



# **Site Plan Review Regulations**

**Ossipee Planning Board**

**Ossipee, New Hampshire**

**Adopted May 15, 2007**

*Amended November 20, 2007*

# SITE PLAN REVIEW REGULATIONS TOWN OF OSS�PEE, NEW HAMPSHIRE

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# **SITE PLAN REVIEW REGULATIONS TOWN OF OSS�PEE, NEW HAMPSHIRE**

## **SECTION 1. AUTHORITY**

- 1.01** Pursuant to the authority vested in the Town of Ossipee Planning Board voted on at the March, 1989 Town Meeting, in accordance with the provisions of New Hampshire Revised Statutes Annotated (RSA) 674:43, as amended, the Town of Ossipee Planning Board adopts the following regulations governing the review of non-residential site plans and multi-family developments in excess of two (2) units, whether or not such development includes a subdivision or re-subdivision of the site within the boundaries of the Town of Ossipee, New Hampshire.
- 1.02** These Site Plan Review Regulations in no way relieve the developer, his/her agent or individual from compliance with the Ossipee Zoning Ordinance, Subdivision Regulations, or any other Ordinance or statute which pertains to the proposed development.

## **SECTION 2. PURPOSES**

In accordance with N.H. RSA 674:44, these regulations are adopted for the following purposes:

- 2.01** To protect and provide for the public health, safety and prosperity of the municipality;
- 2.02** To provide for harmonious and balanced growth of the municipality, and provide against such scattered or premature development of land consistent with the Town of Ossipee Master Plan;
- 2.03** To provide adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land and undue congestion of the population;
- 2.04** To protect and conserve the value of the land throughout the municipality and the value of buildings and improvements upon the land; to minimize conflicts among the uses of land and buildings and prevent avoidable adverse impacts on neighboring property and uses;
- 2.05** To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, pedestrian ways, recreational areas, natural open space, and other public requirements and facilities;

- 2.06** To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard for the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings. To provide for the proper location and width of streets and building lines, and for their proper arrangement and coordination within a development or plan;
- 2.07** To establish reasonable standards of design and procedure for non-residential and multi-family development in order to further the orderly layout and use of land;
- 2.08** To prevent premature and uncoordinated development without the adequate provision of public services and facilities;
- 2.09** To prevent the pollution of air, streams, ponds, wetlands and groundwater; to ensure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of wildlife habitat and other natural resources throughout the municipality in order to preserve the integrity, stability and beauty of the community and the value of the land in the public interest;
- 2.10** To preserve the natural topography and rural beauty of the municipality, including its scenic views and dark night skies, and to preserve the integrity of its historical features.

### **SECTION 3. POLICY**

- 3.01** It is hereby declared to be the policy of the Planning Board of the Town of Ossipee to consider the development of land for non-residential and multi-family purposes as subject to the control of the municipality to ensure orderly, planned, efficient and environmentally sensitive adherence to the purposes of these regulations.
- 3.02** Land to be developed shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace. The land shall not be developed until necessary and sufficient public facilities and improvements exist; until proper provision has been made for drainage of surface and ground waters and for disposal of sewerage, and for the protection of environmental resources; and until proper provision has been made for any capital improvements that may be required.
- 3.03** It is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in ordinances and codes adopted by the Town of Ossipee.
- 3.04** It is the policy of the Planning Board to have all property owners within 200 feet of the boundaries of a proposed site development notified of any Public Hearing at the same time as the abutters.
- 3.05** Separate checklists shall indicate the contents of a Completed Application for major and minor projects for site plan review. A major project shall be defined as larger than 10,000 gross square feet of constructed space, or a project that propose to alter a significant land area or otherwise, in the opinion of the Board, requires a comprehensive

review. A minor project is defined as 10,000 gross square feet of constructed space or less, and not involving other factors that, in the opinion of the Board, require a comprehensive review

#### **SECTION 4. TITLE**

These regulations shall be known and cited as “Site Plan Review Regulations of the Town of Ossipee, New Hampshire.”

#### **SECTION 5. DEFINITIONS**

For the purpose of these Site Plan Review Regulations, the meaning of terms or words used herein shall conform to the definitions found in Article XXXIII of the Ossipee Zoning Ordinance and Section 5 of the Ossipee Subdivision Regulations. In the event of any conflict between definitions, the more restrictive shall apply. Terms specific to these Regulations are defined as follows:

“Board” – The Ossipee Planning Board.

“Development” – Construction, or preparation for the purpose of construction, on a tract or tracts of land, within the boundaries of the Town of Ossipee for non-residential purposes or for the purpose of building a multi-family residence in excess of two (2) units.

“Plan” – The Site Plan as described in this Regulation.

“Regulation” – This Site Plan Review Regulation, unless otherwise specified

“Site Inspection” – The physical examination and written report of a Site by the Board or the Ossipee Zoning Enforcement Officer.

#### **SECTION 6. SITE PLAN APPLICATION AND REVIEW PROCEDURE**

##### **6.01 General Procedure**

**6.01.1.** There are four phases to the Site Plan application procedure:

- Phase 1 – Pre-Application Conceptual Consultation;**
- Phase 2 – Preliminary Site Plan Review (Design Review);**
- Phase 3 – Submission of Completed Application for Site Review;**
- Phase 4 – Submission of a Final Plan for Board Decision.**

Phase 1 is optional but is strongly recommended by the Board. Phase 2 is optional but strongly recommended for site plans of less than ten thousand (10,000) square

feet of constructed floor space, and mandatory for site plans of this size or larger. These two phases provide guidance for the Applicant in order to minimize delay and the cost of changes in preparing a Final Plan. Phase 2 is intended to provide a detailed but non-binding review of a draft plan, including proposed waivers.

#### **6.01.2. Procedures When Approvals from Zoning Board of Adjustment (ZBA) are Required**

When approvals from the ZBA, including variances, special exceptions or any other approvals are required by the Zoning Ordinance, the Applicant shall first obtain such approvals before applying for Site Plan Review. Any application submitted without the necessary Zoning Approval shall be deemed incomplete. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in this Regulation. The condition which imposes the greater restriction or higher standards shall be controlling.

#### **6.01.3. Approval of Final Site Plan Required Before Disturbing Environment**

No person required to submit an application pursuant to this Regulation shall commence the construction of roads or structures within the land proposed to be developed or clear the land of natural vegetation or place any artificial fill thereon, or do any other act or acts which will alter the natural state of the land or environment unless and until the Final Plan relating thereto has been submitted and approved in accordance with the requirements in Section 6.05. Nothing in this paragraph shall be construed to prevent preliminary ground surveys, marking by stakes, engineering studies, inspections, testing (including test borings and test pits); or visual use as may be necessary to evaluate the suitability of the land for the proposed development and to assemble the information required to be shown by a preliminary plan, or to be accompanied thereby; provided, however, that such preliminary surveys, staking, studies, inspections and testing shall be accomplished with minimal disturbance or alteration of the natural state of the land or environment. The requirements of this paragraph are in addition to those imposed by New Hampshire Statutes.

### **6.02. Phase 1 – Pre-Application Conceptual Consultation**

#### **6.02.1 Procedure**

- A. Prior to formal submission of a Plan, an Owner, Developer or authorized agent is encouraged to submit to the Board a conceptual sketch and written summary of a proposed development. Such submission is only for the purpose of discussion. The Board will make no decisions on the proposed development, but may offer guidance for changes that would facilitate its consideration.
- B. Any person wishing to discuss any matter with the Board shall make an appointment by contacting the Secretary so as to be scheduled to appear at the next meeting.

- C. No application fee is required for this review. No prior submission of plans or other proposal is required.
- D. The time limits for a Board decision shall not apply until the Board certifies its acceptance of a Completed Application.
- E. Pre-Application consultation and review shall not be binding on the Applicant or the Board.

#### **6.02.2. Action of the Board in Phase 1**

Pre-Application consultation shall be in general terms and directed toward:

- A. Reviewing the basic concepts of the proposal;
- B. Reviewing the proposal with regard to the Town Master Plan;
- C. Reviewing the Site Plan Review Regulations as they may apply to the proposal;
- D. Guiding the Applicant relative to applicable state and local requirements;
- E. Pre-Application Consultation may proceed beyond general and conceptual discussion only in Phase 2, after notice to abutters and the general public as required in Sections 6.08 and 6.09.

#### **6.03. Phase 2: Preliminary Site Plan Review (Design Review)**

##### **6.03.1 Procedure**

- A. The procedures in this Section apply to Phase 2, Preliminary Site Plan Review, whether such review is optional or, as for site plans involving ten thousand (10,000) square feet or more of constructed floor space, it is mandatory.
- B. Neither the time limits for consideration nor for action as provided in Sections 6.05.3 and 6.06 shall apply to this submission. No completed application is required. The Applicant may terminate an optional Preliminary Layout Review during the review procedure and submit a completed application for Final Plan Approval.
- C. The Applicant shall submit the information required in Section 6.03.4 to the Secretary of the Board not less than twenty one (21) days prior to a scheduled public meeting.
- D. Preliminary Site Plan Review shall not be binding on the Applicant or the Board.

**6.03.2. Conduct of Preliminary Review (Design Review)**

- A. The Preliminary Review shall be conducted by the Board only at a scheduled Public Hearing after due notification to the Applicant, abutters and the general public in accordance with Sections 6.08 and 6.09.
- B. The Board may engage in non-binding discussions with the Applicant which involve specific design and engineering details with regard to the preliminary lot and road layout, proposed waivers, proposed improvements in connection with the topography of the area, the needs of the surrounding area or other pertinent Federal, State or Municipal regulations.

**6.03.3. Action of the Board in Phase 2 (Design Review)**

- A. Based on the information submitted and the review of the Preliminary Plan, the Board shall indicate to the Applicant its recommendations and reservations with respect to the proposed development and its compliance with Design Standards in Section 8.
- B. The Board may recommend changes or additions in the Final Plan Application. The Board may indicate its views on requested waivers, but will not grant or deny waivers until submittal of a final plan application.

**6.03.4. Requirements for Preliminary Review (Design Review)**

- A. A properly completed Application form for site review, noting the request for Preliminary Review, as provided by the Board, the Town office or obtained from the Town website.
- B. A list of names and addresses of the Applicant, agent and all abutters as indicated in the Town records, provided not more than five (5) days prior to the day of filing of the application.
- C. One unsealed envelope addressed to each of the abutters, the Applicant and agent, with the Ossipee Planning Board return mailing address on the upper left hand corner of the envelope, and properly certified mail forms for each address. (See example in appendix.)
- D. The Applicant shall provide and submit the information and material required in Sections 6.04.3 and 6.04.4 in preliminary form.
- E. Proof of payment of any applicable Fees to cover all costs of notice and application review fee as stipulated in Section 6.14.1 and 6.14.2.
- F. If the Applicant wishes to develop a site in sections, this shall be indicated on the Preliminary Plan. The Applicant shall indicate the proposed uses of the portions not platted and the time frame for completed development.

### **6.03.5. Content of Preliminary Application**

- A. Should the Applicant elect to follow the Phase 2 Preliminary Design Review process, or if the size of the proposed development is such that it requires a Preliminary Review, the Applicant shall submit ten (10) copies of a draft plan measuring 11 x 17 inches, clearly marked "Preliminary Layout and Draft Plan," for presentation to the Board at a duly noticed Public Hearing of the Board. The Applicant shall provide the fullest feasible draft version of information requested below in Sections 6.04.3 and 6.04.4, and shall make due note of any information that is incomplete or not yet available at the time of the Preliminary review.
- B. The Preliminary Layout and Draft Plan should consist of the fullest feasible draft version of all materials required under Sections 6.04.3 and 6.04.4.

### **6.04. Phase 3: Completed Application/Final Plan Submission**

#### **6.04.1 Procedure**

- A. A Completed Application containing all required materials shall be filed with the Secretary of the Planning Board at least twenty one (21) days prior to a scheduled Public Meeting of the Board, at which time the application is to be considered for acceptance by the Board.
- B. When an application is to be submitted to the Board for acceptance as a completed application, Public Notice shall be posted and published of such Public Meeting as provided for under Section 6.09. The notice to abutters may be sent at this time, provided that, in the event the application is accepted as complete, the Public Hearing on the application will commence at the same meeting.
- C. The application shall be formally presented to the Board by the Applicant at such Public Meeting of the Board for which notice has been given. At the hearing, any abutters or persons with a direct interest in the proposed development may testify in person and/or in writing. Other persons may testify subject to Board approval at the hearing. The Board shall give due consideration to such testimony.

#### **6.04.2. Action of the Board in Phase 3**

- A. The Board shall review the application to determine if it is complete. The Board, by motion, shall accept or reject the application at the public meeting or an adjourned session thereof. Such action shall be noted on the application and in the records of the Board. Acceptance of a completed Application ends Phase 3 review.

- B. An accepted application shall be deemed submitted to the Board as of the date on which the Board accepts the Completed Application.
- C. Applications shall be considered incomplete and rejected by the Board without Public Hearing on grounds of: (1) Failure of the Applicant to supply information required by these Regulations, including failure to identify abutters; (2) failure to pay costs of notices and other costs and fees required by these Regulations; (3) failure to meet any reasonable deadline established by these Regulations; and (4) failure to provide appropriate plans or documentation required by these Regulations.
- D. An incomplete Application filed by the Applicant shall not be formally accepted by the Planning Board.
- E. Waivers may be granted in Phase 3 review.
- F. If all Regulations are satisfied, the Board may provide Phase 4 approval.

**6.04.3. Requirements for Completed Application/Final Plan Submission**

The following requirements shall constitute a Completed Site Plan Review Application sufficient to invoke Board jurisdiction and to obtain Board approval or disapproval:

- A. Properly completed Final Application on the forms provided by the Board.
- B. A list of names and addresses of the Applicant, agent and all abutters as indicated in the Town records, provided not more than five (5) days prior to the day of filing of the application.
- C. One unsealed envelope addressed to each of the abutters, the Applicant and agent, with the Ossipee Planning Board return mailing address on the upper left hand corner of the envelope, and properly certified mail forms for each address. (See example in appendix.)
- D. Payment to cover all costs pertaining to a site plan review and approval of the same as provided in Sections 6.14 and 6.15.
- E. Ten (10) copies of the Final Plan plat measuring 11 x 17 inches and five (5) copies measuring 24 x 32 inches, completed in accordance with Section 6.04.4. All abutters shall also be identified on the Final Plan submitted to the Board.
- F. The requisite copies of plans and documents as specified in Section 6.04.4.

**6.04.4. Content of Final Plan/Completed Application Filing**

The Applicant or his/her authorized Agent shall submit an Application for Final Plan Acceptance and Review consisting of the following content:

- A. **Letter of Intent**: A letter of intent shall describe the proposed development in detail and provide any supplementary information as the submitter may deem

useful for the Board. An attachment shall list the names and mailing addresses of all property owners who qualify as abutters to the site, as defined by RSA 672:3 as may be amended, as well as book and page of such abutters as shown in the Carroll County Registry.

- B. Certification:** The following statement shall be on the Final Plan: “The Site Plan Review Regulations of the Town of Ossipee are a part of this plan, and approval of this plan is contingent upon completion of all the requirements of said Site Plan Review Regulations, excepting only waivers or modifications made in writing by the Planning Board.”
- C. Completed Site Plan Application Form:** This form shall be obtained from the Planning Board, the Town Office or website, and shall be fully completed.
- D.** All legal instruments, deeds, easements and other offers to secure approval.
- E.** All requests for waivers with written justification.
- F.** Proof of payment of filing fee as provided in Section 6.14.

**G. Site Plan Plat:**

- 1. Preparation:** The plat shall be prepared by a licensed/certified land surveyor, engineer or architect unless this requirement is waived by the Board. The name and seal of the surveyor and/or engineer or architect (if applicable) and certification as to the accuracy of the plan details, shall be indicated on the Final Plan. This requirement may be waived, provided that the Applicant is able to prepare a plan that meets all requirements set forth in Section 10, Design Standards.
- 2. Copies:** The Applicant shall submit five (5) copies of the plat measuring 11 x 17 inches and six (6) copies of the plat measuring 24” x 36”. One (1) copy of the Final Plan plat shall also be submitted which is of the same scale as the corresponding Official Tax Map of the Town of Ossipee.
- 3. Scale:** The scale shall be a minimum scale of 1-inch = 20 feet unless otherwise specified by the Board.
- 4. Content:** The following plans shall accompany the Final Plan:
  - a.** Location Plan drawn at a minimum scale of 1-inch = 1,000 feet, showing property lines of parcels proposed for development in relation to surrounding areas; names and locations of town streets and state roads; names and locations of proposed streets; name (if any) and location of water courses, water bodies and wetlands on or adjacent to the site; areas of the site and entire parcel in acres and square feet.

- b. If the Applicant wishes to develop a site in sections, this shall be indicated on the Final Plan. The Applicant shall indicate the proposed uses of the portions not platted and the time-frame for completed development.
- c. Title block with a title of the project and date; owners names and addresses; name of agent; scale of plan; name, seal and address of preparer; and a block for Board signature.
- d. Four (4) copies of the parcel layout indicating five foot contour intervals, soil types, location and data of each percolation test hole and the zoning and any district boundaries.
- e. Four (4) copies of the Final Road/Traffic Design Plan consistent with information required in Section 8, Design Standards.
- f. Four (4) copies of the Final Grading and Drainage Plan with information as required in Section 8, Design Standards.

#### **H. Information Required in the Final Plan**

The following information shall be provided in the Final Plan:

- (1) Legend explaining any map symbols; bar scale; and North arrow.
- (2) Surveyed property lines of the parcel showing their bearings and distances.
- (3) Location of existing and proposed structures in relation to property lines.
- (4) Deed reference and tax map and parcel numbers.
- (5) Location of all natural and historical features including water bodies, water courses, wetlands on or adjacent to the parcel; and vegetation/foilage lines, soil types, rock outcroppings, railroads, stone walls and historical buildings on the parcel.
- (6) Location of 100-year flood hazard boundaries.
- (7) Location of all buildings, wells and leach fields within one hundred and fifty (150) feet of parcel boundaries.
- (8) Dimensions, area and minimum setback requirements.

- (9) Location, elevation and layout of catch basins and other surface water drainage or retention features.
- (10) Location, width, curbing and paving of access ways including fire/emergency access ways, egress ways and streets within the site.
- (11) Provisions for fire protection systems.
- (12) Location of pedestrian walkways providing circulation through the site.
- (13) Location, layout and dimensions of all on-site and/or off-site parking areas and loading facilities and a Parking Summary showing the calculation of proposed spaces.
- (14) Proposed landscaping including size and type of plant material, buffers and treatment of natural and historical features on the parcel including scenic views visible from parcel boundaries.
- (15) Provisions for erosion and sediment control and topsoil preservation and restoration of disturbed areas.
- (16) Location, type and illumination pattern of exterior lighting.
- (17) Location, size and illumination of proposed and existing signs, walls and fences.
- (18) Location, width and purpose of any easement or right-of-way.
- (19) Location and type of any facilities for hazardous material storage.
- (20) Location and type of solid waste storage/disposal facilities.
- (21) Provisions for snow storage.
- (22) Location and size of all municipal and non-municipal utilities and facilities including water; sewer; electric, telecommunications, gas lines; and fire alarm connections, indicating whether overhead or underground and the location of any well and septic systems.
- (23) Location, dimensions and area of all open space and other property to be dedicated for public use or common ownership, if applicable.

#### **I. Supplemental Information**

**The Final Plan shall include a written Attachment that includes:**

- (1) Copies of any required Town Zoning variance.
- (2) Copies of required State and Federal permits.

- (3) A lighting plan demonstrating compliance with Section 8.02.4.
- (4) A statement of total on-site square footage of impervious surfaces on the proposed site.
- (5) Covenants or restrictions that are intended to cover all or part of the land area to be developed.
- (6) Articles of Incorporation of a landowners' association and the By-Laws of the association, if applicable.
- (7) The condominium declaration, if applicable, as it has been prepared for submittal to the State of New Hampshire Attorney General Office.
- (8) The attachment may, at the Applicant's discretion, also include any written explanation or amplification of information required in Section 6.04 and Section 8 (Design Standards) that may assist the Board in determining whether the Applicant has satisfied these Regulations.

#### **J. Additional Plats**

The Board may require submission of addition plats if necessary. Such plats may include but are not limited to: Erosion Control Plan; Landscape/Environmental Preservation Plan; Building Elevation Plan; Profiles and Cross-Sections of Roadways and Bridges.

#### **K. Graphic Presentation**

The Board may require the Applicant to provide photo simulation, a photomontage or drawings that depict the built and landscaped condition on the site.

#### **L. Additional Documentation**

In accordance with Section 8, Design Standards, the Board may require such additional documentation as it may need to determine compliance with Town regulations. Additional documentation may include: Traffic studies; wetland and other environmental impact studies; and fiscal impact studies.

### **6.05. Phase 4: Review of Final Plan**

#### **6.05.1. Procedure**

A. Within thirty (30) days of the acceptance of a Completed Plan, the Board shall begin formal consideration of the application at a Public Hearing for which notice shall be given to the Applicant and abutters as provided in Section 6.09.

### **6.05.2. Requirements for Final Review**

- A. A Completed Application shall address, or consist of, the information and documents required under Sections 6.04.3 and 6.04.4.
- B. Completion of any actions required by the Board in Phase 3 review is a condition of Phase 4 approval.

### **6.05.3. Board Action on Completed Application**

#### **A. Time Limit**

The Board shall consider a Completed Application within thirty (30) days of its formal submission and acceptance and shall act to approve, conditionally approve or disapprove the application within sixty-five (65) days after submission and acceptance, subject to an extension or waiver as provided in accordance with Section 4, I (f), Chapter 676, N.H. RSA 1955, as amended.

The Applicant may consent to an extension of time for the Board to act beyond the initial 65\_day period on the condition that such consent shall be in writing and shall be made part of the Board's record.

The Board shall issue a final written decision which shall be filed in the office of the Town Clerk in accordance with applicable law. If the application is not approved, the Board shall provide the Applicant with written reasons for the disapproval.

#### **B. Conditional Approval**

The Board may grant conditional approval for a plan or application. Such approval may become final without further public hearing, upon certification to the Board, based on evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. However, final approval of a plan or application without further public hearing may occur in the manner cited here only when the following conditions apply:

- (1) Minor plan changes as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgment; or,
- (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.

### **C. Compliance Hearing**

Determination of compliance with all conditions, and the consequent granting of approval, shall require a public hearing as provided for in Section 6.08 and notice as provided for in Section 6.09. Whenever the Board conditionally approves a site plan, placing a condition or conditions precedent on approval, all such conditions shall be met within a period of time determined by the Board, at which time a noticed hearing shall be held, except as noted in Section 6.05.3 (B), to provide abutters an opportunity to review and comment on the full compliance with the specified conditions.

### **D. Approval Endorsement**

- (1) When a bond is required, the Chairman of the Board and a member of the Board shall endorse approval on the plan after the bond has been approved and all the conditions of the decisions pertaining to the plan have been satisfied.
- (2) When installation of improvements is required, the Chairman of the Board and a member shall endorse approval on the plan after all conditions of the decision have been satisfied and all improvements satisfactorily completed.
- (3) Approval of the Final Plan shall be certified by written endorsement on the Final Plan and signed by the Chairman and a member of the Board.

### **E. Application Disapproval**

In case of disapproval of any Application submitted to the Planning Board, the grounds for such disapproval shall be stated in the minutes or records of the Board, and written notice and grounds for such disapproval shall be given to the Applicant by registered mail.

### **F. Amendment of Approval**

The Board shall have the authority to modify or amend its approval of a site plan on application of the Applicant or his/her agent. Any site plan coming before the Board for modification or amendment shall require a noticed hearing in accordance with Sections 6.08 and 6.09 of this Regulation.

## **6.06. Failure to Take Action**

- A. The Board may apply to the Selectmen for an extension not to exceed 90 days before acting to approve, conditionally approve or disapprove an application as specified in RSA 676:4 I (f) as amended.
- B. Upon failure of the Board to approve, conditionally approve or disapprove the application, the Applicant may obtain from the Selectmen an order directing the Board to act within 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 the existing site plan review regulations, zoning and other pertinent ordinances. If the Court determines that 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 in accordance with RSA 676: (c) as amended.

## **6.07. Waivers**

### **6.07.1. General**

The Board may approve waivers to these regulations provided that such waivers shall not have the effect of nullifying the intent and purposes of these Regulations or is not inconsistent with other Town ordinances or State laws.

### **6.07.2. Procedure**

- A.** Applicant may submit a request for any waiver in writing at any time during Phase 2 or Phase 3. Applicant shall complete a form supplied by the Board, indicating the specific section of this Regulation for which the waiver is requested, the extent of the proposed waiver, and the justification. The request shall state the grounds for the request and all facts relied upon by the Applicant.
- B.** In evaluating the request, the Board shall grant a waiver only if it finds, based on evidence presented to it, that:
  - (1)** granting a waiver shall not be detrimental to the public health, safety or general welfare;
  - (2)** granting the waiver shall not, in the opinion of the Board, be injurious to other parties;
  - (3)** granting the waiver shall not have the effect of nullifying the intent and purposes of this Regulation and is not inconsistent with other Town Ordinances or State laws; or
  - (4)** strict compliance with these regulations may be served to a greater extent by an alternative proposal, provided that the purposes of these Regulations and the public good are not adversely affected.
- C.** A waiver request shall only be considered by the Board at or after a noticed public hearing by the Board on the subject application, and at which the waiver request is presented or discussed, so that abutters have an opportunity to be made aware of all waiver requests.
- D.** The request for a waiver shall be granted only when a motion to grant the request, duly seconded, is carried by a majority of the members present and

voting. If the motion is not carried, the request is denied and no further motion is required. If no action is taken on the waiver request, it shall be deemed to be denied.

### **6.07.3. Types of Waivers**

There are two types of waivers that may be considered by the Board.

- A. Waiver of Application Requirements:** An Applicant may request a determination be made that specific requirements in Section 8 (Design Standards) do not apply due to special circumstances of a particular plan or Application.
- B. Waiver or Modification of the Requirements or Standards:** An Applicant may request a waiver or modification of the General Requirements of Sections 6.04.3 and 6.04.4 and/or the Design Standards of Sections 8. The Board may grant such request under the terms of Section 6.07.2, or if it determines that strict compliance with these regulations may be served to a greater extent by an alternative proposal, provided that the purposes of these Regulations and the public good are not adversely affected.

### **6.07.4. Conditions**

In approving waivers, the Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirement of these Regulations.

## **6.08 Public Hearing**

- A.** The Board, before considering or taking formal action upon a Preliminary Application and/or a Completed Final Application, shall hold a Public Hearing as required by the provisions of RSA 676:4 as amended. Notice to the Applicant, agents, abutters and the public shall be given in accordance with Section 6.09.
- B.** At the hearing, the Applicant, any abutter or any person with a direct interest in the matter may testify in person and/or in writing. Other persons may testify subject to Board approval at the Hearing.
- C.** Site Plan Review hearings may be held concurrently with hearings on Subdivision and Special Use Permits.

## **6.09 Notification (RSA 676:4, I (d))**

Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior

to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. 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 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. All costs of notice, whether mailed, posted, or published, 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 plat without a public hearing.

#### **6.10 [Reserved]**

#### **6.11 Site Inspection**

The Board may conduct a site inspection of the proposed development to ascertain the natural conditions of the site and to inspect the layout of proposed roads, improvements and other aspects of the proposed development.

#### **6.12 Engineering and Consultants' Services**

- A.** The Board may require the Applicant to engage a registered professional engineer or other consultant to review a site plan, including drainage facilities, sanitary sewer disposal, water facilities and road construction or other improvements to assure conformity to these Regulations. The specific registered professional engineer or other consultant employed by the Applicant is subject to the approval of the Board. The cost of such engineer or consultant is the responsibility of the Applicant. No site plan shall be approved until all such engineer or consultant fees are paid in full.
- B.** In lieu of or in addition to 6.12, A above, the Board may engage a registered professional engineer ("Planning Board Engineer"), town planner, legal adviser or other consultant to review a proposed site development plan to ensure compliance with all applicable local, state and federal regulations, construction standards and building codes. The consultant(s) shall submit a written report to the Board summarizing the review of the proposal. The cost of such consultation shall be the responsibility of the Applicant. No site plan shall be approved until all such engineer or consultant fees are paid in full.
- C.** The Board reserves the right to require additional studies by professionals that it may engage at its discretion to determine the potential impact of a proposed site development. Studies may include, but are not limited to, Traffic Impact Analysis, Fiscal Impact Analysis, Environmental Impact Analysis and Legal Analysis. The cost of each such analysis shall be the responsibility of the Applicant. No site plan shall be approved until all such engineer or consultant fees are paid in full.
- D.** At least five (5) business days prior to commencing construction of required improvements or, for a phased development, prior to each major phase of

- construction of required improvements, the Applicant or Applicant's agent shall notify the Town's Code Enforcement Officer and/or Planning Board Engineer in writing of the time when he or she proposes to commence construction of such improvements. The Planning Board or Town officers can cause inspection to be made by Town employees or the Planning Board Engineer at the applicant's expense to ensure all Town specifications and requirements shall be met during the construction of required improvements and to ensure the satisfactory completion of improvements and utilities required by the Board.
- E.** The applicant shall arrange an inspection schedule with the Town Engineer and/or Code Enforcement Officer. Additionally the Planning Board Engineer and/or Code Enforcement Officer may inspect at his/her own discretion.
  - F.** If the inspection official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the Applicant, he shall so report in writing to the Town officers, Planning Board and the Applicant or Applicant's agent. The Town officers and/or Planning Board shall take any steps necessary to preserve the Town's rights.
  - G.** If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances, such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any such approval in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Town at the completion of all construction or of the particular phase. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than one (1%) percent, etc., the Applicant shall obtain permission to modify the plans from the Planning Board prior to constructing the modification. The inspecting official shall initially determine whether a modification is major or minor, subject to the concurrence of the Planning Board.
  - H.** At the close of each summer construction season the Town may, at the expense of the Applicant, have the site inspected by a qualified individual. In such event, by December first (1<sup>st</sup>) the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and erosion control measures both temporary and permanent are in place, are properly installed and appear adequate to do the job they were designed for. The report shall also include a discussion of and recommendations on any problems that were encountered.
  - I.** Prior to the issuance of a building permit in any approved project, the Applicant shall provide the Code Enforcement Officer with a letter from a registered land surveyor stating that all monuments shown on the plan for the lot receiving the building permit and for the approved site perimeter boundaries or phase therein as approved by the Planning Board have been installed.

- J.** The Applicant or Applicant's agent shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until the responsibility therefore has transferred to another responsible party approved by the Town.
- K. Purpose of Observation.** The Applicant, through the design engineer, has the professional responsibility for providing an engineered design that functions and complies with all regulations. The Applicant, through the engineer and contractor(s) has the responsibility of constructing all improvements in compliance with approved plans and all applicable regulations. Within this context, construction observation is required for the sole purpose of assisting the Applicant in achieving compliance while construction is underway, thereby avoiding costly removal of non-compliant work at later stages. However, ultimately the responsibility for compliance rests with the Applicant and his/her agents, and all non-compliant works shall be required to be appropriately modified as approved by the Planning Board regardless of when the non-compliance is discovered.
- L. Roads and Other Pavement Observation.** Periodic observation of the work by the Planning Board Engineer is required, at the Applicant's expense, during construction or alteration of all roads and other pavement. Observation is required: (1) after clearing and grubbing and the removal of topsoil has been completed, but before grading has been started, (2) after the addition of required fill and the setting of culverts, but before gravel base has been laid, (3) after gravel base has been laid and compacted, but before surfacing has been placed, (4) during surfacing, and (5) at such other times as may be found necessary by the Planning Board's Engineer. The Applicant is responsible for giving the Planning Board's Engineer reasonable notice of the need for such observation. Reasonable notice shall be not less than forty-eight (48) working hours excluding weekends and holidays.
- M. Drainage and Utility Observation.** Observation of drainage and utility installation shall be as determined necessary by the Planning Board's Engineer. The Planning Board's Engineer shall be notified whenever underground pipe or utilities are being installed.
- N. Testing.** The Planning Board's Engineer has the authority to require whatever compaction tests, gradation tests or other standard field tests are necessary to determine compliance. The Applicant shall pay the costs or all such tests.
- O. Fees.** The Applicant shall pay the costs associated with construction observation by the Planning Board Engineer. The Planning Board shall require an observation fee to be paid by the Applicant and escrowed prior to final site plan approval.

### **6.13 Legal Services**

The Board, if it deems necessary, may seek legal counsel during the review process to assure conformity with these Regulations and other local regulations and ordinances. The cost of such consultation shall be the responsibility of the Applicant. No consideration of an Application shall be granted until all fees are paid.

## **6.14 Fees**

- 6.14.1. Cost of Notice:** All costs of notice, whether mailed, posted or published, shall be paid in advance by the Applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and disapprove a plan without a public hearing. The fee schedule shall be indicated on the current application form.
- 6.14.2. Fee for Preliminary Application:** All preliminary applications for site plan review shall be accompanied by review fee of one hundred (100) dollars.
- 6.14.3. Fee for Completed Application:** A Completed Application for final approval of a site plan shall be accompanied by a review fee of one hundred (100) dollars unless the Applicant has paid a review fee for Phase 2 Preliminary Review (Design Review), in which case no further review fee shall be required.

## **6.15 Escrow of Fees and Consulting Services**

Unless specifically waived in accord with Section 6.07 of these Regulations, the Board shall require an Applicant to pay in advance the amount anticipated to be expended by the Town for fees or services provided by the Planning Board Engineer, town planner, legal adviser or other consultant hired for the purpose of studies, review of plans, and oversight of the construction of the project. The amount to be placed in the escrow fund shall be equal to the amount expected to be expended from the fund during the ensuing period of up to six (6) months, as estimated by the Planning Board Engineer, town planner, legal adviser or other consultant to be hired, or as estimated and agreed upon by the Board and the Applicant. The Board may require the Applicant to make payments at various times to correspond with different phases of the approval and construction process. The Board shall require additional payments from the Applicant to augment the fund in the event anticipated expenses exceed the amount held in the fund for payment of invoices. Within forty-five (45) days of the completion of the services for which the escrowed funds are held, the Board shall return the unexpended portion to the Applicant.

## **6.16. Performance Bond**

- 6.16.1.** Consistent with RSA 674:36, III (as amended), in lieu of completion of construction and installation of all improvements and utility installations prior to the Final Approval of a plan, the Board may require a performance bond, including an irrevocable letter of credit, cash deposit, or such other type of security arrangement as the Board determines will adequately assure the due completion thereof and to secure to the Town the actual construction installation of such improvements and utilities. The Applicant shall be responsible for the actual costs of the construction and installation of all improvements regardless of the amount of the bond. It is intended that all required improvements shall be made by the Applicant at the Applicant's expense without cost or reimbursement by the Town.

- A. The Board shall have the discretion to prescribe the type and amount of the bond or other security, to determine the terms thereof, and to specify a period, not to exceed three (3) years, for the completion of improvements.
- B. The Applicant shall submit, with the Final Plan, a written schedule of work completion, indicating the appropriate phases of the improvements and the amount of bonding that is allocated to each phase, to accommodate the partial release of the bonding upon satisfactory completion of each phase of the project.
- C. The performance bond may include provisions to reserve to the Town a reasonable portion of the full amount as a maintenance account for the improvements as provided in Section 6.16.4.
- D. The form of all bonds, letters of credit or other security documents and arrangement shall be prepared by the Applicant and approved by Town Counsel, at the Applicant's expense, prior to acceptance by the Board.
- E. The Town shall have the power to enforce such bonds or other securities by all legal and equitable means.

**6.16.2. Amount:** The amount of the performance bond shall be based on an engineer's cost estimate of the improvements. The Board may require a review, at the Applicant's expense, by a Registered Professional Engineer, of the submitted plans and cost estimate. The Board shall approve the estimate and determine the amount prior to the Applicant obtaining the bond. All bonds shall be 100% of the determined amount and shall include fees for necessary inspections and improvements. The Applicant shall be liable for the actual cost of construction regardless of the amount of the Performance Bond.

**6.16.3. Release of Bond:** The performance bond shall be released by the Board of Selectmen upon receiving written certification by the Planning Board that required improvements have been completed in compliance with the Site Plan Review Regulations of the Town of Ossipee.

**6.16.4. Maintenance Account:** The Planning Board may require a maintenance bond in order to place the Town in an assured position that the completed improvements will remain in satisfactory condition for a period not to exceed two (2) years from the date of completion. The amount shall not exceed 25% of the cost of improvements and shall be held by the Board of Selectmen. The maintenance bond shall be released following inspection and written certification by the Planning Board that the improvements are in satisfactory condition.

## **SECTION 7 [RESERVED]**

## **SECTION 8 DESIGN STANDARDS AND REQUIREMENTS**

## **8.01 Roads, Parking and Traffic Access**

### **8.01.1. Construction of Roads and Bridges**

#### **A. General:**

Construction of roads and bridges in a development subject to Site Plan Review regulation shall comply with standards and specifications provided in the Ossipee Subdivision Regulations, Section 12, insofar as the Planning Board may determine that these regulations are applicable to a proposed development.

#### **B. Paving of Roads**

All roadways in a development subject to Site Plan Review Regulations shall be paved in accordance with standards and specifications in the Ossipee Subdivision Regulations, Section 12, unless the Planning Board determines that a paving requirement should be waived or modified to reduce runoff.

### **8.01.2. Off-Street Parking and Loading**

#### **A. General**

All developments shall make adequate provisions for off-street parking and loading facilities. Such facilities shall be designed to ensure the orderly flow of traffic 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.

Whenever an existing use is expanded or changed to a new use, parking and/or loading facilities shall be provided for such altered use. Every development shall provide an area for parking and loading on the site which is properly drained. The number and size of parking spaces shall conform to requirements set out in this regulation.

All developments shall provide for parking and loading to be situated on the same parcel of land as the primary use or structure except when off-street public parking is available. The calculations used to determine the number of parking spaces shall be shown.

#### **B. Requirements and Performance Standards**

- (1) Purpose:** Off-street parking is an important functional and aesthetic design element. Off-street parking shall be required in accordance with these regulations in order to accommodate the needs of customers, patrons and employees and for the purpose of promoting safety, general sufficiency of parking and convenience to the public.

- (2) **Number of Spaces:** Minimum Requirements for Off-Street Parking for specific categories of use are set forth in **Table 1** of this section. For uses not specified here, the Planning Board may apply the standards of the category it deems most relevant.
- (3) **Parking Summary to be Provided:** A Parking Summary shall be provided for all proposed new construction and proposed changes of use. This summary shall be provided in the format provided in **Table 2** of this section. In the event that the number of spaces proposed is less than the required minimum indicated in Table 1, the Applicant shall provide written justification for the proposed number of parking spaces.
- (4) **Handicapped Parking:** Clearly designated parking for the physically handicapped shall be provided in accordance with **Table 3** below.
- (5) **Alternative Parking Rates:** The Planning Board may approve an alternative number of parking spaces to those indicated in Table 1, providing the Applicant demonstrates to the satisfaction of the Board that such alternative better reflects local conditions, special circumstances or categories of use not analogous to those specified in Table 1.

**Table 1: Guidelines for Minimum Off-Street Parking Spaces**

USE	NUMBER OF OFF-STREET SPACES
1. Single-Family or Duplex Residence	2 spaces / dwelling unit.
2. Multi-Family Residence	1 space / unit with one bedroom and an additional ½ space for each additional bedroom in each unit.
3. Multi-Family Residence (Elderly)	1 space / dwelling unit.
4. Hotels, Motels, Inns	1 space / rented sleeping room & one space for each 50 sq. ft. of area for meetings and functions.
5. Hospital	1 ½ spaces per bed.
6. Rest Home/Nursing Home	1 space / 4 beds.
7. Medical Offices/Clinic	1 space / 150 sq. ft. of gross floor area.
8. Educational Facilities	1 space / 3 seats in largest public assembly room (auditorium, gym, cafeteria, etc.) or 1 space / staff member and 1 visitor space / 5 staff members, whichever is greater.
9. Library, Museum, Gallery	1 space / 100 sq. ft. accessible to the public.
10. Kindergarten, Nursery School, Daycare Facility	1 space / 10 children.
11. Place of Assembly with Seating such as a Restaurant, Church, Funeral Parlor, Theater, etc.	1 space / 3 seats.
12. Places of Assembly Without Fixed Seating, such as a Skating Rink, Meeting/Function Rooms, etc.	1 space / 50 sq. ft. accessible to the public.
13. Bowling Alley	5 spaces / bowling lane.
14. Retail Commercial	1 space / 200 sq. ft. of sales floor area plus 1 space / 600 sq. ft. of storage area.
15. Office Building, Bank, General Business and Professional Offices	1 space / 200 sq. ft. of gross floor area.
16. Auto Service Stations	4 spaces / 100 sq. ft. of service bays.
17. Roadside Stand	4 spaces / stand.
18. Marina	1 space / 2 wet slips.
19. Industrial Facility	1 space / 250 sq.ft. of floor area designed to be occupied by employees, not including areas used only for storage, utilities, fully automated equipment. No off-street employee parking shall be maintained in the front of the building so as to be visible from main roadways.
20. Campground	1 space / camping site.

**Table 2: Off-Street Parking Summary**

**OFF-STREET PARKING SUMMARY**

<b>USE</b>	<b>RATE PER TABLE 1</b>	<b>REQUIREMENT PER TABLE 1</b>	<b>PROPOSED NUMBER</b>
1.			
2.			
3.			
4.			

**Table 3: Minimum Designated Parking for Physically Handicapped**

<b>TOTAL PARKING IN LOT</b>	<b>REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES</b>
1 to 25	1
26 to 50	2
61 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 Percent of Total
1001 and Over	20 plus 1 for each 100 over 1,000

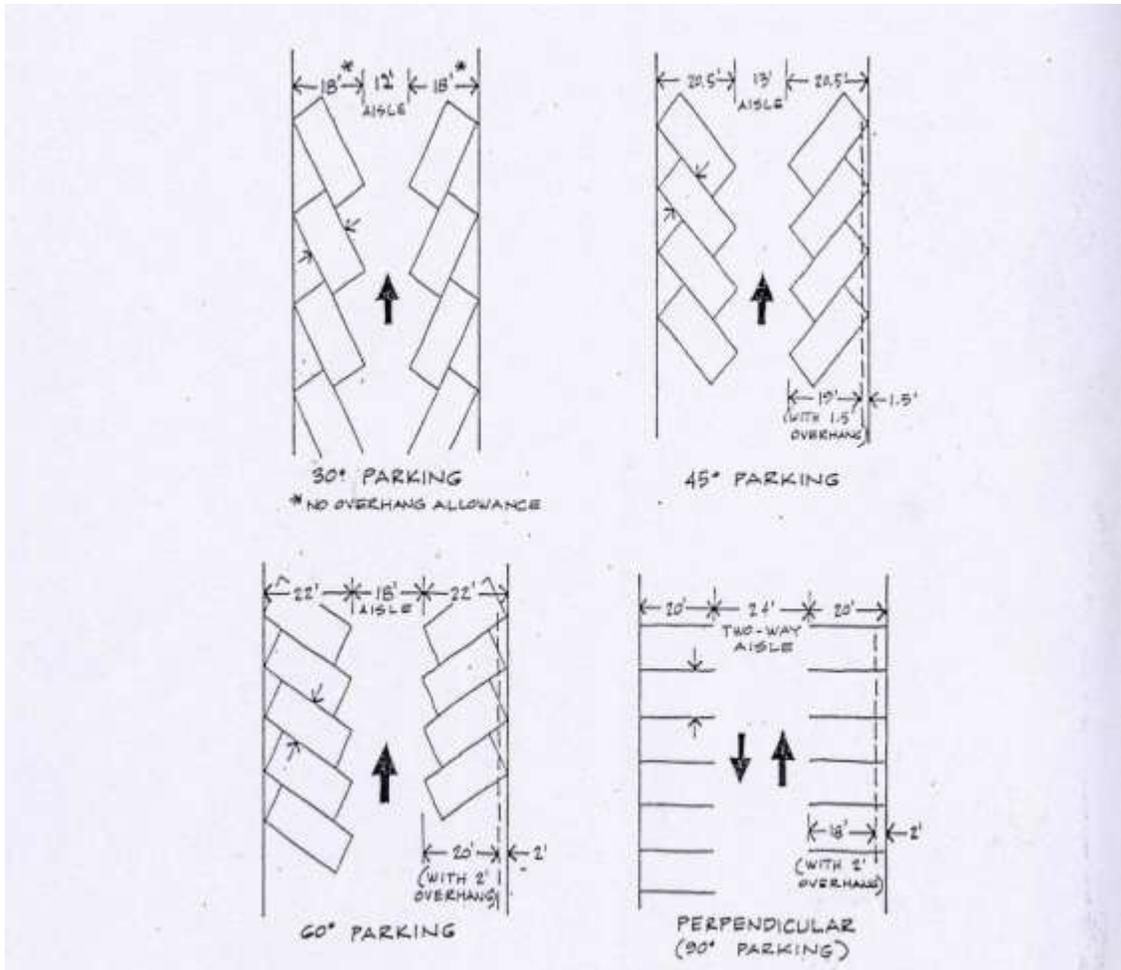
## **(6) Dimensions of Parking Areas**

**a. Dimensions of Each Space.** Each off-street parking space shall measure a minimum of ten (10) feet in width by twenty (20) feet in length for new construction. Larger parking space dimensions shall be permitted.

**b. Dimensions of Parking Bays.** Minimum dimensions of spaces angled to the flow of traffic shall be set as follows **(See Figure 1, p. 33)**: (a) 30-degree angled spaces shall be set in opposing strips eighteen (18) feet wide with no overhang allowance, separated by a one-way aisle twelve (12) feet wide; (b) 45-degree angled spaces shall be set in opposing strips twenty and one-half (20.5) feet wide including a one and a half (1.5) foot overhang, separated by a one-way aisle thirteen (13) feet wide; (c) 60-degree angled spaces shall be set in opposing strips twenty-two (22) feet wide including a two (2) foot overhang allowance and separated by a one-way aisle eighteen (18) feet wide; 90-degree angled spaces, perpendicular to the flow of traffic, shall be set in opposing strips twenty (20) feet wide including a two- (2) foot overhang allowance, separated by a one- or two-way aisle twenty-four (24) feet wide.

**c. Handicapped Parking.** Parking for physically handicapped persons shall measure twelve (12) feet in width and twenty (20) feet in length. Two (2) eight- (8) foot wide spaces separated by a four- (4) foot wide center, striped aisle may be used as an alternative.

Figure 1



### C. Parking Area Design Standards:

- (1) Location.** On-site parking areas shall be oriented to and within a reasonable walking distance of the buildings they are designed to serve.
- (2) Access.** Access to parking areas shall be designed so as not to obstruct the flow of traffic on- and off-site. There shall be adequate provision for ingress and egress from

all parking spaces to ensure ease of mobility, ample clearances and safety of pedestrians and vehicles.

**(3) Traffic Circulation.** On-site circulation patterns shall be designed so as to provide sufficient maneuvering room for vehicles entering and leaving the lot, individual spaces or designated loading/delivery areas.

**(4) Dead-End Bays.** Dead-end parking bays shall be avoided to the extent practical.

**(5) Avoidance of Obstruction.** Parking shall be designed so that overhanging vehicles will not conflict with walkways, signage, landscaping or lighting structures.

**(6) Off-Site Parking.** Off-site parking may be approved on such terms and conditions as the Planning Board may determine are necessary to provide safe, sufficient and convenient parking.

**(7) Appearance of Parking Areas.** Parking areas should be located and designed so as to avoid the appearance of “strip development.” Applicants are encouraged to make the fullest practical use of landscaping, including berms, to minimize the visibility of parking areas from main public roadways.

### **8.01.3. Traffic Access Design**

#### **A. General**

Traffic flow to and from the site onto public roadways must comply with the Ossipee Zoning Ordinance.

#### **B. Access Design Requirements:**

**(1) Approval of Access.** Planning Board approval is required for a proposed access/egress point onto the public way, which point shall provide adequate sight distance, grade, width and curbing. In all cases, the number of points of access to a given street shall be held to a minimum, preferably one, in order to reduce traffic hazards from turning movements and installation of traffic control devices.

**(2) Location of Access.** Access/egress points shall be located and designed to minimize contributing to congestion on main public ways. The Planning Board may require improvement of existing or proposed access/egress points to ensure safe flow onto abutting public ways, should increased traffic be generated by the development.

**(3) Requirement for Off-Site Improvements.** The Planning Board may require the Applicant to implement off-site improvements such as pavement width, deceleration and acceleration lanes, curbing or signal devices.

- (4) Safety Assurance.** Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.
  
- (5) Jurisdiction.** Access to public ways shall meet the requirements of the New Hampshire Department of Transportation and/or the Town of Ossipee, whichever is superior. Any approval or requirement herein shall in no way supersede any approval or permit which may be granted by the New Hampshire Department of Transportation in any case where that body has preemptive jurisdiction.

## **8.02 Environment**

### **8.02.1. Landscaping and Buffers**

- A. General.** The Applicant, in conformity with the Ossipee Zoning Ordinance, shall give due regard to preservation and protection of existing features: Trees, scenic views, brooks, streams, water bodies, rock outcroppings, other natural areas, historic landmarks, cemeteries, stone walls and similar community assets in order to preserve the natural environment and historic assets. On slopes and ridgelines, structures will be designed and located so that rooflines are below ridgelines and below the crown lines of mature trees as viewed from the base of the slope and/or from main roadways. Land which has been forested within 10 years prior to proposed development shall contain one tree of three (3) inch caliper per 500 square feet or one tree of six (6) inch caliper per 1,000 square feet, distributed throughout such land.
  
- B. Landscaping.** Due regard shall be given to the preservation of existing trees, shrubbery and other vegetation within the development. The Planning Board may require additional tree planting and other landscaping appropriate to the area being developed. The Applicant shall comply with the following requirements:
  - (1) Preservation of Existing Vegetation.** To the fullest extent possible, all existing trees and shrubbery shall be preserved by the Applicant. Special consideration shall be given to the arrangement and ultimate improvement or development of the project area to this end. Special precautions should be taken to protect the existing trees during the construction of roads and utilities. Applicants are encouraged to retain required setbacks as natural wooded areas or landscaped open areas. Where commercial development is proposed adjacent to a residential use and/or along main roadways, a buffer strip of at least thirty (30) feet shall be retained in natural wooded condition or landscaped so as to ensure adequate, all-season screening from neighboring properties and roadways. Where proposed development will impact watershed and riparian corridors, buffers of natural vegetation in sufficient area must be retained so as to safeguard wildlife habitat and transit.

**(2) Safety.** Planting must not be so located as to obstruct the vision of motor vehicle operators.

**(3) Removal of Trees in Public Areas.** Where any land other than that included in public rights-of-way is to be dedicated to the public use, the Applicant shall not remove any trees from the site without the written permission of the Planning Board.

**(4) Restoration of Disturbed Areas.** All disturbed areas which are not covered by structures or paving shall be properly seeded or replanted by the Applicant.

**C. Waste and Trash.** The manner of waste disposal must be specified on the site plan and include areas for safe disposal. Litter and/or garbage collection and holding areas must be secured. All outdoor storage areas and trash receptacles must be located or screened to prevent visibility from neighboring properties. In addition, such design shall be sufficient to contain all litter. The use of either fencing or hedges is permitted for the foregoing purposes. The Planning Board may require earth berms and plantings of shrubs and/or trees.

#### **8.02.2. Open Space Development**

The Applicant shall comply with relevant provisions of the Ossipee Zoning Ordinance.

#### **8.02.3. Sediment, Erosion Control and Topsoil Preservation**

The Applicant shall comply with Ossipee Subdivision Regulations pertaining to Drainage, Sediment and Erosion Control and Topsoil Preservation as well as all applicable state and federal regulations.

#### **8.02.4. Outdoor Lighting**

##### **A. Purpose:**

The purpose of this regulation is to preserve the rural character of the Town of Ossipee, including its natural dark skies; to enhance public safety and security with the use of modern lighting; to prevent glare and light trespass across property lines; and to encourage energy efficiency.

##### **B. Provisions:**

**(1) Fully Shielded Fixtures Required.** Any new outside lighting fixtures whether for illumination of buildings, surrounding areas or signs, shall be rated as fully shielded or "full cut-off" according to standards of the Illuminating Engineering Society of

North America (IESNA) so as to project no light above a horizontal plane through the lowest light-emitting part of the fixture.

- (2) Illumination of Signs.** New signs, or newly lit signs, may be illuminated only by continuous indirect white light. Signs with external lighting shall be illuminated from above, and with sources shielded so as to prevent glare to neighbors, pedestrians or drivers.
- (3) Intensity of Illumination.** Intensity of illumination shall conform with minimum levels recommended by the IESNA. Mercury vapor lamps shall not be permitted.
- (4) Applicability to Replacement Fixtures.** Any replacement or modification of existing lighting fixtures shall comply with this regulation.

#### **C. Lighting Plan:**

Applicants shall submit a lighting plan demonstrating compliance with this regulation.

#### **D. Exceptions:**

- (1) Temporary Lighting.** All temporary lighting required for road construction or construction of other public facilities; or, as specifically permitted by the Planning Board, for commercial construction.
- (2) Warning Lighting.** All hazard warning lighting required by state or federal agencies, providing that it emits the minimum light output required by such agencies.
- (3) Seasonal Lighting.** Seasonal/decorative lighting displays using low-wattage bulbs and illumination of the American flag, providing the minimum necessary illumination is used.

#### **8.02.5. Signs**

The Applicant shall comply with applicable provisions of the Ossipee Zoning Ordinance.

#### **8.02.6. Snow Storage**

Provision shall be made to store snow accumulation during the winter months, and such provisions shall be shown on the site plan.

#### **8.02.7. Equipment and Service Areas**

- A. General:** Off-street loading 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. Screening:** Service areas, delivery locations, dumpster and trash receptacle locations, and other similar uses, shall be screened from street and public view. They may be screened using a variety of materials and structures, such as walls, fences, planting or a combination of these methods.
- C. Design:** All loading areas shall be designed so as to minimize interference with automobile and pedestrian circulation on the site, and so as to provide adequate space and facilities.

### **8.03 Health and Safety**

#### **8.03.1. Sewage Disposal**

- A. Use of Public Services.** If a development is to be served by public sewers or by public water supply, a statement is required from the Municipal department or company involved attesting to the availability of such service.
- B. Private Systems:** Individual sewage disposal and/or water systems shall be shown on the applicant's plan and shall comply with applicable State and Federal regulations.
- C. Required Systems:** Water supply and septic systems shall be required for any primary structure constructed on a concrete slab or foundation. *(Amended November 20, 2007.)*

#### **8.03.2. Flood Hazard Areas**

The Applicant shall comply with the Ossipee Floodplain Development Ordinance and applicable State and Federal regulations.

#### **8.03.3. Hazardous Material Storage**

The Applicant shall comply with applicable provisions of the Ossipee Zoning Ordinance as well as relevant State and Federal regulations.

#### **8.03.4. Surface and Storm Drainage**

##### **A. General**

Where public storm sewers are not required, surface water runoff shall be carried away in a system of swales, drainageways, culverts and channels to a natural watercourse or to other drainage facilities. Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water 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 dedicate, either in fee or by drainage or conservation easement, land on both side of existing watercourses to a distance to be determined by the Planning Board.

#### **B. Accommodation of Upstream Drainage Area**

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential runoff from its entire upstream drainage area generated by a 50-year storm, whether inside or outside the development.

#### **C. 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 plan. Where it is anticipated that the additional run-off incident to the development will overload an existing downstream drainage facility, the Planning Board may withhold approval of the application until provision has been made for the improvement of said condition. Alternatively, upon recommendation from a professional engineer, the Board may approve on-site retention facilities to prevent the overloading of existing downstream facilities.

### **8.03.5. Well-Water Quality**

The Applicant shall demonstrate compliance with applicable provisions of the Ossipee Zoning Ordinance.

### **8.03.6. Fire Protection and Alarms**

#### **A. General**

Buildings to be used by the public and/or human occupancy must contain an adequate fire alarm/warning system. Such fire alarms shall be indicated on the plans, installed by the applicant, and reviewed and approved by the Fire Chief.

#### **B. Provision of Easements**

For all development greater than ten thousand (10,000) square feet of interior space, provision shall be made for an easement or easements at suitable intervals, if appropriate, for access of fire fighting equipment. The easement shall provide for the Town of Ossipee the right to remove obstructions from such easement areas and for the installation and the maintenance of a dry hydrant, or other water-access device for year-round access to a supply of water for fire protection purposes.

#### **C. Terms of Easements**

Easements shall be no less than 30 feet in width to allow the Ossipee Fire services access from the nearest public right of way to the water body or facilities. Such easements shall provide for maintenance of the easement area by the developer, so that no obstruction may exist within the easement.

#### **D. Additional Provisions**

Where a development is proposed in a location where a water supply is not readily accessible, the Planning Board may require the applicant to provide for fire protection devices including, but not limited to, fire ponds or dry hydrants and access to such devices by reserving an easement to the Town as the Planning Board may deem appropriate.

#### **E. Construction of Fire Ponds**

Fire ponds shall be constructed to the standards recommended by the USDA Soil Conservation Service. Facilities will be installed in accordance with appropriate codes and will be subject to inspection by the Fire Department.

#### **8.03.7. Dust, Fumes, Vapor, Gas and Odor**

The Applicant must demonstrate compliance with applicable provisions of the Ossipee Zoning Ordinance.

### **SECTION 9 MITIGATION**

#### **9.01. Traffic**

Whenever, in the opinion of the Board, traffic generated by a project will adversely affect existing public streets and/or traffic flow, the Board may require improvements to be made to such streets and intersections in an effort to mitigate this impact.

#### **9.02. Inspection**

Whenever, in the opinion of the Board, the project warrants construction observation because of the scope or special character of the development, the Board may require that an independent engineer or other professional perform scheduled inspections during construction of the project, to maintain regular records of such inspections and to report to the appropriate Town official and the Board. Any such inspector shall be retained by the Board. The Applicant shall pay all costs of such an inspection to the Board prior to its approval of the site plan.

### **9.03. Refuse Disposal**

The Board shall consider the impact of particular commercial, industrial or chemical waste or by-products, on the town's disposal facilities in terms of volume, flammability and/or toxicity and may require the disposal of such waste elsewhere, in conformance with applicable State and Federal regulations. The Board may require the Applicant to specify the amount and exact nature of commercial, industrial or chemical waste to be generated by the proposed operation.

## **SECTION 10 [RESERVED]**

## **SECTION 11 ADMINISTRATION AND ENFORCEMENT**

### **11.01. Scope**

These regulations shall apply to all land within the boundaries of the Town of Ossipee. In the spirit of regional cooperation, the Board may consider the potential effects which any site development may have neighboring communities.

### **11.02. Amendment of Regulations**

For the purpose of providing for the public health, safety and general welfare, the Planning Board may from time to time amend, change, alter, add or rescind the provisions imposed by these site plan review regulations. These regulations may be amended by the Board as provided in RSA 675:6, which requires a Public Hearing prior to amendment and notice as required by RSA 675:7. After completion of the Public Hearing, the amendment(s) may be adopted by an affirmative vote of a majority of all members of the Board. A copy of the amendment(s) shall be certified by a majority of the Board and shall be filed with the Ossipee Town Clerk who shall note thereon the date of the recording. The amendment(s) shall be legal and shall be in effect upon a recording of the certified copy with the Ossipee Town Clerk. A copy of this certified copy filed with the Ossipee Town Clerk shall be sent to the N.H. state Office of Energy and Planning, per RSA 675:9.

### **11.03. Annual Review**

These regulations may be reviewed annually at a public meeting of the Board. Any necessary hearings for revision of these regulations shall be held in accordance with Section 11.02.

### **11.04. Appeals**

As provided in RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning a plan or subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the alleged illegality. Such petition shall be presented in the Court within thirty (30) days after the filing of the decision in the Office of the Planning Board.

### **11.05. Conflicts**

In any case where a provision of these regulations is found to be in conflict with a provision in any other existing ordinance or regulation, the provision which imposes the greater restriction or higher standard shall be controlling.

#### **11.06. Separability**

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

#### **11.07. 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. In matters of interpretation of these regulations, the opinion of the Planning Board shall prevail.

#### **11.08. Period of Validity of Board Approval**

Subsequent to Board approval of a Final Plan, said plan shall be exempt from compliance with amendments to these Regulations. Board approval of a site plan shall be valid for one year from the date of approval. If a building permit has not been issued, or if a building permit has been issued but has not, in the opinion of the Board, been substantially acted upon with the one-year period, the approval shall automatically become null and void.

#### **11.09. Issuance of Building Permits**

**No building permit shall be issued on any plan approved by the Board until such time as:**

- A.** The Planning Board certifies receipt of any payment due from the Applicant for the cost of independent studies required under Sections 6.12 and 6.13 or independent inspections required under Section 9.02;
- B.** The Board of Selectmen or their authorized agent has received a copy of the approved site plan with the Building Permit Application and payment of the Building Permit Application fee.

#### **11.10. Review by Other Town Officials**

Before the approval of a final plan is given, the Planning Board may require the Applicant to obtain written statements that the proposed plan is satisfactory to Town Officials as follows:

- A.** The Water and Sewer Commission, as to the relationship of the proposed water and sewer facilities to water, sewer and drainage facilities in existing public ways.
- B.** The Selectmen and the Road Agent, as to the design of the road/traffic system, location of easements and design of water drainage systems, including appurtenances.

- C. The Chief of the Precinct Fire Department, as to the location of fire ponds, rights-of-way and hydrants, where they are provided, and as to general provisions for fire safety in the proposed development.
- D. The Chief of the Police Department, as to vehicular and pedestrian traffic safety and access for emergency vehicles.
- E. The Conservation Commission, as to location of conservation easements, wetlands, flood hazard areas and open space, and as to the adequacy of landscaping and provisions for protection of environmentally sensitive areas, scenic views and natural and historic objects of value.

#### **11.11. Acceptance of Roads**

Nothing herein is intended to modify the requirements of the law with reference to the acceptance of roads by the Town of Ossipee. Nothing herein is intended to modify or control the construction, reconstruction, or extension of roads by the Town of Ossipee, or the State of New Hampshire.

#### **11.12. Driveway Permits**

All driveways in residential developments, from the effective date of these Regulations will be reviewed by the Road Agent and permits issued by the Chairman of the Planning Board prior to final approval.

#### **11.13. Transfer of Ownership**

Where the Applicant-owner of the parcel to be developed transfers ownership of said parcel prior to the signing of an approved plan, the original Applicant-owner shall submit to the Board a written statement acknowledging Planning Board action which is signed by both the original Applicant-owner and the new owner. Such statement must commit the new owner to full compliance with any conditions imposed by the Board. Failure to submit such statement shall result in suspension of further Board action and may result in termination of its consideration of the proposed plan.

#### **11.14. Penalties**

##### **11.14.1. Non-Compliance with Approved Plans**

The Board shall bring to the attention of the Zoning Enforcement Officer any evidence of violations or lack of compliance with an approved site plan.

### 11.14.2. Violations and Penalties

The Board shall enforce these regulations in accord with applicable New Hampshire law (i.e. RSA 676:15, 676:17, 676:17-a, etc.).

### 11.15. Adoption of Regulations

The undersigned, being a majority of members of the Ossipee Planning Board, hereby certify that they have adopted the Site Plan Review Regulations as contained in this document, after notice and public hearing as required by RSA 675:6 and RSA 675:7.

**Date of Adoption: May 15, 2007**

**Ossipee Planning Board:**

**Bruce Parsons, Chairman**



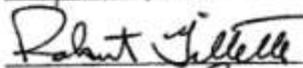
**Ralph Buchanan**



**Karen Foster**



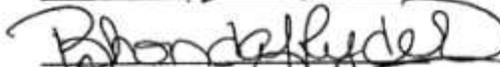
**Robert Gillette**



**Bill Grover**



**Rhonda Ryder**



**Donna Sargent**

