, II). Statements made by Planning Board members shall not be basis for disqualifying said members or invalidating any action eventually taken on the application.

The Preliminary Conceptual Consultation Phase is recommended and may save time and resources for the applicant in the long run.

6.2 DESIGN REVIEW PHASE

- A. **Timing:** Any applicant may file an application with the Town to engage in this optional phase of the application process. The Design Review Phase may proceed only after identification of and notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public as required by RSA 676:4, I (d). Only a complete Design Review Application will be considered. To be considered complete, the Application shall:
 - 1. Be on a form available from the Planning Board office.
 - 2. Include a fee in an amount to be determined in accordance with the fee schedule in Section 11 of these regulations.

3. Include at a minimum, a rough sketch which shows the following:
 - a) location of lot lines
 - b) lot measurements
 - c) streets surrounding site
 4. Be submitted to the Planning Board, or its designated agent, at least fifteen (15) calendar days prior to a regularly scheduled meeting of the Board.
 5. Include the names and mailing address of all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, the applicant, and all abutters as indicated in the Town of Northfield records not more than 5 days before the day of filing. It shall be the sole responsibility of the applicant to provide the Planning Board with a complete list of abutters.
- B. Purpose: This is an optional phase for nonbinding discussions with the applicant, beyond conceptual and general discussions, which involve more specific design and engineering details. The Design Review Phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4, I (d). Statements made by Planning Board members shall not be basis for disqualifying said members or invalidating any action eventually taken on the application.

The Design Review Phase is recommended and may save time and resources for the applicant in the long run.

6.3 FINAL APPLICATION SUBMITTAL AND REVIEW

Any property owner, or his/her designated agent, considering applying for site plan review approval by the Planning Board, shall submit an application in accordance with the following regulations. Only complete applications will be reviewed by the Board. If subdivision approval is also required then both subdivision and site plan review may be considered concurrently.

The Town of Northfield allows for both Minor and Major Site Plan Review. Applicants should refer to Section 6.3 A. for the criteria established to qualify for “Minor” Site Plan Review. Those proposals that do not meet the criteria established in Section 5.3 A. shall be considered as “Major” for purposes of Site Plan Review. The final determination is made by the Planning Board.

A. MINOR SITE PLAN REVIEW

To encourage a more efficient and valuable use of Planning Board time, as well as to create a more user-friendly site plan review process for applications which generally do not require as detailed a review by the Planning Board, applications which meet the following criteria will generally be considered as “Minor” for the purposes of Site Plan Review. The Planning Board shall make the final determination as to whether the proposal requires Minor or Major Site Plan Review.

1. If the proposal is for a new use and/or structure which is a “primary use” and is less than 1,000 sq. ft. in gross floor area (g.f.a.).
2. If the proposal is for a new use and/or structure which is accessory on the parcel of land and measures less than 1,000 sq. ft. in g.f.a..
3. If the proposal involves the construction of a new parking lot of less than 10 spaces, or will enlarge an existing parking lot to a total size of less than 10 spaces.
4. If the proposal is the expansion of an existing use of less than 25% of the existing g.f.a. and is less than 1,500 sq. ft. in g.f.a.
5. If the proposal is the change of use within any of the “Uses” defined in Article 7, Table #1 of the Town of Northfield Zoning Ordinance (e.g. Contractor’s Office to a Doctor’s Office).
6. If, in the opinion of the Planning Board, that considering the proposal as “Minor” for the purposes of Site Plan Approval will not deter from the spirit and intent of the regulations as indicated in Section 2 above.

B. APPLICATION REQUIREMENTS (MINOR AND MAJOR)

A completed application means that sufficient information is included or submitted to allow the Planning Board to proceed with consideration and to make an informed decision. In order for an application to be considered complete and to invoke Board jurisdiction to obtain approval, all Site Plan applications (Major or Minor) shall, at a minimum:

1. Be on a form available from the Planning Board office.
2. Include a fee in an amount to be determined in accordance with the fee schedule in Section 11 of these regulations.
3. Include six (6) black or blue-line copies of a site plan as described in Section 7 of these regulations and six (6) copies of each other required plan. Where the plan size is larger than eleven by seventeen (11 x 17) inches, the applicant shall also provide ten (10) sets of reduced plans not larger than eleven by seventeen (11 x17) inches.

4. Be submitted to the Planning Board, or its designated agent, at least fifteen (15) calendar days prior to a regularly scheduled meeting of the Board.
5. Include the names and mailing address of all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, the applicant, and all abutters as indicated in the Town of Northfield records not more than 5 days before the day of filing. It shall be the sole responsibility of the applicant to provide the Planning Board with a complete list of abutters.
6. When required by the Board, be accompanied by written assurance from public utility companies that proposed utilities will be installed in accordance with plans submitted as part of the application.
7. Be accompanied by written certification from appropriate Town Officials that the proposed development is in compliance with all local safety and construction requirements. This shall include the names which have been approved by the Board of Selectmen for any proposed roads.
8. Be accompanied by all required State and Federal permits or evidence that the permit has been applied for.
9. Be accompanied by an impact statement in narrative form addressing the proposed project's purpose, scope of operation, and impact on the immediate area of influence and the Town in general. The following aspects should be addressed except that the Planning Board may waive certain data requirements where considered appropriate:
 - a. attendance at public schools;
 - b. increase in vehicular traffic;
 - c. changes in the number of local residents;
 - d. increase in municipal costs;
 - e. load on public utilities or future demand for them;
 - f. public safety;
 - g. changes in the tax revenue;
 - h. changes in surface drainage;
 - i. increased consumption of groundwater;
 - j. increased refuse disposal;
 - k. pollution of water and/or air;
 - l. land erosion or loss of tree cover;
 - m. disturbance to other aspects of the natural ecology;
 - n. blocking of views;
 - o. harmony with the character of surrounding development;

- p. location of utilities;
- q. water;
- r. sewer.

In preparing the impact statement the developer will explain all underlying assumptions for any of the stated conclusions; including a finding of no impact. Any statistical or technical manuals used shall be referenced. Included in statements regarding water and sewer shall be estimated gallons per day of flow.

- 10. Include special investigative studies, review of documents and other matters, if required for particular applications. Reasonable fees to cover the costs of such studies or reviews may be charged to the applicant (RSA 676:4.I.g.).
- 11. Include written notification of building permit denial from the Town of Northfield Board of Selectmen, or their designated agent, outlining the reason for the denial of a building permit and requirement of Site Plan Approval.
- 12. Waivers. A petition for any and all waivers shall be submitted in writing by the applicant at the time the application is filed for consideration by the Planning Board. The petition shall state fully the grounds for each request for waiver and all of the facts relied upon by the petitioner.
- 13. Include a completed Site Plan which meets the requirements set out in Section 7 of these regulations for either Minor or Major Site Plans.

6.4 HIRING OF CONSULTANTS

The Board may require that a site plan or any portion thereof be reviewed by a consulting engineer, or any other qualified individual deemed appropriate by the Board, to ensure compliance with all applicable local, state and federal regulations, construction standards, and building codes. The Town may periodically retain a consulting firm for this purpose and to inspect construction in progress. The consultant shall submit a written report to the Board.

Prior to consultant review, the application shall be referred to the consultant for an estimate of the costs of review. The applicant will be required to submit the amount indicated in the estimate of costs of review to the Town where it will be held in escrow and used to pay for the consultant review. Failure to submit a sum of money equal to the estimate shall constitute a basis for the Planning Board to determine the application is incomplete.

6.5 REVIEW OF CONDOMINIUM DECLARATIONS

The Planning Board shall require submission of condominium declarations for review and

comment by Town Counsel on the contents and sufficiency of the proposed condominium declaration. These declarations shall reflect all municipal policies. Prior to Town Counsel review, the application shall be referred to Town Counsel for an estimate of the costs of review. The applicant will be required to submit the amount indicated in the estimate of costs of review to the Town where it will be held in escrow and used to pay for the review. Failure to submit the sum of money shall constitute a basis for the Planning Board to determine the application is incomplete.

6.6 ACTION BY THE BOARD

- A. The Planning Board may accept an application as complete for Site Plan Review by a majority vote of the members present at its regularly scheduled meeting only if the application has been submitted in accordance with Section 6.2. If the applicant is seeking a waiver of any regulation, a majority vote of the members present is also required in order for the application to be considered complete. Notice of public meeting shall be provided to the applicant, abutters and the public in accordance with Section 6.7 (RSA 676:4 I.b).
- B. The Board shall act to approve, conditionally approve or disapprove within sixty-five (65) days after accepting the application, subject to extension or waiver as set forth in paragraph C (RSA 676:4 I.c.).
- C. The Planning Board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve or disapprove an application. The applicant may waive the time period requirements for Planning Board action and consent to such extension as may be mutually agreeable (RSA 676:4 I, f).
- D. No application shall be approved or disapproved without a public hearing on said application. Notice of the public hearing shall be provided in accordance with Section 6.7.
- E. Following a public hearing on a site plan application, the Board shall approve, conditionally approve, disapprove, or, if time permits, continue to a later date, the proposed application. Conditional approval of a plat or application shall become final without further public hearings when the conditions to be met are:
 - 1. Minor Plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment;
 - 2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or

3. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies or approvals granted by other boards or agencies.

The conditional approval shall become final only upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. All other conditions shall require a hearing and notice as provided in Section 6.7.

- F. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant. If the application has been disapproved, the reasons for disapproval shall be outlined in the notice of decision. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the Town's ordinances or to other essential planning criteria, as determined by the Planning Board.
- G. Statute of Limitations. The Planning Board may grant preliminary site review approval, however, said approval shall not qualify the applicant to receive a building permit for the construction of said project.
 1. A site plan is approved and becomes effective when signed by the Planning Board. The approved site plan is valid for one (1) year from the date of signing, subject to the following:
 - a. Active and substantial development or construction shall have commenced on the site by the owner in accordance with the approved plan, within said one (1) year period. "Active and substantial development" shall be defined as having achieved either of the following standards:
 - i) the building foundation has been constructed and capped; and/or
 - ii) all access to the site has been constructed to gravel standard (unpaved) including the installation of any public utilities.
 - b. If no active and substantial development or construction occurs as provided in Section G.1.a., above, the site plan approval expires and becomes null and void at the end of one (1) year from the date of signing by the Planning Board.

In the case where a Site Plan expires, the applicant will be notified, with reasons, of the expiry. The applicant then has thirty (30) days in which to apply to the Planning Board for an extension. If an extension is requested, the Planning board will hold a public hearing with proper

notification as per Section 6.7 of these regulations. The Planning Board will only grant one (1) extension per Site Plan. Further expirations of the Site Plan will require a new submittal to the Planning Board for Site Plan Review.

- c. In the event a development is being constructed in phases, the applicant may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two (2) years. Each phase is subject to site plan review. If no active and substantial development or construction of any phase occurs as provided by Section 6.6.G.1.a., (above), then the entire site plan approval expires and becomes null and void at the end of one (1) year from the date of signing by the Planning at that Phase of the development. Notification of expiration and application for extensions shall be in accordance to the procedures established in Section 6.6.G.1.b., above.

- 2. Any site plan submitted for approval or reapproval after having expired under Section G.1.b., and Section G.1.c., above shall be subject to site plan review regulations in force at the time of the second or subsequent submission.

6.7 PUBLIC NOTICE REQUIREMENTS

No Site Plan Review application shall be accepted or acted upon by the Planning Board without giving due notice to the public in accordance with RSA 676:4, I. Such notice will be given in the following manner:

- A. All holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, the applicant, and all abutters as indicated in the Town of Northfield records not more than 5 days before the day of filing, shall be notified by certified mail of the date upon which the application will be formally submitted to the Board. It shall be the sole responsibility of the applicant to provide the Planning Board with a complete list of abutters, and delays as a result of incorrect information provided by the applicant shall not be the responsibility of the Town.
- B. Notice shall be mailed at least ten (10) days prior to submission.
- C. Notice to the general public shall occur at the same time by posting in two (2) public places and publishing in a newspaper of general circulation.
- D. The notice shall include a general description of the proposal which is the subject to the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of

submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing, as reflected in the minutes of that meeting.

- E. The applicant shall provide the Town with three (3) sets of mailing labels accurately prepared for all those requiring notification as per Section 6.7 A. of these regulations. The Town will prepare and mail the notices by certified mail to all those requiring notification.
- F. All costs of notice, including mailing, posting, or publishing, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the application without a public hearing.

SECTION 7

SITE PLAN REQUIREMENTS

The Town of Northfield has established separate standards for both Minor and Major Site Plan submission requirements. The standards outlined in this section are minimum standards, and the Board, if it deems necessary in order to make an informed decision, may require additional information that found below. It is recommended that all applicants come before the Planning Board before final Application Submission, as established in Sections 6.1 and 6.2 of these regulations, so that delays may be avoided by additional information that may be required by the Board.

7.1 MINOR SITE PLAN REQUIREMENTS

Minor Site Plan Review applications shall be accompanied by a detailed site plan which meets the following minimum requirements:

- I. Survey Standards. Although encouraged, a Minor Site Plan **does not** need to be prepared by a licensed land surveyor or certified engineer registered in the State of New Hampshire.
- II. Scale. The Site Plan shall be drawn to scale.
- III. Plan Size. The size of the plan (margin to margin) shall be a minimum of eight and one-half by eleven (8 ½ x 11) inches and a maximum of twenty-two by thirty-four (22 x 34) inches. Appropriate match lines shall be used and so indicated for plans which exceed this size limit. If the size of the plan is larger than eleven by seventeen (11 x 17) inches then the applicant shall also provide ten (10) sets of reduced plans not larger than eleven by seventeen (11 x 17) inches.

In addition the following information shall be included, except that the Planning Board may waive certain data requirements where considered appropriate:

- A. A Title Block, including:
 1. Title of plan;
 2. Owner's name and address, and that of an agent, if any;
 3. Date the plan was prepared and date of subsequent revisions;
 4. Scale of the plan;
 5. Name, address and seal (if applicable) of the preparer of the plan.
- B.
 1. North arrow;
 2. Bar scale;
 3. An approval block containing the statement "Approved by the Northfield Planning Board," two lines for the signatures of the Planning Board Chairman and the Secretary, and a blank date line;

4. A two by one and one-half (2 x 1 ½) inch (approximate) space adjacent to the approval block containing the following statement:

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE NORTHFIELD PLANNING BOARD, THE SITE PLAN APPROVAL GRANTED HEREON EXPIRES ONE YEAR FROM DATE OF APPROVAL.

C. The plan of the site itself shall show:

1. Boundary lines and distances
 - a. Boundary lines of the parcel showing their distances.
 - b. Distances of all existing buildings and structures from boundary lines and all existing/proposed buildings and structures.
 - c. Distances of all proposed buildings and structures from boundary lines and all existing/proposed buildings and structures.
2. Names of all abutting property owners;
3. Location and layout of existing and proposed structures and buildings;
4. Location and layout of existing and proposed signs;
5. Area of entire parcel in acres and square feet;
6. Deed reference and tax map number;
7. Location, width, curbing and paving of access ways, egress ways and streets within the site;
8. Location and layout of all of the on-site parking and loading facilities;
9. Type and location of solid waste disposal facilities;
10. Location, width, description and purpose of easements or rights-of-way.

D. Documentation. Along with the information required under Section 6.3 the following additional documents shall be submitted with a site plan review application where applicable:

1. A completed application form, endorsed by the property owner(s) and his/her agent, which shall include:
 - a. A statement describing the development including the use or uses to be conducted on the lot, and change of an existing use, or augmentation to an existing use;
 - b. Information sufficient to determine whether the development complies with the Zoning Ordinances;
 - c. Requests for waivers, if any; and
 - d. If the development is to be in stages or phases, a description of the project in terms of such stages or phases;
 - e. An attached statement authorizing the agent, if any, to act on behalf

of the property owner(s).

2. Drafts of deeds, easements, agreements and other legal documents including the following, where applicable;
 - a. Deeds of land and/or easements to be conveyed to the Town;
 - b. Deeds of easements and rights-of-way;
 - c. The condominium declaration, as it has been prepared for submittal to the New Hampshire Attorney General;
 - d. Agreements between the applicant and the Town regarding public improvements or other matters;
 - e. Driveway permits reflecting new site usage.
3. Certification of the following:
 - a. All actions of the Zoning Board of Adjustment relative to the application;
 - b. Action of the Board of Selectmen on any petitions or other matters relative to the application;
 - c. The actions of any regulatory body of the State of New Hampshire having jurisdiction over any element of the development, including, but not limited to:
 - i. Department of Environmental Services - Air Resources Division
 - ii. Department of Environmental Services - Water Division, including the Wetlands Bureau; and
 - iii. Department of Transportation

If required permits have not yet been issued, then evidence of the application for said permits must be provided with the Site Plan Review application.

- E. Off Site Improvements. Whenever the proposal contains improvements to or new construction of private or public facilities beyond the limits of the applicant's tract of land, the applicant shall consider areas of improvements or construction to be a part of the site plan and all pertinent requirements of these regulations shall apply.

7.2. **MAJOR SITE PLAN REQUIREMENTS**

Major Site Plan Review applications shall be accompanied by a detailed site plan which meets the following minimum requirements:

- I. Survey Standards. The Site Plan shall be prepared by a licensed land surveyor or certified engineer registered in the State of New Hampshire.
- II. Scale. The Site Plan shall be drawn at a scale of not less than one (1) inch equals (50) feet.
- III. Plan Size. The size of the plan (margin to margin) shall be a minimum of eighteen by twenty-four (18 x 24) inches and a maximum of twenty-four by thirty-six (24 x 36) inches. Appropriate match lines shall be used and so indicated for plans which exceed this size limit. The applicant shall also provide ten (10) sets of reduced plans not larger than eleven by seventeen (11 x 17) inches.

In addition the following information shall be included, except that the Planning Board may waive certain data requirements where considered appropriate:

- A. A Title Block, including:
 1. Title of plan;
 2. Owner's name and address, and that of an agent, if any;
 3. Date the plan was prepared and date of subsequent revisions;
 4. Scale of the plan;
 5. Name, address and seal of the preparer of the plan.
- B.
 1. North arrow;
 2. Bar scale;
 3. An approval block containing the statement "Approved by the Northfield Planning Board," two lines for the signatures of the Planning Board Chairman and the Secretary, and a blank date line;
 4. A two by one and one-half (2 x 1 ½) inch (approximate) space adjacent to the approval block containing the following statement:

PURSUANT TO THE SITE REVIEW REGULATIONS OF THE
NORTHFIELD PLANNING BOARD, THE SITE PLAN APPROVAL
GRANTED HEREON EXPIRES ONE YEAR FROM DATE OF
APPROVAL.
- C. A location plan at a minimum scale of one (1) inch equals one thousand (1,000) feet, showing:
 1. Property lines of the parcel being developed in relation to the surrounding

- area within a radius of two thousand (2,000) feet with Tax Map numbers;
- 2. Names and locations of existing town streets including the nearest intersection of said streets;
- 3. Names and locations of streets within the proposed development;
- 4. Names and location of watercourses and water bodies on and adjacent to the site;
- 5. Nearby community facilities such as any schools, churches, parks, etc;
- 6. Condominium subdivisions shall be written at the same scale as the Northfield Tax Map.

D.. The plan of the site itself shall show:

- 1. Surveyed property lines of the parcel showing their bearings, distances and monument locations, and be stamped by a licensed land surveyor;
- 2. Names of all abutting property owners;
- 3. Location and layout of existing and proposed structures and buildings;
- 4. Location and layout of existing and proposed signs;
- 5. Existing and proposed contours at two (2) foot intervals for the area of work and five (5) foot intervals for the remaining area. Where a change in grade is proposed, existing contours shall be dotted lines and finished elevations solid lines;
- 6. Area of entire parcel in acres and square feet;
- 7. Zoning and special district boundaries;
- 8. Deed reference and tax map number;
- 9. Location, width, curbing and paving of access ways, egress ways and streets within the site;
- 10. Location and layout of all of the on-site parking and loading facilities;
- 11. Location and size of all municipal and non-municipal utilities appurtenances including: water, sewer, electric, telephone, gas lines and fire alarm connections, indicating whether overhead or underground. The Plan is also to include profiles of water, sewer, and drainage. If not serviced by municipal utilities, then the location of wells and septic systems designs;
- 12. Type and location of solid waste disposal facilities;
- 13. Location, elevation and layout of catch basins and other surface drainage features;
- 14. Location of all physical/natural features including water bodies, watercourses, wetlands, vegetation/foilage lines, soil types, railroads, rock outcroppings and stonewalls;
- 15. Dimensions and area of all property to be dedicated for public use or common ownership;
- 16. Location of flood hazard boundaries;
- 17. Date and permit numbers of all of the required state and federal permits;
- 18. Location of all buildings, wells, and leach fields within one hundred and fifty

- (150) feet of the parcel;
- 19. Dimensions, area and minimum setback requirements of all existing and proposed lots;
- 20. Proposed landscaping plan including size and type of plant material;
- 21. Pedestrian walks providing circulation through the site;
- 22. Location and size of proposed and existing signs, walls and fences;
- 23. Location and type of lighting for outdoor activities;
- 24. Location, width, description and purpose of easements or rights-of-way.
- 25. Proposed utilities (buried and/or aerial)

E. Documentation. Along with the information required under Section 6.3 the following additional documents shall be submitted with a site plan review application where applicable:

- 1. A completed application form, endorsed by the property owner(s) and his/her agent, which shall include:
 - a. A statement describing the development including the use or uses to be conducted on the lot, and change of an existing use, or augmentation to an existing use;
 - b. Information sufficient to determine whether the development complies with the Zoning Ordinances;
 - c. Requests for waivers, if any; and
 - d. If the development is to be in stages or phases, a description of the project in terms of such stages or phases;
 - e. An attached statement authorizing the agent, if any, to act on behalf of the property owner(s).
- 2. Drafts of deeds, easements, agreements and other legal documents including the following, where applicable;
 - a. Deeds of land and/or easements to be conveyed to the Town;
 - b. Deeds of easements and rights-of-way;
 - c. The condominium declaration, as it has been prepared for submittal to the New Hampshire Attorney General;
 - d. Agreements between the applicant and the Town regarding public improvements or other matters;
 - e. Driveway permits reflecting new site usage.
- 3. Certification of the following:
 - a. All actions of the Zoning Board of Adjustment relative to the application;

- b. Action of the Board of Selectmen on any petitions or other matters relative to the application;
- c. The actions of any regulatory body of the State of New Hampshire having jurisdiction over any element of the development, including, but not limited to:
 - i. Department of Environmental Services - Air Resources Division
 - ii. Department of Environmental Services - Water Division, including the Wetlands Bureau; and
 - iii. Department of Transportation

If required permits have not yet been issued, then evidence of the application for said permits must be provided with the Site Plan Review application.

- F. Off Site Improvements. Whenever the proposal contains improvements to or new construction of private or public facilities beyond the limits of the applicant's tract of land, the applicant shall consider areas of improvements or construction to be a part of the site plan and all pertinent requirements of these regulations shall apply.

SECTION 8

DESIGN STANDARDS AND REQUIREMENTS FOR SITE PLAN REVIEW

In order to assess whether or not a site plan application complies with the objectives described in Section 2 (Purpose) of these regulations, the Planning Board shall use as a guide at a minimum the following standards where applicable and appropriate. Where these site plan standards do not address particular aspects of the proposal in sufficient detail, the Planning Board may use the Subdivision Regulations as a guide to evaluating site development. In a case where neither the Site Plan Review Regulations nor Subdivision Regulations address a particular aspect of a proposed development, the Planning Board may solicit advice from experts in the field or refer to generally accepted site planning standards to assist them in evaluating the proposal.

8.1 GENERAL REQUIREMENTS

- A. Conformance to Applicable Laws, Rules and Regulations. In addition to the requirements established herein, all developments shall comply with the following laws, rules and regulations:
 - 1. All applicable statutory provisions and all rules and regulations promulgated in accordance with such provisions;
 - 2. All Zoning Ordinance, the Subdivision Regulations building codes, and all other applicable ordinances of the Town of Northfield; and
 - 3. The most recent revision of the Master Plan and the Capital Improvements Program of the Town.
- B. Specifications.
 - 1. Reference to State transportation specifications shall mean "Standard Specifications for Road and Bridge Construction" of the New Hampshire Department of Transportation, approved and currently adopted.
 - 2. Reference to Uniform Traffic Control Devices shall mean the "Manual on Uniform Traffic Control Devices for Streets and Highways," currently adopted by the State of New Hampshire.
 - 3. "Level of Service" shall be defined and calculated as described in the 2000 "Highway Capacity Manual" by the Transportation Research Board, National Research Council, as amended.

8.2 FIRE AND SAFETY PROTECTION

- A. To protect the public health, safety and welfare of residents of Northfield, no building shall exceed three (3) stories in height.
- B. Fire Protection:
 - 1. The Fire Chief shall have sole authority over the location of fire hydrants, and written approval from the Fire Chief shall be required.
 - 2. When required by the Planning Board (whether upon Fire Chief recommendation or otherwise), access to all sides of a building shall be provided for fire fighting equipment. The accessway shall have a structural base capable of supporting fire fighting apparatus. The accessway may be grass but shall be maintained (plowed) year round.
 - 3. Water supply for fire fighting apparatus shall be of design to support a pumping rate of five hundred (500) gallons per minutes for one (1) hour. An unobstructed thirty (30) foot wide access from the nearest public right of way to the water supply for year-round access for fire protection purposes shall be granted to the Fire Department. If any building in the development will be more than one thousand (1,000) feet from the water supply, a second outlet with the same capacity is required.
- C. All main entrances to each building shall have an emergency parking zone of sixteen feet wide by eighteen feet deep (16'x 18'), or more if the Board deems necessary. All walkways to this area shall be maintained.

8.3 BICYCLE AND PEDESTRIAN ACCESS, CIRCULATION, AND PARKING

- A. All developments shall provide for a safe and satisfactory access for pedestrians from the street and throughout the site. All walkways shall be a minimum of five (5) feet wide and of asphalt or other approved hard surfaced material.
- B. All developments shall provide for a safe and satisfactory access for bicyclists from the street and throughout the site. Bicycle accessway requirements for facilities, parking, etc. shall be required at the discretion of the Board after review of the development proposal.

8.4 VEHICULAR ACCESS, CIRCULATION, AND PARKING

- A. All developments shall provide for a safe and satisfactory access from a public street. Where driveway access from a primary or secondary arterial street may be necessary, the Planning Board may require that said lot be served by a combined access drive in order to limit conflicting and hazardous traffic conditions.

- B. Accessways to the site shall be located no closer than fifty (50) feet from the edge of the right-of-way of an intersecting street, and one hundred (100) feet is desirable.
- C. All accessways required shall have a minimum center line radius of forty (40) feet, maximum grade of ten percent (10%), and minimum travel width of sixteen (16) feet.
- D. Accessways shall have an all-season safe sight distance of two hundred fifty (250) feet in each direction, and a sight distance of four hundred (400) feet is preferred. If this regulation is in conflict with another, the stricter applies. A signed driveway permit from the controlling authority noting improvements shall be required before final approval.

Sight distance is measured from a point of the accessway at least ten (10) feet from the edge of the major road pavement and measured from an eye level of three and one half (3 1/2) feet on the accessway to a height of object four and one quarter (4 1/4) feet high on the major road, and no point along this sight should be less than one (1) foot from the ground.
- E. Projects shall be designed so as not to reduce the existing "level of service" on public streets within the adjacent to the development. When calculating level of service, the applicant shall include estimated traffic volumes from all approved subdivisions within the area of the proposed projects. Future levels of service shall also be projected for five (5) and ten (10) year time periods.
- F. Where an adjacent existing street from which access is gained is deemed to be substandard and unsafe by the Town Road Agent or the Planning Board to accommodate the traffic generated by the proposed project, the proposal may be denied by the Planning Board pursuant to Purpose herein described in Section 2 of these Regulations.
- G. Traffic control signals and signs, turning lanes, pavement widening, eliminating certain turning movements and other improvements may be required as determined necessary and practical by either the Planning Board or the Road Agent.

8.5 OFF-STREET PARKING AND LOADING

- A. General Requirements. All developments shall make adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the safety and convenience of pedestrian and vehicular movement on the site. The design shall also minimize the impact of intrusive elements of parking and loading such as noise, dust, and glare upon neighboring properties and land uses. No on-street parking, delivery or loading is permitted. Whenever a use existing on the effective date of these regulations is expanded or changes thereafter to a new use, parking facilities shall be provided for such new use.

B. Required Improvements. Every development shall provide an area for parking and loading on the site which is paved and drained in accordance with the standards in these regulations.

1. Parking spaces shall be arranged so that cars will not back into a public street.
2. No parking spaces shall be located closer than ten (10) feet to any structure, public sidewalk or street and shall be designed with suitable wheel stops.
3. Each and every parking space shall have a safe and uninhibited access.
4. All parking and loading shall be situated on the same tract or parcel of land as the primary use, building, or structure.
5. Provision shall be made for temporary on-site storage of snow which is removed from parking and loading areas.
6. All parking areas shall be designed with adequate drainage so as to prevent the creation and accumulation of ice in parking areas.
7. Parking areas are permitted in front setbacks as allowed by Town Zoning Regulations.

C. All main entrances to each building shall have an emergency parking zone of sixteen feet wide by eighteen feet deep (16'x 18'), or more if the Board deems necessary. All walkways to this area shall be maintained.

8.6 PARKING DIMENSIONS. The following represent minimum dimensions for parking stalls and aisles. Each parking space shall be large enough to contain a rectangle measuring not less than nine (9) feet by eighteen (18) feet. Handicap parking stalls shall be large enough to fully contain a rectangle 8' wide by 20' long. Parked vehicle overhangs shall not reduce the clear width of an accessible route. All handicap parking spaces shall be served by a parallel access aisle, which shall be a minimum of 5' wide for standard handicap spaces, and 8' wide for van accessible spaces. Adjacent spaces may share an access aisle.

A. For two-way traffic, all parking stalls shall be at right angles to the aisle, and aisle width shall be a minimum of 25'

B. For one-way traffic, aisle width shall be related to the angle of the parking spaces as follows:

Angle: Parking to Aisle	Minimum Aisle Width
45 degrees	12'
60 degrees	16'
75 degrees	22'
90 degrees	25'

8.7 PARKING STANDARDS. The following parking standards represent minimum requirements and may be increased as part of the approval of a site development plan.

A. Number of Spaces:

1. MULTI-FAMILY DWELLING: two (2) spaces for each unit, all multi-family housing developments shall provide one-half (1/2) of a parking space per unit for visitor parking.
2. ELDERLY/SENIOR CITIZENS HOUSING: one and one-half (1-1/2) spaces for each dwelling unit.
3. RESTAURANT, EXCLUDING FAST-FOOD ESTABLISHMENTS: one (1) space per three (3) seats, plus one (1) per two (2) employees, or one (1) space per one hundred fifty(150) square feet of floor area used, whichever is greater; in addition, where there is a bar: one (1) space per two (2) stools.
4. FAST-FOOD ESTABLISHMENTS: one (1) space per every two (2) seats, plus one (1) space per each employee in the maximum shift, or one (1) space per fifty feet of gross floor area, plus one (1) space per each employee in the maximum floor shift, whichever is greater.
5. WHOLESALE DISTRIBUTION: one (1) space per eight hundred (800) square feet of gross floor space or one (1) space per employee in the maximum shift, whichever is greater.
6. MANUFACTURING: one (1) space per each one and one-half (1/2) employees or one (1) space per five hundred (500) square feet of gross floor area, whichever is greater.
7. HOTEL, MOTEL, OR TOURIST HOME: one (1) space for each sleeping room, plus one (1) space for each four hundred (400) square feet of public meeting room.
8. OFFICE, GENERAL: one (1) space per two hundred (200) square feet of gross floor area.
9. RETAIL/SERVICE: one (1) space per one hundred fifty (150) square feet of gross floor area of sales plus one (1) space for each six hundred (600) square feet of gross floor area of storage.

10. COMMUNITY FACILITY (CITY BUILDING OR RECREATION): one (1) space for each four hundred (400) square feet of gross floor space.
11. HOSPITAL AND NURSING HOME: one (1) space per each two (2) beds at design capacity.
12. THEATER, AUDITORIUM OR CHURCH: one (1) space for each four (4) seats of total seating capacity.
13. FUNERAL HOME: ten (10) spaces plus eight (8) spaces for each chapel above one.
14. GASOLINE SERVICE STATION: three (3) spaces for each service bay, plus one (1) space per employee in the maximum shift.
15. OTHER: closest similar use as shall be determined by the Planning Board.
16. IF THE USE IS NOT DEFINED, THE PLANNING BOARD SHALL HAVE THE RIGHT TO DETERMINE THE NUMBER OF PARKING SPACES.

B. Handicap Parking Spaces: All sites which provide on-site parking shall provide handicap parking spaces and accompanying access aisles in accordance with Federal law, in particular 23 CFR Part 36, Appendix A, Section 4.1.2 (5) (see Federal Register, Volume 56, #144, July 26, 1991).

1. For the convenience of the readers, the smaller size parking lot standards are summarized below:

Total Parking Spaces	Minimum That Are Accessible
1 to 25	1
26 to 50	2
51 to 71	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7

2. One in every eight handicap spaces, but not less than one, shall be designated as "Van Accessible" and shall be served by an 8' access aisle.
3. Each Handicap space shall be identified with pavement markings and a sign. Van accessible spaces shall require an additional sign to indicate that it is van

accessible. Signs shall be mounted such that they are not obscured by other parked vehicles.

- C. Shared Parking: Because different uses in close proximity to one another can effectively and efficiently share parking when their peak parking demands occur at different times of day or on different days of the week, it is often possible to reduce the number of parking spaces and still satisfy the demand. Shared parking is encouraged wherever feasible, and may be required if the Planning Board deems it necessary to accomplish the purpose of this Regulation. Calculations for the reduction in parking shall be consistent with Shared Parking (Urban Land Institute. Washington, DC, 1990). Shared parking may involve multiple uses on a single lot, or may involve multiple uses on two or more lots, provided that all other parking provisions are met.

8.8 ADA COMPLIANCE

- A. Adequate provisions shall be made to ensure compliance of sites with the Americans with Disabilities Act of 1990 (ADA). Additional information regarding handicap parking is provided in Sections 8.6 and 8.7(B).

8.9 DEVELOPMENTS OF REGIONAL IMPACT

- A. All applications shall be reviewed for potential regional impacts according to a determination of the Board. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination is made. The copies shall be sent by certified mail within 144 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time, and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal. All applications shall be reviewed for potential regional impacts. A development shall be considered to have a regional impact if it meets any one of the following criteria within 5 years or less:
 - 1. Residential Development: Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%.
 - 2. Commercial Development: Proposals for new or expanded space of 30,000 square feet or greater.
 - 3. Industrial Development: Proposals for new or expanded space of 100,000 square feet or more.

- B. Regional impact could also result from a number of factors such as, but not limited to, the following:
1. Relative size or number of lots or units compared with existing stock.
 2. Proposed developments that create a new road or a point of access between municipalities.
 3. Proximity to the borders of a neighboring community.
 4. Anticipated emissions such as noise, lighting, smoke, soot, odors, or particulates.
 5. Proposed developments located within 1,000 feet of any aquifer or surface waters which transcend municipal boundaries and there will be either a large water withdrawal (defined as 57,600 gallons/day by NHDES) or there will be indoor, outdoor, or underground storage of chemicals or other potential pollutants.
 6. Shared facilities such as schools and solid waste disposal facilities.
 7. The potential to disturb or destroy a significant or important natural environment or habitat.
 8. The potential for accidents that would require evacuation of a large area.
 9. The generation and/or use of any hazardous materials.

8.10 STORM WATER DRAINAGE SYSTEM

- A. Municipal Stormwater Drainage System Available:
All developments shall make adequate provisions for storm water disposal facilities which shall be designed by a registered engineer. Where a municipal storm drainage system is available within 200 feet of any boundary, or as otherwise determined by the Board, the extension of said system to and within a proposed development shall be required. This requirement shall be subject to the available capacity of the storm water drainage system. Where the capacity is not currently available, the developer will be required to improve the capacity of the system so as to accommodate additional drainage flow as a result of the proposal.
- B. Municipal Stormwater Drainage System will be Available:
Where municipal storm drains are not available at the time of application, but said storm drain will become available in the future because of inclusion in the Capital

Improvement Program, the applicant shall install a municipal storm drain system, ready for connection to the municipal system at the time of its expansion.

C. **Municipal Stormwater Drainage System not Available:**

If a municipal storm drain system is not available, swales and drainageways shall be provided within specified easements to carry storm water to existing water courses or existing storm drains. If the storm water drainage system creates any additional flow over other properties, the developer shall obtain easements therefore from the owners of said properties. The goal of all such systems shall be to promote the natural absorption of stormwater back into the groundwater system. No increase in runoff from the property will be permitted subject to the conditions set forth in these Site Plan Review Regulations.

A written engineering report describing the impacted watershed, projected runoff and any projected downstream impacts shall be required upon request.

D. **Design Standards:**

1. **Municipal Storm Water Drainage Systems:** Storm water runoff shall be carried away in a sub-surface, piped storm sewer system. Such drainage facilities shall be located in the street rights-of-way where feasible and shall be constructed in accordance with the standards and specifications of the Town of Northfield. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least thirty (30) feet in which for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.
2. **Storm Water Drainage System:** When public storm drains are not required, all stormwater systems shall be designed to promote the natural absorption of stormwater into the groundwater system. Where a development is traversed by a watercourse, drainage easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. The applicant shall provide for a “no disturbance area” on land on both sides of existing watercourses to a distance to be determined by the Planning Board. This no disturbance area shall be clearly indicated on the site plan to the satisfaction of the Planning Board.
3. **Accommodation of Upstream Drainage Areas:** A culvert or other drainage

facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development.

4. **Effect on Downstream Drainage Area:** When a proposed drainage system will carry water across land outside the development, appropriate drainage rights must be secured and indicated on the site plan. Where it is anticipated that the additional runoff incident to the development will overload an existing downstream drainage facility the Planning Board may withhold approval of the development until provision has been made for the improvement of said condition. Alternatively, the Board may approve on-site retention or detention facilities to prevent the overloading of existing downstream facilities. The Board may require minimum four-foot chain link fencing with top and bottom rail around retention or detention facilities.
5. **Areas of Poor Drainage:** The Planning Board may prohibit the development of any portion of the property identified as wetland by the Zoning Ordinance and may require the preservation and dedication of such. In areas containing very poorly or poorly drained soils, including areas subject to a fluctuating water table, the Board may require that studies be prepared by a registered engineer relative to the impact to groundwater on the storm drainage system. Depending upon the nature and magnitude of the impacts so identified, the Board may prohibit the development of those portions of the property.
6. All drainage structures shall be designed to handle a twenty-five (25) year storm with a duration of twenty-four (24) hours.

8.11 WATER SUPPLY

- A. **General Requirements:** All developments shall make adequate minimum provision for a supply of potable water for domestic consumption in accordance with American Water Works Association (AWWA) standards. Standards for water supply for fire fighting purposes are referenced in Section 7.2. Where a public water supply system is available, the extension of said system to and within a proposed development shall be required. If public water supply is not available, water shall be provided by individual wells or a private central system. All water supply systems and facilities shall be designed by a registered engineer. The Planning Board may require that the applicant provide evidence proving the adequacy of capacity of any proposed water supply whether public or private.
- B. **Required Improvements:**
 1. **Municipal/Public Water System:** For development in the area served by the

Tilton-Northfield Aqueduct System, a public water system shall be required. A public water system shall be required if available within 200 feet of any boundary of the development or as otherwise determined by the Board. Where a public water system is not available at the time of the application, but said water system will become available in the future, the applicant shall install a public water system, ready for connection to the public system at the time of its expansion.

2. Non-Municipal/Public Water Supply: Where a public water system is not required, water supply shall be provided through private wells on individual lots or by a private central system.

C. Design Standards: All developments shall provide a water supply either through private wells or a community system which shall conform to the Northfield Zoning Ordinance and/or New Hampshire Department of Environmental Services (NHDES) regulations.

1. Public Water System: The applicant shall install facilities for the supply and distribution of water, including fire protection capabilities, in a manner prescribed by the construction standards and specifications of the Town of Northfield. Water mains shall be located within the street right-of-way, water mains and appurtenant facilities shall be located in accordance with the rules and regulations of the Tilton-Northfield Aqueduct System. When water mains are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be thirty (30) feet in width, and shall provide satisfactory access to a street.
2. Non-Public Water Supply: Where public water supply is not required, water supply shall be provided, without waiver, through either of the following methods:
 - a. Individual private wells, the location of which shall comply with all regulations and standards of the New Hampshire Department of Environmental Services (NHDES); or
 - b. A private central water system, serving two (2) or more lots or users, which shall conform and meet all standards set for community water services as established by the New Hampshire Department of Environmental Services (NHDES) even though NHDES may not invoke jurisdiction in all cases, and shall be reviewed by the Town Fire Chief.

8.12 SANITARY SEWAGE DISPOSAL

- A. General Requirements: All developments shall make adequate provision for sanitary sewage disposal facilities which shall be designed by a registered engineer. Where municipal sanitary sewers are available, the extension of said sewers to and within a proposed development shall be required. If municipal sanitary sewers are not available, sanitary sewage disposal shall be accomplished through the provision of individual waste disposal systems or a private central sewerage system.
- B. Required Improvements:
1. Municipal Sanitary Sewers: For development in the Northfield Sewer Commission, municipal sanitary sewers shall be required. Municipal sanitary sewers shall be required if available within two hundred (200) feet of any boundary of the development or as otherwise determined by the Board. A letter from the Northfield Sewer Commission covering all agreements shall be required.
 2. Non-Municipal Sanitary Sewage Disposal: Where a municipal sanitary sewer system is not required, sanitary sewage disposal shall be provided by either an individual disposal system or by a central sewage system under the New Hampshire Department of Environmental Services control standards. A groundwater discharge permit, if applicable, shall be required prior to final approval (WS-410).
- C. Design Standards:
1. Municipal Sanitary Sewers: The applicant shall install sanitary sewer facilities to serve each lot or dwelling unit in a manner prescribed by the construction standards and specification of the Town of Northfield. When sewers are located in easements across private property, said easements shall be unobstructed in perpetuity, shall be thirty (30) feet in width, and shall provide satisfactory access to a street.
 2. Non-Municipal Sanitary Sewage Disposal: Where municipal sanitary sewers are not required, sanitary waste disposal may be accomplished by either of the following methods:
 - a. Individual disposal systems, the design and location of which shall be approved without waiver of any applicable regulation of the New Hampshire Department of Environmental Services.

Each proposed lot shall have a test pit on the proposed site for the leaching bed on each proposed lot. The Planning Board may request that an independent engineer or soil scientist verify any test pit(s).

Approval for each septic design shall be obtained from the New Hampshire Department of Environmental Services prior to final approval of the subdivision.

- b. A private central sewerage system, the design and location of which shall be approved without waiver of any applicable regulation of the New Hampshire Department of Environmental Services. Where required, ground water discharge permits shall be submitted.

In addition, the Planning Board may require more stringent standards where deemed necessary.

8.13 SNOW REMOVAL AND STORAGE

- A. General Requirements: Snow removal shall be reviewed for all sites, and the general plan for snow removal shall be indicated in a note on the plat. Areas suitable for snow storage shall be designated on the plat, and removal from the site may be necessary if insufficient storage area is available. Landscaping in the snow storage area shall be such that it can withstand the snow pile. Snow shall not be pushed onto adjacent lots or right-of-ways without the owner's consent. These snow storage areas shall not use or block the use of any required parking spaces, aisles or access drives.

8.14 NON-MUNICIPAL UTILITIES

- A. General Requirements: The applicant is responsible for all coordination with utility companies to assure that non-municipal utilities are installed in accordance with plans approved by the Board pursuant to these regulations.

8.15 PRESERVATION OF NATURAL FEATURES AND AMENITIES

- A. General Requirements:
 - 2. Grading and clearing should be minimized so as to avoid creating undue erosion or interruption of natural drainage ways. Particular attention should be given to natural features suitable as buffer strips between residential subdivisions abutting commercial or industrial areas. Similar natural features that provide buffers between lots or sections of a development should be preserved to enhance privacy and attractiveness. Provision for clearing may

be made for southerly exposure for solar access to dwellings or buildings. The applicant should make every attempt practicable to preserve and/or enhance the existing aesthetic qualities of the lot.

2. If the Planning Board finds certain land to be unsuitable for development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which may be harmful to the safety, health, and general welfare of the present or future users of the development, inhabitants of the surrounding area, or residents of the Town, the land shall not be developed unless adequate methods are formulated by the developer and approved by the Planning Board to solve the problems created by the unsuitable land conditions. Otherwise, such land shall be set aside for uses as shall not involve such danger.
3. Developers shall use construction methods which cause the least disturbance to the environment as possible. No debris, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street. Removal of same shall be required prior to issuance of any Certificate of Occupancy. Nor shall any debris be left or deposited in any area of development at the time of expiration of the performance bond or dedications of public improvements, whichever is sooner.
4. Site construction in excess of one hundred thousand (100,000) square feet of disturbed area shall require a site alternation plan in accordance with RSA 485-A:17. All construction shall be in accordance with the plan, and the site alteration plan approval shall be required prior to final approval by the Board.

8.16 LANDSCAPING

A. General Requirements:

1. In a residential project a minimum of seventy (70) percent of the land area being developed shall not be covered by an impermeable material but shall remain in its natural state or shall be maintained as a landscaped area.
2. In a non-residential development a minimum of thirty (30) percent of the land area being developed shall not be covered by an impermeable material but shall remain in its natural state or shall be maintained as a landscaped area.
3. In a non-residential development the remaining thirty (30) percent of the land is preferred left in its natural state where there are existing trees and forest cover. This vegetation should remain uncut in order to maximize sound adsorption and light diffusion. The Planning Board shall require the

developer to replace vegetation and forest cover that is removed unnecessarily from this area.

B. Required Improvements:

1. A landscaped buffer zone shall be required wherever a commercial or industrial development abuts any other adjacent property or street.
2. Every development shall include landscaping to enhance the appearance of structures, to screen parking, loading and storage areas and to improve the visual character of the immediate area.

C. Design Standards:

1. A buffer zone shall consist of a strip of at least twenty (20) feet wide, densely planted (of having equivalent natural growth) with shrubs or trees at least six (6) feet high at the time of planting consisting, preferably, of cedar or spruce trees planted in two offset rows. The trees shall be planted eight feet apart in each row, and rows shall be eight feet apart.
2. Site landscaping shall consist of trees, shrubs and other plant materials adapted to the growing conditions of the specific site as well as the general area.
3. Location, width and material of all walkways and pathways shall be indicated.
4. Location, type, material, and dimensions of all fences, walls and outdoor recreational facilities shall be indicated.
5. Wood chips or crushed stone shall not be considered acceptable where green areas are required.
6. Parking lots visible from a public street or adjacent property shall be screened with appropriate plantings, as determined by the Planning Board, in order to obscure these areas from public view and enhance the visual aesthetics of the area.
7. Solid waste collection equipment, pump stations, public utilities and appurtenances, outdoor storage and other outdoor uses visible from a public street or right of way shall be screened with appropriate plantings or fencing, as determined by the Planning Board, in order to obscure these areas from public view and enhance the visual aesthetics of the area.

8. Parking lots shall be interrupted by shade trees and landscaping to allow no more than 150 feet of a continuous improved parking surface. Parking lot perimeters shall be fully planted with large, quick growing deciduous trees having a circumference of no less than three inches in an adequate planting bed designed for mature growth. Trees shall be planted no less than 15 feet apart in these areas. Where practicable, permanent irrigation shall be installed to insure successful growth.
9. Site landscaping shall be provided and maintained around all structures, to the satisfaction of the Board, in order to enhance the visual aesthetics of the area.
10. The Planning Board may require that a landscaping plan be reviewed by a landscape architect, or any other qualified individual deemed appropriate to the Board as per the procedure outlined in Section 6.4 of these regulations.
11. The Planning Board may require a Maintenance Guaranty as per Section 9.4.E of these regulations for any landscape work conducted on the site.

8.17 ARCHITECTURAL/AESTHETIC REVIEW

- A. General Requirements: It is important to the town of Northfield that the appearance of the town be perceived as an attractive commercial environment, which reflects and compliments its heritage. It is important to continue to allow diversity of building designs and architectural styles, which blend well with the surrounding buildings in the area.
- B. New building designs will be evaluated using the following factors.
 1. Scale, proportion, height and area of a building.
 2. Architectural details and features.
 3. Outdoor lighting design.

8.18 OUTDOOR LIGHTING

- A. General Requirements: The outdoor lighting of sites shall be designed to prevent off-site disturbance, nuisance, hazard, or other adverse impacts on the nearby properties or roads. All outdoor light sources shall be designed, directed and/or shielded such that the nighttime lighting is primarily contained on the site to shield abutting properties and roads. All outdoor lighting shall be located on-site.

1. Indirect lighting should be used on signs advertising goods or services offered on the premises. Blinking or flashing lights are not permitted.
2. After 11:00 p.m. only that amount of light necessary for the security of the premises shall be permitted.

8.19 SIGNS

- A. All development proposals shall submit designs for all new proposed signage. Additionally, the size and location of existing signs shall be noted on the plan. Sign size, type, location, height and illumination shall conform to the Northfield Zoning Ordinance. Any sign which refers to a discontinued use shall be removed by the property owner. All signs shall be maintained in good condition and in good repair at all times.

8.20 UNDERGROUND PETROLEUM STORAGE TANKS.

- A. General Requirements: All non-residential underground tanks for petroleum or petroleum by-products shall comply with the New Hampshire Department of Environmental Services Waste Management Division rule Env-Wm 1401, as amended. These regulations shall apply to all new non-residential tanks of any capacity whether or not the NHDES should invoke jurisdiction. In addition, all requirements of the Federal Resource Conservation Recovery Act shall apply.

8.21 HAZARDOUS AND TOXIC MATERIALS.

General Requirements:

- A. All site plan proposals for which the proposed use will be receiving, handling, storing, processing, selling or discharging hazardous or toxic materials shall disclose this information as part of the site plan application.
- B. The applicant shall provide an impact and risk assessment on each material regarding public and worker health and safety, and other potential threats to the community and its natural resources.
- C. If hazardous and/or toxic materials are to be stored outdoors, they shall be on an impervious surface resistant to the chemical being stored. A roof shall be provided for shed rainwater and a dike or berm to contain any spills. Containers shall be kept sealed or covered.
- D. For chemicals being used or stored indoors the following minimum guidelines shall

apply:

1. No interior floor drains shall be directed to any stream, storm drain, or septic system.
 2. No interior floor drains from a process area shall be directed to a sanitary sewer without treatment.
 3. At a minimum, floor drains shall have a 1,000 gallon minimum capacity gravity separator before discharging.
 4. If an underground holding tank is used, it shall have cleanout manholes.
 5. If drums are stored horizontally on racks, there shall be large drip pans under all spigots.
 6. All containers must be accurately labeled.
- E. Upon request of the Board, review and comment on this information shall be obtained from the Tilton-Northfield Fire District, the State Fire Marshall, the New Hampshire Department of Environmental Services and the New Hampshire Division of Public Health Services.

8. 22 SPECIAL FLOOD HAZARD AREAS. All Site Plan proposals governed by these regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Northfield, N.H." together with the associated Flood Insurance Rate Maps and Floodway Maps of the Town of Northfield, as revised, shall meet the following requirements:

- A. 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.
- B. 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).
- C. 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:
 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 waste 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.

SECTION 9

PERFORMANCE AGREEMENT

- 9.1 SITE PLAN APPROVAL.** No plat or plan shall be approved or signed by the Planning Board unless and until adequate security, as determined by the Planning Board, has been posted, in the form of an irrevocable letter of credit, cash or performance bond, in a form approved by Town Counsel.
- 9.2 PERIOD OF PERFORMANCE.** All site improvements shall be constructed and/or installed within the period of time specified in the Planning Board approval of the site plan, unless such time is extended by written mutual consent of the Board and the applicant. Site improvements shall not be considered complete until officially approved by such federal, state and local officials as may have jurisdiction. Construction activities and storage of building materials shall only be carried on in such a manner and at such times as to render said activities not unduly objectionable to adjacent properties. No changes in an approved Site Plan are permitted, unless first approved by the Planning Board.
- 9.3 CERTIFICATE OF OCCUPANCY**
- A. A Certificate of Occupancy shall be issued by the Code Enforcement Officer for new construction of residential and/or nonresidential units only after he has approved the adequacy of all required improvements servicing the subject parcel or parcels.
 - B. A Certificate of Occupancy shall be issued provided that all utilities and other improvements servicing the subject parcel have been constructed and/or installed in accordance with Town specifications. Roads shall be bonded, and shall be the responsibility of the developer and property owner until the Town accepts same. Rubbish removal shall be the responsibility of the developer and property owner until the town accepts the road.
 - C. A Certificate of Occupancy may be issued if only minor improvements are needed to complete the project and if the completion of these improvements has been delayed due to factors, such as the weather, beyond the control of the developer. The developer must demonstrate to the Planning Board the reasons these improvements were not completed. In addition, the developer must demonstrate that the lack of these improvements, as well as the eventual construction of the improvements, will not impede the protection of public health and safety.

9.4 PERFORMANCE GUARANTY

- A. Construction and installation of required improvements must be satisfactorily executed within the time constraints imposed by the Planning Board, or the applicant shall forfeit said performance guaranty, and the surety shall be used to complete and/or install such improvements in accordance with the requirements specified herein.
- B. The Design Engineer shall submit an itemized estimate of cost of construction. The Planning Board shall have the option to hire a consultant to verify the value of the bond. The performance guaranty shall be in an amount up to one hundred ten (110) percent as determined by the Planning Board to secure to the Town the satisfactory construction and installation of the required improvements. Said security shall indicate the time limit which has been imposed by the Board for construction of improvements.
- C. If an extension of such time limit is required, the applicant shall notify the Planning Board at least thirty (30) days prior to said completion date. The Planning Board shall have the discretion to extend said completion date and/or increase the limit of the performance guaranty.

9.5 MAINTENANCE GUARANTY. An irrevocable letter of credit to guaranty that all site work was properly done shall be posted by the applicant with the Planning Board if the Board so orders. Such maintenance guaranty shall be in an amount of two (2) percent of the estimated project cost and shall remain in force for two (2) years after site improvements are completed. If repairs are needed and are not satisfactorily installed by the developer, then such guaranty shall be used to complete and/or install such improvements in accordance with the requirements specified herein.

9.6 INSPECTION OF IMPROVEMENTS. All site improvements shall be subject to inspection by and approval of either the Code Enforcement Officer or a designee of the Planning Board, who shall be notified by the developer at least seventy-two (72) hours prior to the start of the construction. Inspections shall be conducted by said official or his designee following a request by the developer. No underground installation shall be covered until inspected. Any improvements covered without inspection shall be considered not accepted. If designee must be hired as an independent consultant to the Planning Board this cost shall be borne by applicant.

9.7 AS BUILT PLANS. At the completion of construction, if there has been any change to the development from the Site Plan originally approved by the Board, the developer shall have prepared a set of as-built plans showing the actual location and details of all improvements and shall submit six (6) black or blue line prints of the plans and one (1) set of mylars to the Board.

SECTION 10

ADMINISTRATION AND ENFORCEMENT

10.1 WAIVERS

- A. When in the judgment of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause extraordinary and unnecessary hardships, the Board may waive certain portions of the regulations so that substantial justice may be achieved and the public interest secured. In no circumstances shall a waiver be granted unless there is an unnecessary hardship and that the granting of such waivers shall not have the effect of nullifying the intent and purpose of the Town of Northfield Master Plan, Zoning Ordinance, or Site Plan Review Regulations.
- B. In granting waivers, the Planning Board may require such conditions as will in the Board's judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. The Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:
 - 1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other adjacent property;
 - 2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from there inconvenience, if the strict letter of these regulations is carried out; and
 - 4. The waiver will not, in any manner, vary the provisions of the Zoning Ordinances or the Master Plan.
- D. Procedures. A petition for any and all waivers shall be submitted in writing by the applicant at the time the application is filed for consideration by the Planning Board. The petition shall state fully the grounds for each request for

waiver and all of the facts relied upon by the petitioner.

10.2. ENFORCEMENT. The enforcement of these regulations shall be under the jurisdiction of the Northfield Board of Selectmen as authorized by RSA 676:17.

10.3. PENALTY. Any person who violates the provisions of these regulations shall be guilty of a violation and shall be subject to a penalty not to exceed the maximum established by State Statute.

10.4. FEES.

A. Application Fees - Any application for site plan review shall be accompanied by a non-refundable fee to cover the Board's administrative costs. The fee will be in the amount required by the fee schedule contained in the Planning Board's Rules of Procedure.

B. Inspection Fees - The fee levied for inspection of site work shall be the actual cost per hour of the individual making the inspection for improvements as required by these regulations. All costs for consultants shall be paid to the Board which will pay the consultants directly.

C. Notice Fees - The applicant shall be responsible for paying the costs of mailing certified notices to abutters as well as the cost of advertising and/or posting.

D. Additional Fees - Any applicant may be required to pay additional reasonable fees imposed by the Board to cover the costs of special investigative studies, review of documents and other matters which may be required by a particular application (RSA 676:4-I(g)).

10.5. ADOPTION. In accordance with RSA 675:6. these regulations shall become effective after a public hearing is held as specified in RSA 675:7, adoption and certification by a majority of the Planning Board members, and filing of certified copies with the Town Clerk as required by RSA 675:8. Copies shall also be filed with the New Hampshire Office of Energy and Planning as required by RSA 675:9.

10.6. INTERPRETATION AND CONFLICT. In matters of judgment or interpretation of the requirements of these regulations, the opinion and decision of the Planning Board shall prevail. In any place where these regulations are in conflict with any other regulations, ordinances or laws in effect in the Town, the more restrictive regulations or provisions shall prevail.

10.7. SEPERABILITY. If any section, subsection, paragraph, sentence, clause, or phrase

of these regulations shall be held to be invalid or unconstitutional by any Court of competent authority, such holding shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, or phrase of these regulations.

- 10.8. AMENDMENTS.** In accordance with RSA 675:6, these regulations may be amended or rescinded by the Board following a public hearing as specified in RSA 675:7 on the proposed change. The Chairman of the Board shall transmit a copy certified by a majority of the Planning Board members of any changes so adopted to the Town Clerk. Copies shall also be filed with the New Hampshire Office of Energy and Planning.
- 10.9. APPEALS.** As provided in RSA 677:15, any persons aggrieved by any decision of the Planning Board may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision by the Planning Board.

SECTION 11

FEE SCHEDULE

Pursuant to RSA 674:44 the Planning Board is authorized to require an applicant to pay all costs of abutter notification and may assess fees to cover the Board's administrative costs. The following fee schedule is part of the Town's Site Plan Review Regulations and shall apply to all multi-family and non-residential developments.

All fees are non-refundable. Payments for application and abutter notification charges are due at the time of application filing. All other fees are due at final approval of site plan.

Please refer to the *Town of Northfield Planning Board Rules of Procedure* for a current Fee Schedule.