

**TOWN OF WEBSTER**  
**SITE PLAN REVIEW REGULATIONS**

**Adopted: January 25, 1990**

**Amended: July 18, 2002**

**Amended: March 19, 2009**

## **SITE PLAN REVIEW REGULATIONS**

### **AUTHORITY**

Pursuant to the authority vested in the Town of Webster Planning Board voted on at the March 13, 1989, Town Meeting in accordance with the provisions of RSA 674:44 as from time to time amended, the Town of Webster Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the development or change or expansion of use of tracts for NON-RESIDENTIAL uses or for MULTI-FAMILY DWELLING UNITS (which are defined as any structures containing more than two (2) dwelling units), or for the conversion of single family dwellings to two-unit dwellings (Article V, Section 3 of the Webster Zoning Ordinance), whether or not such development includes a subdivision or resubdivision of the site. These regulations shall be entitled "Site Plan Review Regulations, Town of Webster, New Hampshire."

### **EFFECTIVE DATE**

ADOPTED ON January 25, 1990

FOLLOWING A PUBLIC HEARING ON January 25, 1990

AMENDED FOLLOWING A PUBLIC HEARING ON July 18, 2002

AMENDED FOLLOWING A PUBLIC HEARING ON March 19, 2009

## **I. PURPOSE.**

The purpose of the Site Plan Review Regulations and the site plan review procedure is to:

- A. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
  - 1. Inadequate drainage or conditions conducive to flooding of the property or that of another;
  - 2. Inadequate protection for the quality of groundwater;
  - 3. Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
  - 4. Inadequate provision for fire safety, prevention, and control.
- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environ.
- C. Provide for open spaces and green spaces of adequate proportions.
- D. Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality;
- E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- F. Require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- G. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health; and
- H. Include such provision as will tend to create conditions favorable for health, safety, convenience, and prosperity.

## **II. Procedures**

- A. Site Plan Review shall be conducted in accordance with the procedural requirements contained in Subdivision Regulations, Section V, for review of final plats including the notice to abutters and a public hearing and in accordance with RSA 676:4 as from time to time amended.
  - 1. The list of all abutters and property owners within 200' should be checked with records at the Town Office not more than five days before the date on which the application is filed.
  - 2. The applicant shall bear all the costs of review, including the costs of notifying abutters, the Board's administrative expenses, the costs of special investi-

gations, the review of documents, and other costs required by particular applications (see RSA 676:44 V).

3. In circumstances requiring a Commercial Exception in addition to a Site Plan Review, Site Plan Review by the Planning Board will take place after approval of a Commercial Exception for the proposed activity by the Zoning Board of Adjustment. The applicant will be notified by mail of approval or disapproval of Site Plans.

### **III.SUBMISSION REQUIREMENTS**

- A. Projects not requiring additional buildings or changes to the exterior dimensions of existing buildings shall submit the following:
  1. Completed Application for Site Plan Review.
  2. Site Plan:
    - a. Sheet size: 22" x 34" maximum
    - b. Scale: Not less than 1"=100'
    - c. Match lines when needed
    - d. Three (3) prints of each plan sheet (blue or black line)
    - e. Date, title, scale, north arrow, location map
    - f. Name and address of developer, designer/engineer, and owner of record
    - g. Show all easements
  3. List of current names and addresses of all abutters and owners of land within 200' of any property line.
  4. Fees as set by the Planning Board.
- B. All other projects requiring site review:
  1. In addition to items required in Section III-A (above), the following are required:
    - a. Reproducible mylar, to be retained by the Planning Board at its option.
    - b. Topographical plan with contour lines at two (2) foot vertical intervals. Benchmark from USGS datum.

### **IV.REQUIRED EXHIBITS AND DATA**

- A. Projects not requiring additional buildings or changes to existing dimensions of existing buildings:
  1. Scale drawing of site showing boundaries, existing natural features including water courses and water bodies, trees and other vegetation, topographical features, and any other features which should be considered in the site design process;
  2. Plan of all buildings with their type, size and location (set backs);
  3. An elevation view or photograph of all buildings indicating their height, bulk and surface treatment;
  4. Location of off-street parking and loading spaces with a layout of the parking indicated;

5. The location, width, curbing and type of access ways and egress ways (drive-ways), plus streets within and around site;
6. The type and location of solid waste disposal facilities;
7. The location, size and design of proposed signs and other advertising or instructional devices;
8. The location and type of lighting for all outdoor facilities, including direction and area of illumination;
9. Lines of all existing adjoining streets;
10. Water supply and sewage disposal facilities;
11. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.

B. All other projects requiring site review:

In addition to the items required in Section IV-A (above), the following are required:

1. Plan of all buildings with their type, size, location (setbacks) and elevation of first floor indicated: (assume permanent onsite elevation);
2. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
3. The location, elevation and layout of catch basins and other surface drainage features;
4. Existing and proposed contours and finished grade elevations – all contours shall be a minimum of 2-foot intervals;
5. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained;
6. The size and locations of all public service connections – gas, power, telephone, fire alarm, overhead or underground;
7. Surveyed property lines showing their bearings, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
8. If a subdivision, lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public use shall be indicated and all Subdivision Regulations shall apply.

**V. GENERAL STANDARDS:**

A. Design of development should fit the existing natural and man-made environments with the least stress:

1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A

minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.

2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate.
  3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting owner is obtained.
- B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential sites:
1. Buffer strips (the number of feet depending largely on the density of development in the area) must be maintained between use and residential zones. Buffer strip between non-residential and residential zone must contain vegetation or appropriate fencing which will screen non-residential uses from sight from residential area throughout the year.
  2. A landscaping plan must be submitted showing locations and types of vegetation to be retained or established.
- C. Screening must be provided to reduce visual pollution:
1. Storage areas must be fenced or screened throughout the year from on-site or adjoining parking and neighboring properties.
  2. Litter (garbage) storage areas must be screened throughout the year.
  3. The use of either fencing or hedges is permitted.
- D. Parking and Loading and Pedestrian Safety:
1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties.
  2. Sufficient off-street loading and/or unloading space must be provided including off-street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
  3. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and run-off conditions that would have detrimental effect on abutting or neighboring properties and public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
    - a. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate run-off; however,
    - b. the Board may require that access, parking, and loading areas be conventionally paved if appropriate or necessary.
  4. Sidewalks. Sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrance to business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provisions shall

be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways shall be at least (6) inches above grade and protected by curbing.

E. Erosion and Sedimentation Plan shall:

1. Make provision to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Sediment basins or other acceptable techniques may be required. Diversions, sediment retention basins, and other such devices, shall be constructed prior to any on-site grading or disturbance of existing surface material.
2. Show control measures both during construction and any permanent controls to remain after construction.
3. Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
4. Identify, and relatively locate, proposed erosion and sediment control measures and structures during and after development.
5. Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the town and Merrimack County Conservation District standards.
6. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.
7. Ensure that stripping of vegetation, regrading or other development will be done in such a way that will minimize soil erosion. Temporary seedings and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

F. Illumination:

1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
2. Indirect lighting may be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking, or flashing lights on signs are not permitted.
3. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.

G. Access to Public Streets:

1. Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, as adopted and amended.

H. Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Depart-

ment of Environmental Services, Division of Water Supply and Pollution Control and/or the Town Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer or his agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control for its consideration and approval. Such approval must be obtained **before** site plan approval can be finalized.

I. Flood Hazard Areas:

1. Site plans for both non-residential development and multi-family units will be reviewed to determine whether such proposals will meet existing floodplain regulations. If such a proposal is determined to be in a flood prone area, such proposals will be reviewed to assure that:
  - a. all such proposals are consistent with the need to minimize flood damage within the flood prove area;
  - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
  - c. septic systems, if required, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters;
  - d. the lowest floor (including the basement) is elevated or floodproofed to or above the 100 year flood level.

**VI. TOWN ENGINEER**

The town engineer, or in the absence of a town engineer, a registered engineer hired by the Planning Board shall inspect all site improvements. The applicant shall pay the cost of the Board's employment of said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan review. Engineer is defined as the duly designated engineer of the Town of Webster, or other official, who shall be a duly registered engineer.

**VII. WAIVERS OF SITE PLAN REVIEW REGULATIONS**

The Planning Board may waive any requirements listed in the Site Plan Review Regulations, where it finds that such regulation does not apply to the proposed development.

**VIII. PERFORMANCE BOND**

The Planning Board may require that a performance bond be reviewed annually by the Selectmen in an amount to be determined by the Planning Board, in the form of a passbook, savings deposit, irrevocable letter of credit or a bond, be posted by the applicant and held by the Town until the Board of Selectmen is satisfied that all conditions of the site plan approval and any other pertinent Zoning Ordinance(s), Subdivision Regulation(s), and other Town Ordinances or Regulation(s) have been met. The bond may be released in part when the project is substantially completed, at the discretion of the Board of Selectmen.

**IX. RECORDATION**

The Site Plan Map, which shows, at a minimum, lot lines and proposed construction, roads, and other improvements, and Planning Board approval must be recorded with the Registry of Deeds. A copy of the recorded documents, with proof thereon of recordation must be filed with the Planning Board. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.

**X. JOINT HEARINGS**

In accordance with adopted Rules of Procedure, the Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a proposal. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that a hearing for special exception is held for the project by the Board of Adjustment.

**XI. AMENDMENTS**

Amendments to these Site Plan Review Regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may from time to time be amended.

**XII. 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.

**XIII. DEFINITIONS**

The Definitions section of the Subdivision Regulations are hereby adopted by reference.

**XIV. PENALTIES**

As provided in RSA 676:15 & 17, as from time to time amended, the Town may obtain an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove any erection, construction, alteration, or reconstruction which is not in compliance with this Regulation. Any violation of this Regulation may be punishable, as determined by the Selectmen, by either (a) a civil fine of not more than \$100 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he or she is in violation of this Regulation, whichever is earlier; or, (b) a criminal penalty, which shall

be a misdemeanor if the violation is committed by a natural person, or a felony if committed by any other person.

In any legal action brought to enforce these Regulations, the prevailing party may recover its costs in pursuing or defending itself in such legal actions.