

# **SITE PLAN REVIEW REGULATIONS**

**TOWN OF ORANGE, NEW HAMPSHIRE**

**ADOPTED: JUNE 22, 2005**

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## **TOWN OF ORANGE, NEW HAMPSHIRE**

### **ARTICLE I: AUTHORITY**

Pursuant to the authority vested in the Orange Planning Board by the Town Meeting of March 8, 2005 and in accord with the provisions of RSA 674:43-44 as amended, the Orange Planning Board adopts the following rules to review and approve or disapprove site plans for the development of tracts for non-residential uses and for greater than two-family dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. Such review shall include usage changes and/or site plan changes for existing uses. One-family and two-family dwelling sites are specifically excluded from the application of these regulations.

### **ARTICLE II: PURPOSE**

The purpose of these Site Plan Review Regulations 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 guide the character of development; to assist in the preservation and enhancement of the rural atmosphere, the existing natural environment, and the overall quality of life for the residents of Orange; and any other purpose permitted or required pursuant to RSA 674:44. Specifically, it is intended to address items such as drainage, potential flooding, protection of groundwater, pollution control, fire protection, provision for open and green spaces, proper layout and construction of streets, traffic impacts, control of conditions dangerous to health and safety, minimization of the ecological impacts, definition of requirements for town services and facilities, and such other items as may apply to the specific application. The considerations apply equally to the preservation and enhancement of the ponds, streams, wildlife, and the natural scenic beauty of the area.

### **ARTICLE III: TYPES OF DEVELOPMENT REQUIRING SITE PLAN REVIEW**

A landowner shall obtain Site Plan Review approval from the Planning Board for the following types of development:

1. All new principal buildings and accessory buildings for multi-family and non-residential use.
2. Additions of more than 500 square feet of floor area to such existing principal and accessory buildings or 10%, whichever is less.
3. A change in layout of multi-family or non-residential property or building(s) which involves changes in traffic flow; parking; drainage; sewer, water or other utilities; fuel storage; or toxic material storage.

**Interpretation:** The Planning Board is responsible for interpreting whether or not a Site Plan Review is required for a particular development, change of use or change in site layout. Anytime a property subject to Site Plan Review changes ownership or tenancy, is remodeled, or engages in any of the activities outlined above in this article, the landowner shall contact the Planning Board to see if Site Plan Review is required.

#### ARTICLE IV: COMPLIANCE WITH OTHER REGULATIONS

The Site Plan Review procedure shall be used in conjunction with the Orange Master Plan and shall in no way relieve an applicant from compliance with all Federal, State and Orange regulations. No site plan shall be approved unless such plan complies with all applicable local ordinances and regulations. Whenever the regulations governing site plan review differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern, to the extent not contrary to state law.

#### ARTICLE V. DEFINITIONS

**Zoning Ordinance Definitions:** For the purposes of these Site Plan Review Regulations, the meaning of terms or words used herein shall conform to the definitions found in the Orange Zoning Ordinance or Subdivision Regulations, with the provision that if there is a contradiction in meaning, the more stringent of the two shall apply. The word Board shall mean the Orange Planning Board.

#### ARTICLE VI. PROCEDURE FOR SITE PLAN REVIEW

A. **General:** There are three phases in the site plan review process: Non-binding Consultation and Conceptual Review (Phase I), Preliminary Review (Phase II), and Final Application (Phase III). Phase I, which involves a discussion of the proposed concept only in general terms, is optional and does not require a public hearing. Phase II involves a more detailed discussion and review of the site plan proposed. This phase is also optional, although a public hearing is required by state law if this phase is held. Both phases are intended to help the applicant by providing the applicant with guidance and feedback prior to submission of the final application, thereby helping to avoid major alteration of the final drawings. The last phase is submission and review of the final application (Phase III). This phase is required of all developments and/or modifications subject to site plan review. A public hearing is required. Once a completed application has been received by the Board, the Board must approve or disapprove the final application within sixty five (65) days unless an extension has been granted.

**B. Phase I : Non-binding Consultation and Conceptual Review:** In order to save expense and unnecessary changes later on, a person is encouraged to request a consultation and/or request to be on the agenda of a regular meeting of the Board for a discussion of a proposed concept in general terms and for a review of applicable Site Plan Review Regulations, application forms, necessary supporting maps, and documents. There is no application fee, nor is this consultation and review binding in any way on either the applicant or the Board. Conceptual Review does not require abutter notification or a public hearing with the Planning Board.

**C. Phase II: Preliminary Review:** If a person wishes a review of a project which goes beyond discussion of the proposed site plan in a conceptual form, the applicant shall apply to the Board on a form provided by the Board and pay the required fees. The Board shall then give public notice of the preliminary site plan review hearing in accordance with these regulations as listed below.

The preliminary review shall be conducted only at meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. The Board shall give a response to the applicant with respect to the proposal as a whole or any portion of the proposal by informing the applicant in writing of disapproval or any modifications which will be required. A meeting on a particular preliminary review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

**D. Phase III: Final Application Review:** Any person desiring final approval for site plans, as defined in these regulations, shall apply to the Board in writing on the designated application form and pay the required fees at least thirty (30) days prior to the regularly scheduled public meeting of the Board. The Board shall determine if the application is complete at that meeting; if complete, the Board shall schedule a public hearing. Submission requirements are listed in Article VIII. If the application is incomplete, the Board shall notify the applicant in writing of the deficiencies in the completeness of the application. The Board shall not conduct the public hearing on the application until the Board has determined the application is complete.

The Board shall: (1) give public notice as provided in Section G. of the public hearing at which the application will be considered for acceptance, (2) determine the completeness of the application, (3) if determined to be complete including payment of all fees, then notice a public hearing on the merits of the application as provided in Section G., (4) conduct the public hearing on the merits of the application, and (5) make a decision and notify the applicant.

- E. Application for Site Plan Review Approval: The completed application shall be on the form as provided by the Board to the applicant, conform to the requirements and specifications as outlined in these Regulations, and specify the scheduled meeting of the Board at which the application will be submitted to the Board.
- F. Filing of Application; Fee: The applicant shall file the completed application by delivering the application to the designated agent of the Board at least thirty (30) days prior to the regularly scheduled public meeting of the Board at which the applicant will formally submit the application to the Board. The application shall include the names and addresses of the applicant and each abutter as shown in the Town records not more than five (5) days before the filing date. The abutter list shall be provided on a separate sheet of paper and filed with the application documents. A \$150.00 fee is payable when filing the application.
- G. Notice of Application: The Board shall notify the following by certified mail of the date upon which the completed application will be formally submitted to the Board:
1. the applicant,
  2. the abutters,
  3. the holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration, and
  4. every engineer, architect, land surveyor, soil scientist or other professional whose seal appears on the site plan submitted to the Board.

Such notice shall be mailed at least ten (10) days (not including holidays and weekends) prior to such formal submission. At the same time the notice is mailed to the applicant and abutters, such notice shall also be given to the general public by publication of the notice in a newspaper of general circulation and by posting a copy of the notice in two public places in the Town. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

- H. Submission of Completed Application: The completed application shall be submitted to and accepted by the Board at a public meeting of the Board specified in the notice. The Board shall give the applicant a receipt certifying acceptance of the application but only if the application is complete and all costs of notice of the application have been paid.
- I. Formal Consideration: Time Limits: The Board shall begin formal consideration of the final application within thirty (30) days after the date of the regular public hearing at which the completed application is submitted to and accepted by the Board. The Board shall act to approve or disapprove the application within sixty five (65) days after submission. The Board may also apply to the Selectmen of the

Town for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove the application. The applicant may waive the requirement for Planning Board action within the foregoing time periods and consent to such extension as may be mutually agreeable.

Upon failure of the Board to approve or disapprove the application within the above noted time periods, 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 Superior Court, upon petition of the applicant, to issue an order approving the application, if the Court determines that the proposal complies with existing site plan review and subdivision regulations and zoning and other ordinances. If the Court determines that the failure to act within the time specified was the fault of the Board and was not justified, the Court may order the Board to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

- J. Public Hearings: Notice of Public Hearings: No application shall be denied or approved without a public hearing on the application. Notice of the hearing shall be given in the same way and with the same time limits as notice of submission of the application under these Regulations. The Board may give notice of submission and notice of the public hearing in the same notice. Additional notice of an adjourned session is not required if the date, time, and place of the adjourned session was made known at the prior hearing. At the hearing, the applicant, any abutter or other person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Planning Board.
- K. Notice of Decisions: The Board shall issue a written final decision on all applications for Site Plan Review. If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required by the Board as part of the approval decision. If the application is denied, the Board shall state and provide in writing the reason(s) for denial. The minutes of Board meeting shall be a sufficient record of the Board's decision. The decision of the Board (approval or denial) shall be mailed to the applicant and be available at the Town Clerk's office for public inspection within 72 hours after the decision is made.

#### ARTICLE VII: PROCEDURE WHEN SPECIAL EXCEPTION, VARIANCE OR SUBDIVISION APPROVAL IS REQUIRED

When a special exception or variance is required by the zoning ordinance, the applicant shall first obtain the special exception or variance before applying for Phase III Final Site Plan approval. Any conditions imposed by the Zoning Board of Adjustment shall take precedence over the requirements contained in these regulations, although additional conditions may be required by the Planning Board as part of the Site Plan approval. When both subdivision and site plan approval are

required for a proposed development, the Board may hold the Site Plan Review hearing at the same time as the hearing required by the subdivision regulations.

## ARTICLE VIII: APPLICATION REQUIREMENTS

A. Application for the final Site Plan approval shall be accompanied by 6 sets of the proposed Site Plan with a map drawn to the scale of 1"= 20', or on a scale acceptable to the Board. The following information shall be included if applicable:

1. A perimeter boundary survey by a licensed land surveyor, including angles and bearings of lines, dimensions and the lot area, in accordance with the New Hampshire Land Surveyors Administrative Rules.
2. Title of drawing, including the name and address of the applicant as well as the Town tax map and lot number.
3. Appropriate signature block for the signature of the Planning Board Chairperson.
4. Names and addresses of owners of record and abutting landowners, and any holders of conservation, preservation and agricultural preservation restrictions on the land under consideration for Site Plan Review.
5. A site Location Map, shown as an inset on the Site Plan Map, which will show the proposed development in relation to major roads of the Town.
6. North point, bar scale, date of preparation and dates of any revisions.
7. Name, address and seal of person or firm preparing the Map.
8. The shape, size and location of existing and proposed structures, and a conceptual floor plan layout and elevations of all proposed buildings.
9. Existing and proposed grades, as deemed necessary; in general, grades should be shown by contours at intervals of not more than five (5) feet of elevation if grades exceed five percent (5%) or portions of the site that have moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding. Contours at intervals of no more than two (2) feet in the immediate area of site development. All topographic mapping shall be in accordance with the New Hampshire Land Surveyors Administrative Rules.
10. Any existing streams or wetland, marshes, vernal pools, lakes or ponds, whether natural or man-made as delineated by a certified wetlands

scientist; abutter's water rights, if any, including wells or easements to wells.

11. Existing and proposed streets, driveways, parking spaces, and sidewalks with indications of direction for travel for one-way streets or driveways. The width of streets, driveways and sidewalks and the layout of parking spaces and facilities.
12. Layout of sewage disposal system, including septic tank(s), leach field and associated piping, location of abutter's wells, septic systems.
13. Proposed landscaping plan including buffering plans along adjacent properties and highways.
14. Plans for water supply, fire protection, power and telephone, including location of wells, water supply pipes, power and telephone poles and lines, including the location and size of all existing and proposed utility lines and easements.
15. Exterior lighting plan and proposed signs to be located on the site.
16. Drainage design showing location, type, and size of existing and proposed drainage structure including culverts, pipes, catch basins, manholes, ditches, holding basins, etc. This shall be supported by copies of the design computations based on a 25-year flood design frequency for all major culverts and brooks that affect any Town or State highway.
17. Right-of-way and travel surface of all fronting streets.
18. Location of any retaining walls, fences and outside storage areas.
19. A notation on the site plan outlining the proposed use(s) and the area of building(s) and the area of the site devoted to each use.
20. Plans for any toxic waste storage, discharge, disposal, and removal in accordance with State laws.
21. Location of inside storage of hazardous materials and posting of such for emergency crews.
22. Location of fire alarms and sprinkler systems.
23. Plans for snow storage.
24. Location of any waste disposal facility including any fencing and/or screening.



B. One copy of each of the following shall be submitted, if required:

1. A copy of “Special Exception” or “Variance “ approval by the ZBA.
2. All material submitted to the Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services for sewage disposal system approval and said approvals including:
  - a. sewage disposal system
  - b. alteration of terrain per RSA 149:8-A when over 100,000 sq. ft. or 50,000 sq. ft. near State waters, and required Corps of Engineer’s permits.
  - c. water supply from the WSPCD
  - d. wetlands related permits from the NH Wetlands Bureau
3. All material submitted to the New Hampshire Department of Public Works and Highways for access driveway approval for any access onto a state highway and said approval.
4. Entrance / exit approvals from the Orange Planning Board for proposals with access points on Town roads.
5. A statement of deed restrictions, easements and covenants upon the involved parcel.
6. Any and all other required permits or authorizations.
7. A written summary describing the proposed site development and the proposed use(s). Include each of the applicable items: days and hours of operation, number of employees, the extent of normal customer / business traffic including truck deliveries, an estimate of the maximum hourly traffic into and out of the premises, traffic flows on connecting roads, special traffic problems and how the applicant proposes to mitigate them, data and calculations used to arrive at the number of parking spaces specified, the need for utility services by type, and any other information which will clarify the proposal to the Board.

C. The Planning Board may require such additional other information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations including but not limited to environmental impact studies, engineering reviews, etc.

## ARTICLE IX: STANDARDS AND CRITERIA

The Planning Board shall approve the proposed Site Plan only upon determination by the Board that the Site Plan conforms with the following standards and criteria. The Town of Orange stresses the importance of aesthetics in any development. When

designing a site and buildings, the developer should take into consideration and preserve the natural beauty of the environment and the traditions of landscape and construction in the New England Area. The development shall conform to the natural topography of the site and shall be developed to provide for the harmonious and aesthetic development of the site with the surrounding area. The structures should be designed to reflect and blend in with the natural landscape and they should be designed to reflect New Hampshire's and Orange's heritage, which is largely agricultural and residential.

- A. Adequacy, safety and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls.
- B. Adequacy, safety, and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic and pedestrian convenience.
- C. Adequacy of the location, arrangement, size and design of buildings, lighting and signs.
- D. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual, and/or a noise deterring buffer between this and adjoining lands.
- E. In the case of an apartment house or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation.
- F. Adequacy of structure, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
- G. Adequacy of storm water and sanitary waste disposal facilities. The standard shall be: "There shall be no increase in peak storm water flows from the property post-development compared with the pre-development conditions."
- H. Adequacy of protection of adjacent properties against noise, glare, unsightliness, odor, or other objectionable features.
- I. Adequacy of fire protection measures including adequate access, building construction, water supply and other protections such as sprinkler systems or alarm systems.
- J. The development should conform to the extent appropriate to the natural topography of the site. Major cut and fill proposals should be discouraged. Site clearing should be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air. Natural cover should be retained to supplement required landscaping to the extent possible and reasonable. Landscaping should be provided in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements.

K. Adequacy of location, arrangement, appearance and sufficiency of off-street parking and loading.

L. Adequate areas shall be provided for snow storage.

M. The site plan shall conform to the requirements of the Orange Zoning Ordinance.

#### ARTICLE X: WAIVER PROCEDURE

The Planning Board may waive provisions of these regulations provided that:

1. Such waiver will not be contrary to the purpose and intent of these regulations and;
2. No such waiver creates a conflict with other applicable regulations and;
3. Such waivers shall be recorded in the minutes of the Planning Board and shall be shown on the approved Site Plan, if applicable
4. Compliance would pose an unnecessary hardship on the applicant.

#### ARTICLE XI: BONDING

The Planning Board shall, where any site improvements are proposed by the applicant or required by the Planning Board, as a condition of approval, require the applicant to complete said improvements or provide security for the completion of said improvements within the time period established by the Planning Board, as the Planning Board determines to be appropriate. Such security may be in the form of a performance bond, letter of credit from a New Hampshire bank or such other form as the Planning Board shall determine to be appropriate. The amount of the security required shall be no less than a fair estimate of the costs of the improvements plus an appropriate amount to account for future inflation. The applicant may apply to the Board to reduce the amount of security as the project progresses as long as adequate security remains to cover the remaining costs plus inflation. Where the cost is nominal, the Planning Board may waive this requirement. The security shall not be released until the improvements are completed and approved by the Planning Board to be in compliance with the plans and any conditions as approved by the Planning Board.

#### ARTICLE XII: APPEALS

Any person, aggrieved by an official action of the Board, may appeal therefrom in accordance with the provisions of RSA 677:15.

### ARTICLE XIII: BUILDING PERMIT

No building or zoning permit shall be issued for the construction of any structure, including additions or the development of any site, covered by these Site Plan Regulations unless the applicant first presents a Site Plan approved by the Planning Board to the Board of Selectmen or Agent.

### ARTICLE XIV: COMPLIANCE HEARINGS

In cases where the Board has placed conditions precedent (one to be fulfilled before the project can be built), there must be a noticed public hearing in which abutters have a chance to review and comment on compliance with the conditions precedent. Approval of a site plan, subject to a condition(s) precedent is conditional approval. It is not final approval. Site plans shall not be signed by the Board until all conditions precedent have been met.

### ARTICLE XV: AMENDMENTS

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

### ARTICLE XVI: 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.

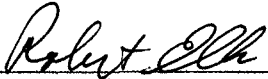
### ARTICLE XVII: ENFORCEMENT, FINES AND PENALTIES, AND INJUNCTIVE RELIEF

1. Enforcement: These regulations shall be enforced by the Board of Selectmen as provided in RSA 676:17.
2. Fines and Penalties and Injunctive Relief: Enforcement of these regulations by the Board of Selectmen shall follow the provisions of RSA 676:15 and 676:17.

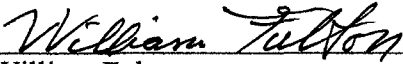
ARTICLE XVIII: EFFECTIVE DATE

These Site Plan Review Regulations shall take effect upon their passage, June 22, 2005.

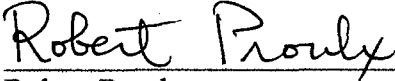
ORANGE PLANNING BOARD



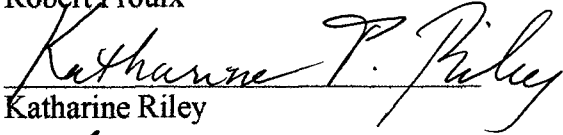
Robert Ellis



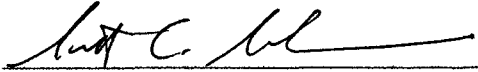
William Fulton



Robert Proulx



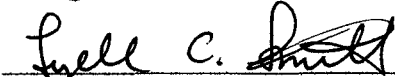
Katharine Riley



Scott Sanborn



George Smith



Lyell Smith

**SITE PLAN REVIEW APPLICATION**  
**TOWN OF ORANGE, NEW HAMPSHIRE**

Date Received: \_\_\_\_\_

This application is Preliminary: \_\_\_\_\_ Final: \_\_\_\_\_

Owner of Record: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Location of Land: \_\_\_\_\_ Map # \_\_\_\_\_ Lot # \_\_\_\_\_

Applicant / Agent\*: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Signature of Agent\* or Landowner: \_\_\_\_\_ Date: \_\_\_\_\_

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Filing deadline is 30 days before a regularly scheduled meeting of the Planning Board.

A \$150.00 application fee is payable at the time of application. Additional expenses will be billed to the property owner subsequent to the public hearing.

\* ( Must provide a letter of appointment as agent.)