SITE PLAN REVIEW REGULATIONS

Town of New Castle, New Hampshire

May 13, 2014

SITE PLAN REGULATIONS
FOR THE TOWN OF
NEW CASTE, NEW HAMPSHIRE

PLANNING BOARD CERTIFICATION

The following Site Plan Regulations were adopted by the New Castle Planning Board on 2/19/2014. These regulations were adopted in accordance with NH RSA 672 through 677 inclusive of the Revised Statutes Annotated following a public hearing held on 2/19/2014.

Darren Hagan
Chairman, New Castle Planning Board

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SITE PLAN REVIEW REGULATIONS
New Castle, New Hampshire

SECTION 1 – APPLICABILITY; JURISDICTION

1.1 GENERAL

These provisions shall govern all non-residential and multi-family development in the Town of New Castle. The Site Review Procedure in no way relieves the property owner, developer or their agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan shall be approved until it complies in all respects to any and all pertinent ordinances and regulations.

1.2 PLANNING BOARD APPROVAL REQUIRED

In no case shall a building permit be issued by the Building Inspector for the construction of any building subject to these regulations, until final approval is granted by the Planning Board. No certificate of occupancy shall be issued until the terms and conditions of the Board's approval have been fulfilled including the completion of all required site improvements. Where site improvements are required, a certificate of occupancy may be issued by the Building Inspector provided that there is a performance guarantee in place which is adequate to insure the completion of all required site improvements.

1.3 ACTIVITY REQUIRING SITE PLAN REVIEW

The Planning Board shall require site plan review and approval for any of the following:

1.3.1 The construction of any new non-residential structure or facility;

1.3.2 The enlargement of any existing non-residential facility which requires further development of the site;

1.3.3 The construction of any new multi-family structure;

1.3.4 The construction, enlargement or conversion of any existing multi-family structure which creates additional dwelling units or requires further development of the site; and

1.3.5 The change within a structure from one permitted use to another (except for single and two-family structures or uses) which will result in further development of the site.

SECTION 2 – AUTHORITY AND TITLE

Under the authority of vested in the New Castle Planning Board by a public vote held at the Town Meeting of March 9, 1971, in accordance with the State law then in effect, and in accordance with current State laws including, but not limited to, Chapters 672 through 677 of the Revised Statutes Annotated (RSA's) of the State of New Hampshire, the New Castle Planning Board adopts the following regulations governing the review and approval of site plans for land within the Town of New Castle, New Hampshire.

These regulations shall be known as the "Site Plan Review Regulations for the Town of New Castle, New Hampshire" herein after referred to as the "Site Plan Review Regulations". The current set of regulations revise and replace the New Castle Site Plan Review Regulations as adopted on March 9, 1971, and subsequently amended on March 8, 1977, and take effect upon adoption by the Board and filing with the New Castle Town Clerk in accordance with RSA 675:6. A copy of the current Site Plan Review Regulations shall also be filed with the NH Office of State Planning in accordance with RSA 675:9.

SECTION 3 – PURPOSE

These regulations are adopted to provide the Planning Board review and approval or disapproval of all applicable site development within the Town of New Castle, and in so doing, to further the purposes identified in Section 2 of the New Castle Subdivision Regulations and as applied to site plan review.

SECTION 4 – DEFINITIONS

All definitions contained in the Zoning Ordinance and the Subdivision Regulations of the Town of New Castle, as amended, shall apply to these regulations. In addition, the following definitions shall apply:

4.1 **Development:** the construction of improvements on a parcel or parcels of land, including the enlargement of a structure or physical changes to the site in an effort to accommodate an intended use.

4.2 **Enlargement:** an increase in size or an expansion of any structure or appurtenance, whether said appurtenance exists alone or in service of a structure of other appurtenance.

4.3 **Home Occupation:** see New Castle Zoning Ordinance.

4.4 **Improvements:** site grading, landscaping, street or road construction and utilities to be installed by the applicant on land to be used for public or private streets and easements or other purposes as are necessary for general development of the site.

4.5 **Minor Site Plan:** a plan which involves less than 10% increase in lot coverage and paved area, and which involves the alteration of less than 10% in area of the existing lot coverage. (See section 5.3 of these regulations.

4.6 **Multi-family Structure:** any building which includes three or more residential dwelling units.

4.7 **Seasonal High Water Table:** the upper limit of the groundwater in a soil which becomes seasonally saturated with water.

SECTION 5 – SITE PLAN REVIEW PROCEDURES

5.1 PRE-APPLICATION REVIEW (OPTIONAL)

Pre-application review procedures shall be conducted in accordance with Section 5.1 – "Pre-application Review" of the New Castle Subdivision Regulations.

5.2 FORMAL APPLICATION

Formal application procedures shall be conducted in accordance with the following section of the New Castle Subdivision Regulations:

5.2.1 Application Filing, Submission and Acceptance Procedures
5.2.2 Public Hearing and Notice Requirements
5.2.3 Board Action on Completed Application
5.2.4 Extensions
5.2.5 Failure to Act
5.2.6 Conditional Approval
5.2.7 Recording of the (Site) Plan

5.3 PROCEDURES FOR MINOR SITE PLAN REVIEW

Pursuant to RSA674:43 and 674:44, the following procedures for minor site plan review shall apply:

5.3.1 When permitted: Minor site plan review shall be permitted when any of the following apply:

(1) Site development involves less than a 10% increase in existing lot coverage and paved area.

(2) Site development (other than structural additions and paving) involving the alteration of an area equal to less than 10% of the area of existing lot coverage.

(3) The Planning Board determines that the character and scope of the proposed development does not otherwise necessitate the normal site plan review process.

5.3.2 Modified Procedure:

(1) Minor site plan review applications may be submitted, reviewed and approved at one or more Board meetings, except that no application shall be approved without due notice to abutters and the general public as specified in Section 5.2.2 above.

(2) A public hearing on the application shall not be required unless requested by the applicant or abutters, or deemed necessary for the public interest as determined by the Planning Board.

(3) In all other respects, the manner of application submission and public hearing/notice shall be the same as defined above in Section 5.2.1 and 5.2.2 of the Subdivision Regulations respectively. The Board shall follow the same decision making procedures specified for a regular site plan review application.

5.3.3 Plan Requirements: Minor site plans are not required to be prepared by a professional engineer or licensed surveyor unless deemed necessary by the Board. In addition, the required items for submission as part of a minor site plan may be fewer than for a conventional site plan, as determined by the Planning Board.

SECTION 6 – SITE PLAN REQUIREMENTS

6.1 GENERAL STANDARDS

6.1.1 Scope of Review: Any site plan, whether it covers an entire parcel or is limited to a building addition, shall incorporate the entire parcel in order that the Board may property determine conformance with Town Zoning and/or applicable ordinances and regulations.

6.1.2 Professional Standards – as stipulated in Section 6.1.1 of the Subdivision Regulations.

6.1.3 Plan Medium – as stipulated in Section 6.1.2 of the Subdivision Regulations.

6.2 PLAN SUBMISSION REQUIREMENTS

The submission requirements for Site Plan Review shall be the same as that required in Section 6.2 "PLAN SUBMISSION REQUIREMENTS" of the Subdivision Regulations, inclusive, except for the following modifications:

1. Requirements pertaining to the identification of lots are not applicable.

2. Such other requirements, as determined by the Planning Board, that are not applicable or appropriate to the Site Plan due to the scope or character of the intended use may be waived.

3. The following additional information not required for subdivision plans in Section 6.2.4 shall be required for Site Plan Review:

   (a) The shape, size, height and location of all proposed structures, including expansion of existing structures on the site and first floor elevation(s).

   (b) Location and timing patterns of proposed traffic control devices.

   (c) The location, size and lay-out of off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.

   (d) The location, type and size of all proposed landscaping, screening and open space areas.

   (e) The location and type of all site lighting, including the cone(s) of illumination.

   (f) The location, size and exterior design of all proposed signs to be located on the site.

(g) The type and location of all solid waste disposal facilities and accompanying screening.

(h) Location of proposed on-site snow storage.

6.3 ADDITIONAL REQURIEMENTS FOR FINAL APPROVAL

The Board will not give final approval to an application for site plan review until additional submissions and requirements are met as stipulated in Section 6.3 of the Subdivision Regulations, with the following modifications:

1. Requirements regarding road construction and the conveyance of streets are not applicable unless the site plan includes the construction of a publicly owned street.

2. The reference to "Subdivision Agreement" shall be replaced by "Site Plan Agreement".

SECTION 7 – SITE DEVELOPMENT DESIGN STANDARDS

7.1 GENERAL PRINCIPLES

When designing and laying out a proposed site plan, an applicant shall adhere to the general principles of good site design as set forth in Section 7.1 – "GENERAL PRINCIPLES" of the New Castle Subdivision Regulations. These principles and requirements shall be construed as the minimum requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the waiver procedures in these regulations. In addition to these requirements, the following shall also apply:

7.1.1 Vehicular and Pedestrian Traffic: Safe, adequate and convenient vehicular and pedestrian traffic must be maintained both within and adjacent to the site. To this end, all site plans must address the following items:

1. The effect of the proposed development on traffic conditions on abutting streets.

2. The number, locations and dimensions of vehicular and pedestrian entrances, exits, drives and walkways.

3. The visibility in both directions from all exit points of the site and visibility from a vehicle entering or exiting the site to a driver or a vehicle traveling on the street.

4. The location, arrangement and adequacy of off-street parking.

5. Interconnection of parking areas via access drives within and between adjacent lots in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.

6. Interconnection of sidewalks and other pedestrian ways within and between adjacent lots and between parking areas and buildings to ensure a safe and continuous pedestrian system.

7. The location, arrangement and adequacy of truck loading and unloading facilities.

8. Patterns of vehicular and pedestrian circulation both within the boundaries of the site and in relation to adjoining streets and sidewalks.

9. The location, arrangement and adequacy of landscaping within the site.

SECTION 8 – DESIGN AND CONSTRUCTION STANDARDS

An applicant shall use the following design and construction standards. These standards and requirements shall be construed as the minimum standards and requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

8.1 ROADWAYS, ACCESS POINTS AND FIRE LANES

Traffic access to the site from streets shall ensure the safety of vehicles and pedestrians. The design and construction standards for roadways and points of access are as follows:

8.1.1 The Board shall approve of the design for a proposed access/egress point onto the public way. Said point shall provide an adequate sight distance, grade, width and curb.

8.1.2 A permit for driveways and other access points onto a State highway shall be obtained from the NH Department of Transportation prior to final approval of the site plan.

8.1.3 In all cases, the number of access points to a given street shall be held to a minimum. Ordinarily this shall mean the installation of one point of access for the site in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices when necessary.

8.1.4 The Board may require improvement of existing access/egress point(s) in order to provide safe traffic flow onto abutting streets, should increased traffic be generated by the proposed development.

8.1.5 Off-site improvements may be required, such as increasing pavement width or adding deceleration lanes, curbing or signaling devices.

8.1.6 Driveways shall be located in such a manner as not to unduly harm the owners or occupants of neighboring parcels.

8.1.7 The developer shall provide legal instruments to insure continued maintenance and ownership of private roads serving non-residential and multi-family developments.

8.2 PARKING AREAS

8.2.1 The number of required parking spaces shall conform with the "Off-Street Parking" schedule of the New Castle Zoning Ordinance.

8.2.2 The number and design of handicap parking spaces shall conform to the New Hampshire Architectural Barrier Free Design Code, as prepared by the Governor's Commission for the Handicapped, and/or Title II and Title III of the Federal Americans with Disabilities

Act. In the event of a conflict between the provisions or standards of the codes noted above, the more restrictive provision or standard shall apply.

8.2.3 Parking areas shall be paved if public use is intended; however, the Board may waive paving in an effort to reduce surface water runoff or enhance the design or appearance of the development.

8.2.4 Parking areas shall be located in such a manner so as not to unduly harm the owners or occupants of neighboring parcels.

8.2.5 Parking spaces shall be arranged so that cars will not back onto the public street.

8.2.6 Aisle widths shall conform to the following minimum dimensions:

Parking Angle	Aisle Width
45 degrees	16’
60 degrees	20’
90 degrees	22’

8.2.7 Parking areas must be constructed to the following specifications:

(a) Loam and/or unsuitable material must be removed to a depth of no less than 21 inches below final grade. Areas that are muck must be removed to stripped from parking area to a depth of no less than 36 inches below finish grade and replaced with gravel.

(b) A bank run gravel sub-base minimum of six (6) inches must be applied and compacted.

(c) For paved areas, a two (2) inch binder course and a one (1) inch wearing surface of bituminous concrete and pavement must be installed with a self-propelled mechanical spreader and rolled by a tandem roller.

(d) The minimum grade for parking areas shall be .5%, and the maximum grade shall be five percent (5%).

8.2.8 Bicycle racks or other suitable bicycle parking facilities shall be provided at the ratio of one space per 5 automobile parking spaces for retail and recreational establishments and one space per 10 automobile parking spaces for other establishments.

8.3 SIDEWALKS

The Board may require the installation of sidewalks between the main entrances of businesses, industries, multi-family housing developments and parking areas in order to insure safe and continuous pedestrian travel. The Board may also require sidewalks from the street line to the principle building or along street frontages, if there is a reasonable expectation that pedestrian shoppers or employees will be traveling to and/or from the site.

8.4 OUTDOOR LIGHTING

All outdoor lighting shall be so directed and shielded that no glare will spill out onto residentially zoned properties. After 10:00 p.m., only that amount of light necessary for the security of the premises shall be permitted. All outdoor lighting shall comply with the NH Code for Energy Conservation in New Building Construction, as prepared by the NH Public Utilities Commission, as amended.

8.5 WATER, SEWER AND UTILITY SERVICES

The standards for the design and installation of water, sewer and utilities for site plan shall be the same as those stipulated in the following sections of the New Castle Subdivision Regulations: Section 7.2.5 – "Water Service", Section 7.2.6 – "Sewage Disposal" and Section 7.2.7 – "Installation of Utilities".

8.6 LANDSCAPING AND SCREENING

8.6.1 Landscaping: Landscaping shall be provided with proper regard to adjacent properties, adjacent roadways and within the site, including interior landscaping of parking areas.

8.6.2 Screening: All outdoor storage areas, loading areas and trash receptacles shall be located or screened and fenced to prevent visibility from either the parking area or neighboring properties. The manner of waste disposal shall be specified and the site plan shall show the location of all waste disposal facilities.

8.6.3 Buffer Strips: Buffer strips at least twenty (20) feet in width shall be used for screening purposes in the following situations:

1. Where a proposed non-residential use abuts a residential zoning district.

2. Where a proposed non-residential use abuts an existing residential use.

Where feasible, existing trees and vegetation shall be incorporated into the buffer strips or landscape design.

8.6.4 Landscaping for Parking Areas: The guidelines and design standards listed below are intended to help an applicant prepare a suitable landscaping plan for proposed parking areas.

1. The visual expanse of a building's exterior should be broken up by planting shrubs and/or shade trees around the building's perimeter.

2. Parking areas should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjacent properties.

3. In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment should be planted with low shrubs and shade or ornamental trees. Where feasible, a minimum of ten (10) feet of landscaping is required between

the edge of any paved surface and the property line, except as otherwise required in these regulations.

4. A continuous landscape strip should be provided between every four rows of parking. The strip should be a minimum of eight (8) feet in width to accommodate a low hedge and shade trees.

5. Landscaping plans should create planting islands to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. The islands should preferably be located at the ends of parking rows.

6. Landscaping plans should provide planting islands (a minimum of nine feet wide) between every ten (10) to fifteen (15) parking spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six (6) feet.

7. Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the site.

8. Landscaping plans should use deciduous shade trees with ground cover or low shrubs as the primary landscape material within parking lots and avoid tall shrubs or low-branching tress that will restrict visibility.

8.7 DRAINAGE IMPROVEMENTS AND STORMWATER MANAGEMENT PLANS

The Board may require an applicant to prepare an engineering study regarding the effect of a non-residential or multi-family development on the existing downstream drainage facilities outside the boundaries of the site. Unless an exception is granted by the Board, the post-development surface water runoff rate(s) shall be equal to the pre-development runoff rate(s).

Where it is determined that the additional runoff incidental to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements (i.e., retention/detention ponds and/or facilities) necessary to alleviate such problems. All required drainage improvements and/or facilities shall be designed to accommodate a 100-year storm event. Drainage calculation shall be prepared in conformance with the document, Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire, prepared by the USDA Soil Conservation Service, as amended.

Plans shall include appropriate methods to extend and/or connect the proposed drainage system to adjacent land whether or not such land is developed. Such plans shall also reasonably anticipate upstream development and preserve natural watercourses within the drainage basin. (May 13, 2014)

8.8 FLOOD HAZARD AREAS

Non-residential and multi-family development proposals involving land designated as flood hazard areas shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the flood hazard design standards contained in Section 7.2.9 "Flood Hazard Areas" of the Subdivision Regulations.

8.9 OTHER STANDARDS

8.9.1 Solid Waste: All outdoor solid waste disposal facilities shall be located on a raised six (6) inch concrete pad enclosed by appropriate screening to prevent the scattering of trash.

8.9.2 Snow Storage: Provision shall be made for snow storage during the winter months.

8.9.3 Easements: The requirements for the establishment of easements created as a result of the development shall be the same as those stipulated in Section 7.2.8 of the New Castle Subdivision Regulations.

SECTION 9 – PERFORMANCE AND MAINTENANCE GUARANTEES

The requirements for the posting and release of Performance and Maintenance Guarantees for Site Plan Review shall be the same as those stipulated in Section 8.0 – "PERFORMANCE AND MAINTENANCE GUARANTEES" of the New Castle Subdivision Regulations.

SECTION 10 – WAIVERS AND MODIFICATIONS

Specific requirements of the foregoing regulations may be waived or modified when, in the opinion of the Board, the circumstances of the proposed site development indicate that such modifications will not be contrary to the purpose and intent of these regulations. The applicant must request the modification or waiver in writing and state the reasons for the request. The Board's action and rationale relative to the request shall be documented in the minutes of the meeting at which the request was considered.

SECTION 11 – ENFORCEMENT, FINES, PENALTIES AND APPEALS

The provisions governing the enforcement, fines, penalties and appeals to site plan review regulations requirements shall be the same as those stipulated in Section 10 of the New Castle Subdivision Regulations.

SECTION 12 - FEES

12.1 SCHEDULE OF FEES

An application filed for site plan review shall be accompanied by a filing fee of $250.00, plus $50.00 for each 2,500 square feet of gross floor area of building above 5,000 square feet. An application filed for minor site plan or a pre-application for design review, shall be accompanied by the filing fee of $100.00.

12.2 PAYMENT OF FEES

Filing fees shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the site plan without a public hearing.

12.3 COSTS FOR SPECIAL STUDIES

Pursuant to RSA 676:4,I(g) it shall be the responsibility of the applicant, if the Board deems in necessary, to pay reasonable fees for special investigation studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. The Planning Board may require the periodic deposit of fees to cover ongoing costs incurred by the Board for the conduct of special studies.

12.4 INSPECTION SERVICE FEES

For all site improvements required as part of any site approval by the Board, there shall be deposited an inspection fee prior to final Board approval. This fee shall cover the cost of inspection services to be provided by a Town appointed inspector (or his designated agent).

The Town's inspector shall monitor and inspect all required site improvements for compliance with the approved plans and required engineering standards. The amount of said fee shall be determined by the Board based upon a reasonable estimate of anticipated inspection costs. Site inspections shall be conducted for up to the amount of the fee collected. Should the inspection fee collected be insufficient to cover the remaining required site inspections, the Town will notify the developer to cease further site development until additional funds have been deposited with the Town. Once all required site development and all require site inspections have been completed, any unused portion of the inspection fee shall be returned to the applicant.

SECTION 13 - VALIDITY

13.1 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

13.2 CONFLICTING PROVISIONS

Where any section of these regulations conflict with another, or with any other local regulation or ordinance, the requirements imposing the greater restriction or high standards shall apply. In addition, the fact that a requirement under these regulations is less restrictive than a federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

13.3 SAVING CLAUSE

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of these regulations.

13.4 AMENDMENTS

13.4.1 These regulations may be amended by the Planning Board following a public hearing on the proposed change. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the Town Clerk.

13.4.2 A copy of any amendments to these regulations shall also be filed with the Office of State Planning in Concord, New Hampshire (RSA 675:9).

SECTION 14 – EFFECTIVE DATE

These regulations, and amendments, shall take effect upon their passage.