

Town of Eaton

Site Plan Review Regulations



2022

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SITE PLAN REVIEW REGULATIONS

I. AUTHORITY

Pursuant to the authority vested in the Eaton Planning Board by the voters of the Town in accordance with the provisions of RSA Chapter 674:43, adopted at Town Meeting, July 12, 1984, the Eaton Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development, or change, or expansion or use of tracts for non-residential uses, or for multifamily dwelling units, condominiums, or planned unit developments, which are defined as any structures containing more than 2 (two) dwelling units, whether or not such development, change or expansion includes a subdivision or resubdivision of the site.

II. PURPOSE

The purpose of the Site Plan Review Procedure is to protect the public health, safety and welfare; to promote balanced growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid unnecessary and adverse impacts on neighboring property and uses; and to guide the character of development.

III. REVIEW PROCESS

A. General Procedure

Whenever any development of a site regulated by this regulation is proposed; before any construction, land clearing or building development is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; before any contract or offer for sale, rent, condominium conveyance or lease of lots shall have been negotiated; and before any site plan may be filed in the Office of the Register of Deeds of Carroll County, the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure.

During the review process, the Planning Board will consider all, but not limited to, listed topics on the worksheet contained in Appendix I.

Site Plan review is also required for the expansion of, or a change in, an existing non-residential or multi-family use.

B. Preliminary Consultation and Review

1. The applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultation shall be informal and directed toward:
 - a. Reviewing the basic concepts of the proposal;
 - b. Reviewing the proposal with regard to the Town Master Plan, Zoning Ordinance, and Subdivision Regulations; and
 - c. Guiding the applicant relative to state and local requirements.

2. Preliminary consultation and review shall not bind the applicant or the Board. Such discussion may occur without a public hearing and formal public notice as provided in Sections F and G below. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described in Section G.
3. Preliminary consultation and review shall be separate and apart from formal consideration under Section C and D below and the time limits for acting under Section E shall not apply until a formal completed application is submitted.
4. The applicant shall be guided by the Board as to the need for further meetings and the advisability of entering into the next stage. There is no time limit or application fee for this preliminary consultation and review.
5. After the preliminary phase, the Board may, at its discretion, require a two-stage application (Design Review Phase then Completed Application).

C. Design Review Phase

1. The design review phase may proceed only after identification of and notice to abutters and the general public as required by Section G. However, the Board or its designee may engage in non-binding discussions with the applicant beyond conceptual and general discussion which involve minor specific design and engineering details. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.
2. The applicant shall submit a Preliminary Layout to the Town Hall not less than twenty (20) days before a regular meeting of the Board.
3. Notice of the submission of a Preliminary Layout shall be given as provided in Section G.
4. The Preliminary Layout shall be at a scale of not more than one-hundred (100) feet to the inch. Dimensions may be approximate and data may be tentative, but shall be sufficiently clear to illustrate all conditions. The Preliminary Layout shall include:
 - i) Name and addresses of all abutters and payment to cover mailing and advertising costs as stated in Section I.
 - ii) Names and addresses of applicants; names and addresses of owners, if other than applicants; north point; property lines; lot lines; natural features; watercourses, size of site in acres; topographic contours; existing easements and deed restrictions; wetlands; soil types; land to be reserved or dedicated for public use; existing and proposed streets with street names, right-of-way widths, and locations; existing structures; flood hazard area; preliminary layouts of sewers, culverts, storm drains, catch basins, water mains and other utilities; and percolation test locations and data.

D. Completed Application

1. A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.

2. The following shall be required for and constitute a completed application:
 - a. An application for Site Plan Approval properly filled out and executed by the applicant and filed with the Board in accordance with ~~Section D~~ Items 3-6 below together with the following:
 - b. The names and addresses of the applicant and all abutters as indicated in the Town of Eaton assessing records not more than five (5) days before the day of filing.
 - c. Six (6) paper print copies of the Site Plan Layout in accordance with and accompanied by the information required in Article V.
3. The completed application shall be filed at the Town Hall 20 days prior to the scheduled Public Hearing.
4. An incomplete application filed by the applicant will not be formally accepted by the Board, nor will notices of public meeting be mailed, posted, or published as provided under Section G.2 below.
5. The completed application shall be formally submitted to and accepted by the Board only at a subsequent regularly scheduled public meeting after due notification to applicant, abutters, and the general public of the date the completed application will be submitted to and received by the Board.
6. Applications may be disapproved by the Board without a public hearing on grounds of failure of the applicant to supply information required by these regulations, including:
 - a. Abutters identification and information required for Preliminary Layout.
 - b. Failure to pay costs of notices or other costs and fees required by these regulations, or
 - c. Failure to meet any reasonable deadline established by these regulations.

E. Board Action on Completed Application

1. The Board shall consider the completed application within (30) days of its submission. After review of the completed application, and after a duly noticed public hearing as provided in Section F below, the Board shall act to approve or disapprove the completed application within ninety (90) days after acceptance of the completed application, subject to extension or waiver as provided in accordance with RSA 676:4.
2. Final Approval of the Site Plan shall be certified by written endorsement on the Site Plan and signed by the Chairman of the Board. The Board or its agent shall transmit a copy of Site Plan with such approval endorsed in writing therein to the register of Deeds of Carroll County. The owner/applicant shall be responsible for the payment of all recording fees. In case of disapproval of any plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

3. If the Planning Board has not obtained an extension as provided in Section E:1 above and has not taken action to approve or disapprove the completed application within ninety (90) days of its acceptance, the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4.

F. Public Hearing

Prior to approval of a Site Plan, a public hearing shall be held as prescribed by RSA 676:4, and notice to applicant, abutters and the public shall be given in accordance with Section G. The public hearing shall be held within thirty (30) days after acceptance of the completed application. The Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a project. A hearing for the Site Plan Review by the Planning Board may be held at the same time and place that a hearing for a Special Exception is held on the project by the Zoning Board of Adjustment.

G. Notices

1. Notice to the applicant, abutters and the public shall be given as follows: the Planning Board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice shall be mailed at least ten (10) days prior to the Public Hearing. Notice to the general public shall also be given at the same time in at least two public places in the Town and publication in a newspaper of general circulation. The notice shall give the date, time, and the place of the Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application and location of the proposed site development.
2. For any public hearing on the completed application, the same notices as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of any 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.

H. Regional Notice

1. In accordance with RSA 36:54-58, any proposed development which is likely to have impact beyond the boundaries of the Town of Eaton shall require additional notice and by State law require additional time for public notice.
2. Notice shall be sent by certified mail 14 days in advance of the scheduled public hearing to the North Country Council and to each Town likely to be affected, with each governmental entity to be considered an abutter.

I. Fees

1. A completed application shall be accompanied by filing fees as calculated on page 5 of the application form.
2. All costs of notices, whether mailed, posted or published, shall be paid by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plan without a public hearing.
3. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision, the cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Site Plan, as provided in RSA 676:4 (g).

IV. PERFORMANCE GUARANTY

- A. Before any construction, land clearing, or building development is begins, the Planning Board may require a performance bond, certified check or some form of surety in an amount of money equal to the total of the cost of construction of all streets, utilities, and improvements, as specified in the Site Plan or such other surety acceptable to the Selectmen.
- B. The developer's obligations as set forth in the performance bond shall be secured by a surety company authorized to do business in New Hampshire and to be filed with Board of Selectmen in form satisfactory to it and in amount determined under Submission Requirements at V.B. 25
- C. The performance bond shall be released one year after the date of the issuance of the Certificate of Occupancy if the Planning Board is satisfied that the developer has complied with all requirements, including those conditions of Section XI.
- D. In the event that the Town of Eaton is required to enforce the bond, then it shall be entitled to reasonable attorney's fees, awarded by the court, to be paid by the developer.

V. SUBMISSION REQUIREMENTS

A. General Requirements

1. Site plan with the following characteristics:
 - a. Scale: not less than 1" = 50'
 - b. Submit six (6) copies of blue or black line prints.
 - c. Date, Title, north point, scale.
 - d. Name and address of developer, applicant and owner.

- e. Name, address and signature of New Hampshire licensed land surveyor, and licensed civil engineer (when any road is involved) who certifies the plan.

B. Site Plan Requirements

1. An accurate plan of the site showing existing natural features, buildings, including water courses and water bodies, wetlands, various types of vegetation, topographical features, any other features which should be considered in the site design process.
2. The type, extent, and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
3. Existing and proposed topography of the site at two-foot contour intervals.
4. Soil types and their boundaries.
5. The location of all buildings within 200 feet of the boundaries of the site, and the location of all intersecting roads or driveways within 500 feet, at a scale of 1" = 100' if shown separately.
6. The location of all building setbacks required by the Zoning ordinance.
7. Location of flood hazard areas.
8. The lot area, street frontage, and the zoning requirements for minimum lot size and frontage.
9. Location of off-street parking and loading spaces with a layout of the parking indicated.
10. The location, width curbing and types of access ways and egress ways.
11. The location of all existing and proposed deed restrictions, covenants, etc.
12. Surveyed property lines showing their deflections angles, distances, radius, lengths of arcs, and control angles, and monument locations and names of all abutters.
13. If the development is a subdivision, the lines and names of all proposed streets, lands, ways of easements intended to be dedicated for public use. All subdivision regulations shall apply.
14. Plan views of all buildings, either existing or proposed, with their use, size, location, and floor elevations indicated.
15. A typical elevation view of all existing and proposed buildings indicating their height, bulk, facade design, and signing.
16. The type and location of solid waste disposal facilities.
17. The location, size, and design of proposed signs and other advertising or instructional devices.
18. A separate drainage plan showing:
 - a. The existing and proposed methods of handling normal and storm water runoff.

- b. The direction of flow of the runoff through the use of arrows.
 - c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - d. Engineering calculations used to determine drainage requirements.
19. An erosion and sediment control plan showing:
- a. Property lines, wetlands, stream courses, and all proposed improvements, including buildings, driveways, parking lots, etc.
 - b. Existing and proposed topography at two (2) foot intervals.
 - c. Location of areas to be stripped of vegetation and other exposed or unprotected areas.
 - d. Revegetation plans and specifications for all unprotected and/or unvegetated areas.
 - e. Location and design of all erosion and sediment control measures.
 - f. General information relating to the implementation and maintenance of the sediment control measures.
20. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distance from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet.
21. The size and location of existing and proposed public and private utility connections, including provisions for fire protection.
22. The location, total lumens, direction and type of all existing and proposed lighting for all outdoor facilities.
23. Copies of all applicable state approvals and permits.
24. Location of Zoning District Boundaries.
25. The developer's civil engineer shall furnish to the Planning Board in writing, an itemized estimate as to the full cost of all improvements. Such estimate shall be reviewed by the Selectmen, or their agent, who will recommend the amount of the bond to the Planning Board. The Planning Board shall then determine the amount of the bond and include fees for inspection of improvements by the appropriate town agents.

C. Special Flood Hazard Area Requirements

For Subdivisions and Site Plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

2. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.

All definitions and conditions that apply to the Special Flood Hazard Areas are contained within the Town of Eaton's Floodplain Management Ordinance. (Adopted 8/2013)

- D. **As-Built Plans.** The Board, at its discretion, may require as-built Site Plans. The only as-built plans the Board will stamp are plans showing the location of structures on condominium property. Such plans shall:
1. Be certified to be correct and stamped by a NH Licensed Land Surveyor
 2. Clearly identify in the title block exactly what the as-built plan is approving; and
 3. Have the following plat note printed on each sheet: "These as-built plans are pursuant to, and without modification of, the original Planning Board approval."

VI. GENERAL STANDARDS

In the review of any Site Plan conducted under these regulations the Planning Board shall ascertain that adequate provisions have been made by the owner or his authorized agent for the following.

- A. 1. Improvement to existing streets, traffic access to the site from town streets and state highways, on-site vehicular and pedestrian circulation, parking loading facilities, and emergency access shall all be designed to ensure the safety of vehicle and pedestrians.
2. Off-street loading/unloading facilities shall be provided for all institutional, commercial, and industrial uses. These facilities shall be located so that delivery vehicles are parked outside of the street right of way.
- B. 1. Landscaping and screening shall be provided with regard to the impact on the adjacent properties, the public highway and the site itself.
2. Parking areas shall be landscaped. Signs shall be properly placed. Buffer zones will be required to the extent they are necessary to reduce noise and visual problems.

- C. Provisions shall be made for winter snow storage and/or removal, positioning of outdoor lighting, protection of natural features and for the site to be serviced by necessary utilities.
- D. All elements of the site development shall maximize the amount of normal and stormwater runoff that is allowed to percolate into the soil. Storm drainage for the site shall be designed for a 25 year flood and provisions shall be made for retention and gradual release of stormwater according to current Best Management Practices (BMPs).
- E. On-site waste and sewage disposal systems shall be designed to prevent pollution of water systems, wetlands, water courses, and flood plains.
- F. Construction requirements for roads, parking, streets, drainage, and bridges shall be in accordance with the "Standard Specifications for Road and Bridge Construction" as published by the State of New Hampshire Department of Public Works and Highways and the road standards of the Town of Eaton. Where alternative construction specifications are given, the Planning Board shall determine which shall be applicable.
- G. All required erosion and sediment control measures shall be designed to effectively manage surface and subsurface drainage, and effectively minimize soil erosion and resulting sedimentation during and after site development.
- H. The Planning Board may require such additional information as it deems necessary to apply the regulations herein.
- I. Wherever reference to owner, applicant, developer, owner's authorized agent is used, all obligations therein referred and/or implied are to be, individually and/or severally, their responsibility including, but not restricted to, the owner of record of the property under construction.
- J. For review of properties once Zoning Board of Adjustment approval for a Special Exception has been granted, properties must also meet the standards that follow.
 - 1. For short-term rentals/bed and breakfasts, the owner must be in residence during any transient occupancy.
 - 2. For sign off by local fire authority (Center Conway or Freedom) the unit must meet all life safety requirements, i.e. smoke and CO detectors, appropriate means of egress, etc.
 - 3. Septic systems must meet all NH regulations for size and use.
 - 4. Appropriate off-street parking must be provided.
 - 5. There must be adequate water supply to meet NH requirements.
 - 6. Adequate attention must be given to noise, nuisance and trash concerns.
 - 7. A Certificate of Occupancy must be obtained from the Board of Selectmen.

VII. DEFINITIONS

A. Development

A development means the construction or improvement on a tract or tracts of land for non-residential or multi-family use, containing more than two (2) dwelling units.

B. Zoning Ordinance, Floodplain Management Ordinance, Subdivision Regulations

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

C. Regulations shall mean those of the Town of Eaton.

VIII. WAIVER

A. Upon written request by the applicant, or upon the motion of any regular member, the Board may vote to waive, in whole or in part, any provision(s) of Section V when, in the majority opinion of the full Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question.

B. Upon written request by the applicant, the Board may vote to waive, in whole or in part, any provision(s) of Section VI when, in the majority opinion of the full Board, both:

1. Literal enforcement of the regulation would create unnecessary hardship due to unique characteristics of the site in question,

AND

2. Such waiver would not adversely compromise the purpose or intent of the regulation.

IX. CHANGES OR DEVIATIONS FROM APPROVED PLAN

If during the development stage and/or construction period, the owner/applicant/developer chooses to make any changes or to deviate from the plan, as approved, he may at a regularly scheduled Planning Board meeting present to the Planning Board such documentation to support a request for relief of, or change in, an approved commitment or condition. The Board may require such additional information it deems necessary to make a sound decision in consideration of, but not restrictive to, the effects on the health, safety and welfare of the community and its citizens, and how any change would alter the scope and intent of the original approved plan.

Changes or alterations in an approved site plan may be granted only by the Planning Board upon good cause and request of the applicant and upon public notice and hearing as are required in Section III paragraphs F, G & H.

X. FEES SUBSEQUENT TO SITE PLAN APPROVAL

In addition to imposition of fees provided within the application, herein, the Planning Board may require special information prerequisite to making an informed decision prior to issuance of a Certificate of Occupancy and/or release of any existing performance guarantee. Reasonable fees may be charged to the developer by the Board to recover costs incurred in these matters.

XI. GUARANTEE OF CONSTRUCTION AND IMPROVEMENT INSTALLATION

A developer shall construct the site plan and comply with all requirements within the time limit stipulated in the Approved Site Plan, not to exceed three (3) years. The developer shall notify the Planning Board, in writing, when the construction has been completed and all conditions met. If it is determined that any developer, in writing, of such deficiencies and establish a time, not to exceed one (1) year for their rectification.

For a period of one year after the issuance of a Certificate of Occupancy, or one year after the correction of all deficiencies, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the requirements as set forth in the Approval, the Board shall notify the developer, in writing, of such failures and the developer shall rectify all such failures at his expense.

Should said deficiencies continue uncorrected the Board shall take all necessary actions to protect the Town's rights and interests, including, but not restricted to, suspension and/or revocation of the Approval. In the event of legal action the Town shall be entitled to reasonable attorney's fees, awarded by the court, to be paid by the developer.

If within one (1) year of the date of approval of the Site Plan there is no significant progress in construction, no evidence of intent to commence construction immediately, and no written documentation received by the Planning Board justifying the delay, the Board, by written notice to the developer, may determine the project abandoned and the Site Plan Approval null and void.

XII. CERTIFICATE OF OCCUPANCY

No development may be occupied or used unless a Certificate of Occupancy has been issued by the Selectmen or their appointee. The Selectmen or their appointee shall not issue such Certificate of Occupancy until these regulations have been complied with and any required improvements have been made.

XIII. OTHER ORDINANCES

The Site Plan Review Procedures in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance or regulation which pertains to the proposed development. No

site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations.

XIV. AMENDMENTS

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

Amendments: May 2018, May 2022

XV. SEPARABILITY

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

XVI. APPEALS

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

XVII. EFFECTIVE DATE

This ordinance shall take effect upon a vote by the Planning Board, filing of the Regulation with the Town Clerk, the Board of Selectmen, and the Register of Deeds of Carroll County.

XVIII. ATTACHMENTS

APPENDIX – CERTIFICATE OF OCCUPANCY WORKSHEET

SITE PLAN REVIEW
TOWN OF EATON, NEW HAMPSHIRE
CERTIFICATE OF OCCUPANCY WORKSHEET

This form is intended to insure that all of the requirements and conditions of Site Plan approval have been satisfied prior to occupancy and use of the site.

Name & address of applicant: Name & location of site:

Date of Planning Board Site Plan Approval

Copies of Approval and Bonding Conditions must be attached.

Items for review, but not restricted to:

- | | | | | | |
|-----------------------------|-------|-----------------------|-------|-------------|-------|
| Stormwater drainage | ..... | Plat Plan to Scale | ..... | Roads | ..... |
| Water Supply | ..... | Locational Map | ..... | Parking | ..... |
| Sewage Disposal | ..... | Existing Building | ..... | Loading | ..... |
| Access and Egress | ..... | Existing Water Bodies | ..... | Landscaping | ..... |
| Solid Waste Disposal | ..... | Flood Hazard Areas | ..... | Lighting | ..... |
| Topography/Soil Types | ..... | Easements | ..... | Utilities | ..... |
| Deed Restrictions/Covenants | ..... | Erosion Controls | ..... | Signs | ..... |
| Costs of Improvements | ..... | Setbacks | ..... | Others | ..... |

Copies of all applicable state approvals and permits must be attached.

Based on a review by the Planning Board or its agent, a recommendation is made FOR _____ AGAINST _____ ISSUANCE

FOR THE PLANNING BOARD DATE.....
 Chairman

() A Certificate of Occupancy for the building or premises for the purposes described herein is hereby authorized.

() A Certificate of Occupancy for the building or premises for the purposes described herein is denied for the following reasons:

.....

.....
 Date Board of Selectmen