

SITE PLAN REVIEW REGULATIONS

TOWN OF PLYMOUTH, NEW HAMPSHIRE



**Planning Board
Town of Plymouth, New Hampshire
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Town of Plymouth, New Hampshire

Site Plan Review Regulations

Effective Date

The original Site Plan Review Regulations were adopted by the Planning Board on September 26, 1985 following a public hearing on September 26, 1985.

These regulations have been amended by the Planning Board on December 17, 1992, April 15, 1999, January 4, 2001, January 3, 2002, and April 18, 2002, November 7, 2002, and January 4, 2007 as provided for under RSA 675:6.

Filed in the office of the Town Clerk and in the office of the Town Planner.

Karen Freitas, Town Clerk

Town of Plymouth, New Hampshire
Site Plan Review Regulations

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Site Plan Review Regulations

I. Authority

Pursuant to the authority vested in the Plymouth Planning Board by the voters of the Town of Plymouth on March 13, 1985, and in accordance with the provisions of 674:43 and 674:44, New Hampshire Revised Statutes Annotated, as amended, the Plymouth Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multi-family dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled "Site Plan Review Regulations of the Town of Plymouth, New Hampshire."

II. Purpose

The purpose of these Regulations is to:

- A. protect the public health, safety, welfare and prosperity;
- B. provide for the safe, harmonious, compatible and aesthetically pleasing development of the site, and of the town and its environs; and
- C. guard against such conditions that 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, light, particulates, or any other discharge into the environment which might prove harmful to persons, structures or adjacent properties;
 - 4. inadequate provision for fire safety, prevention and control;
 - 5. vehicular (motorized and non-motorized) and pedestrian movements and controls;
 - 6. excessive burden on public or private facilities and services;
- D. 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;
- E. maximize the preservation of existing topography, vegetation and natural habitat;
- F. provide for open spaces and green spaces of adequate proportions;
- G. require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets to accommodate existing and prospective traffic and to afford adequate light, air and access for firefighting and emergency apparatus and equipment to the site;
- H. encourage logic, imagination, innovation and variety in the design process;

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- I. encourage the reuse and rehabilitation of existing structures.

III. Scope of Review

Whenever any development of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as previously approved by the Planning Board; before any construction, land clearing, building development or change is begun; before any land use permit for the erection of any building or authorization for any development on the site shall be granted; the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval for such development in accordance with these regulations.

Site Plan Review shall be required for the following nonresidential or multi-family projects:

1. Any change in the use of a site or structure or filling in a 100 year floodplain when such change is materially or substantially different from the previous use such that there is a significant effect on the quantitative or qualitative requirements of these Regulations or the Zoning Ordinance.
2. Any expansion of use of a site or structure such that there is a significant effect on the quantitative or qualitative requirements of these Regulations or the Zoning Ordinance.
3. Physical expansions of non-residential or multi-family buildings as to cause an enlargement of the footprint of the building, or development of an accessory structure larger than 100 square feet.
4. Modifications to previously approved site plans.

IV. Preapplication Review

- A. The Applicant may meet with the Community Planner or appear at a regular meeting of the Board to discuss a proposal in conceptual and general terms. Such conceptual discussion shall be informal and directed toward:
 1. Discussing the basic concepts of the proposal.
 2. Discussing the proposal with regard to the Master Plan, Zoning Ordinance, Subdivision Regulations and Site Plan Review Regulations.
 3. Guiding the applicant relative to necessary state and local requirements.
- B. Conceptual discussion shall not bind the applicant nor the Board. Such discussion may occur without formal public notice as provided in Section V–M. However, no discussions beyond the conceptual and general discussion shall take place without identification of and notice to abutters and the general public as described in Section V–M. Conceptual discussions shall be separate and apart from formal consideration under Section V.

V. Application Procedures

- A. A completed application shall be filed with the Community Planner at least fifteen (15) days prior to a scheduled public meeting of the Board. The Community Planner shall review the application to make an initial determination of whether or not the

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application meets the submission requirements. Final determination of completeness shall be made by the Board.

- B. The application shall be submitted to and may be accepted by the Board only at a regularly scheduled public meeting after due notification to applicant, abutters, and the general public.
- C. The Board shall determine if an application is complete according to these Regulations within thirty (30) days of the delivery of the application or at the next regular meeting for which notice can be given in accordance with the requirements of section V-M.
- D. Applications may be refused for acceptance by the Board without a public hearing on grounds of:
 - 1. Failure of the applicant to supply information required by these regulations, including abutters' names and addresses and information required for submission.
 - 2. Failure to pay costs of notices.
- E. In conjunction with the formal acceptance of the completed application, the Board shall initially determine the kind of special studies or additional documentation which may be needed to make an informed decision. The Board may require special studies or analysis, environmental assessments, a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The board shall attempt to determine the studies that are necessary within forty (40) days of acceptance of the application. The Board reserves the right to request additional information later, should the review process raise new or different questions.
- F. The Board shall act to approve or disapprove the completed application (including the final plat) within sixty-five (65) days of its formal acceptance, subject to extension or waiver as provided below. The Board shall provide the applicant with a written decision including conditions of approval or reasons for denial.
- G. The Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application. The Applicant may waive the requirement for Board action within the above time periods and consent to such extension as may be mutually agreeable.
- H. If the Board has not obtained an extension, and has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance, the applicant may request that the Selectmen issue an order directing the Board to act within thirty (30) days. Failure of the Selectmen to issue such an order, or of the Board to act upon such order of the Selectmen, shall give the applicant certain rights as provided in RSA 676:4 I (c).
- I. The Board or its designated agents may visit the site in order to thoroughly and knowledgeably review the proposal.
- J. Failure to pay any costs or fees required by these regulations or failure to meet any reasonable deadline established by these regulations shall constitute valid grounds for disapproval of the application. In case of disapproval of any plat submitted, the

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grounds for such disapproval shall be adequately stated in the records of the Board and in written notice given to the applicant (see Section V–P).

- K. Approval of the site plan shall be certified by written endorsement on the site plan including the date of approval, Board seal, and signature of the Chair or a designee.
- L. Public Hearings
 - 1. No application may be denied or approved without a public hearing on the application, duly–noticed in accordance with Section V–M.
 - 2. A public hearing is not required when the Board rejects an incomplete application pursuant to Sections V–C and V–D.
 - 3. The Board may determine that an additional public hearing be held on an application if, in the opinion of the Board, the original proposal has been significantly revised or altered following the first public hearing.
 - 4. Whenever the Board conditionally approves a site plan, placing a condition or conditions precedent or subsequent on the approval, all conditions shall be met within a specified period of time, or, if not specified, within one year from the date of approval, at which time a noticed hearing shall be held to provide abutters an opportunity to review and comment on the full compliance with the conditions. If the conditions are administrative in nature and do not involve discretionary judgment on the part of the Board, no compliance hearing shall be required and compliance shall be determined by the Community Planner.

M. Notices

- 1. Notice of the submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public at the same time by posting in at least two public places in the town. The notice shall give the date, time and place of the Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application, or of the item to be considered, and shall identify the applicant and location of the proposed site plan. Additional notice shall be given to all affected municipalities and the North Country Council for developments with regional impact (see Section VI) and publication in a newspaper of general circulation in Plymouth at the discretion of the Board.
- 2. For any public hearing on the completed application, the same notice as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of filing and submission or any prior notice, additional notice of the public 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 adjourned session was made known at the prior hearing.

N. Fees

- 1. Application and notice fees shall be established by the Board of Selectmen. A completed application, in such form as the Board shall require, shall be accompanied by the appropriate filing fee. The applicant is also responsible for the Grafton County recording fee, if applicable.

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2. All costs of notices, whether mailed, posted or published, shall be paid in advance of final approval by the applicant. Failure to pay application, notice or recording fees shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
 3. It shall be responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special studies or analysis, environmental assessments, legal review of documents, administrative expenses, and other matters necessary to make an informed decision. Failure to pay such fees shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
- O. The applicant may enter into a development agreement with the Board in lieu of completion of improvements (see Section XIII Performance Bond) prior to the recording of the approved site plan. If this option is chosen, the Board shall hold a compliance hearing in accordance with Section VII prior to the full or partial release of any surety.
- P. The applicant will be notified by mail of approval or disapproval of the site plan by means of an official Site Plan Notification which shall contain all requirements and conditions of the Board and shall be signed by the Chair or a designee. In the case of approval, the applicant shall sign and return a copy of the Notification as evidence of acceptance and shall furnish any surety as required (see Section XIII). In the case of disapproval, the Board shall clearly set forth in the Notification to the applicant the reasons for its action, with specific reference to standards contained in these regulations.

VI. Development Having Regional Impact

- A. A development shall be considered to have regional impact if it can reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:
1. relative size or number of dwelling units as compared with existing stock;
 2. proximity to the borders of a neighboring community;
 3. transportation networks;
 4. anticipated emissions such as light, noise, smoke, odors, or particles;
 5. proximity to aquifers or surface waters which transcend municipal boundaries;
 6. shared facilities such as schools and solid waste disposal facilities; or
 7. other factors which, in the sole discretion of the Board, are reasonably likely to have a substantial effect on another municipality.
- B. If, after a review of the application by the Community Planner or by the Board, with appropriate notice as provided for in Section V–M, the application is found to have regional impact, notice of the meeting when the application will be submitted to the Board shall be sent by certified mail, return receipt requested, to all affected municipalities and the Executive Director(s) of the appropriate regional planning agency(ies) at least fourteen (14) days prior to the date of such meeting.

VII. Compliance

- A. At the option of the Board, a compliance hearing shall be scheduled at the time of approval for the applicant to return to the Board for the Board to determine if all aspects of the approved site plan have been completed as shown. The applicant shall provide an "as-built" site plan to the Board with certification of the accuracy of the site plan by a licensed land surveyor or registered professional engineer. This "as-built" site plan shall be the originally approved site plan or a revised site plan if substantive changes have occurred during development. Upon certification to the Board of the approved site plan or revised site plan, it shall be endorsed by the Chair or a designee and a mylar copy of the approved site plan or revised site plan with such approval endorsed in writing shall be transmitted to the Grafton County Register of Deeds. The applicant shall be responsible for the payment of all recording fees.
- B. Approved site plans shall lapse if active and substantial building or development has not begun within one year (12 months) from the date the site plan was approved by the Planning Board or if specific conditions of approval have not been met within one year (12 months) from the date of approval by the Board.
- C. Approved site plans may, for reasonable cause, be extended once for a period of no more than one year (12 months) by the Board on receipt of a written request for extension received at least thirty (30) days prior to the expiration date of the site plan approval following a public hearing upon the request. The applicant shall be responsible for the cost of notification as required Section V-M and V-N. Further extensions may be granted by the Planning Board after a public hearing is held. In deciding whether or not to grant extensions beyond one year, the Board shall consider the circumstances of the applicant's request, any amendments to the Zoning Ordinance or any other regulations, any changes to the neighborhood in which the approved use is located, and any other factors the Board determines to be relevant.
- D. Projects must be built and maintained in accordance with the approved Site Plan.

VIII. Submission Requirements

- A. All projects are required to provide the following at the time of the initial filing of the application with the Community Planner:
 - 1. Completed application for site plan review including checklist.
 - 2. A plat including, at a minimum, the items listed below, unless a waiver, requested in writing, is granted by the Board. Five full-size paper copies, enough 11x17 reductions of the plat for all abutters, plus fifteen more, and one reproducible mylar copy of the plat shall be submitted.
 - 3. List of abutter names and addresses obtained from Town records not more than five days prior to filing the application; the names and addresses of any holders of conservation, preservation or agricultural preservation restrictions; the names and addresses of professionals who have stamped the plans.
 - 4. Fees as set by the Board of Selectmen.

B. Plat requirements:

1. The following are required of all projects:
 - a. sheet size: 24" x 36" maximum, 11" x 17" minimum
 - b. Name of project or identifying title; names and addresses of owners of record; and property identification number(s).
 - c. North arrow, date of the plat, scale appropriate to the scope of the development; name and address of the designer/engineer and all other professionals whose seal appears on the plan; signature block for Planning Board approval.
 - d. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets and zoning district(s).
 - e. All abutting landowners, physical features and uses of abutting land within 200 feet of the site.
 - f. Sketch of site showing boundaries, existing natural features, including water courses and water bodies, trees and other vegetation, topographical features, any other features which should be considered in the site design process.
 - g. The shape, size, height, location and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
 - h. An elevation view or photograph of all buildings indicating their dimensions and surface treatment.
 - i. Name, location, curbing and widths of any existing and proposed roads on the property and those existing within 200 feet of the site.
 - j. Location of existing and proposed sidewalks, driveways and curb cuts, sight distance at the access point(s), and proposed changes (if any) to existing streets. Both vehicular and pedestrian circulation shall be shown.
 - k. Location, layout and total number of parking spaces, loading spaces and other similar facilities associated with the use.
 - l. The location, type and nature of all existing and proposed exterior lighting, including direction and area of illumination.
 - m. The size and location of all existing and proposed water mains, sewers, culverts, including location and distance to any fire hydrants or fire ponds.
 - n. Location and type of existing waste disposal system, or location and type of proposed waste disposal system with an outline of the 4,000 square foot areas reserved for leach fields for any new system; location of test pits and record of percolation tests.
 - o. Location of existing and proposed on-site well(s), showing 75 foot protection radius.
 - p. The type and location of solid waste disposal facilities.

- q. The location, size, design and illumination of proposed signs and other advertising or instructional devices.
 - r. Soil survey data from the Grafton County Soil Survey.
 - s. Location and copies of any existing or proposed easements, deed restrictions or covenants.
 - t. Estimated construction timetable.
2. In addition to the items required in subsection 1 (above), the following are required of all projects proposing a new building(s) or changes to the exterior dimensions of existing buildings:
- a. Survey of site showing boundaries, monument locations, existing natural features, including water courses and water bodies, trees and other vegetation, any other features which should be considered in the site design process, in place of item (f) above.
 - b. Existing and proposed contours, finished grade elevations, and base flood (100-year flood) elevations where appropriate; all contours shall be a minimum of 2-foot intervals.
 - c. Elevation of the first floor of all existing and proposed buildings on the site.
 - d. Provision for future expansion of sewage and water facilities.
 - e. The location, elevation and layout of catch basins and other drainage features.
 - f. A landscape plan, describing the number, location, type, and size of all existing and proposed landscaping and screening.
 - g. The size and location of all public service connections—gas, power, telephone, fire alarm, overhead or underground.
 - h. Reproducible mylar of the site plan for recording purposes. The reproducible mylar may be submitted as an as-built plan, subsequent to final approvals.
3. In addition to the items required in subsections 1 and 2 (above), the following items may also be required by the Board:
- a. A statement identifying the various goals and objectives of the Town of Plymouth Master Plan that relate to the project and fully explaining how the project conforms with these goals and objectives.
 - b. Copies of any necessary Federal, State or local permits and approvals, including, but not limited to, Zoning Board of Adjustment, Department of Transportation, or Wetlands Board. Site Plan Review and other necessary Federal, State or local reviews may be conducted concurrently, in which case, copies of other necessary applications must be submitted.
 - c. Erosion Control Plan which meets the design standards and specifications set forth in the “Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire” (USDA Soil Conservation Service) shall be submitted where one or more of the following conditions are proposed:

- i) a cumulative disturbed area exceeding 20,000 square feet;
 - ii) construction of a road or street
- d. An adequate stormwater drainage system developed by a certified engineer.
- e. In the case of new construction, the applicant may be asked to demonstrate consideration for the use and/or modification of an existing structure.
- f. An impact analysis and mitigation plan may be required, which takes into account the following items to the extent the Board deems applicable:
 - i) demographic description and projected change
 - ii) community facilities impacts (sewage disposal, solid waste disposal, water system, traffic, schools, public safety, recreation)
 - iii) environmental impact analysis
 - iv) tangible and substantive net benefits to the community
- g. Any other exhibits, special studies or data that the Board may require in order to adequately evaluate the proposed development.

IX. General Standards

- A. **Design of the development** should fit the existing natural and manmade environment 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. **Landscaping:** Adequate buffers, landscaping and screening are to be established, provided and maintained for year-round protection of adjoining properties, streets and internal uses of the site from any incompatible, detrimental or offensive uses of the site, including but not limited to, unsightly, obnoxious or obtrusive appearance, smoke, noise or odor. In general, the greater the difference between adjoining uses, the greater the buffering, landscaping or screening shall be. Plans for internal and perimeter landscaping shall be provided as follows:
 - 1. Adequate buffering areas around the perimeter of the site to mitigate negative effects of the site on surrounding properties utilizing vegetation or fencing. Natural, existing vegetation may be retained for this purpose.
 - 2. Adequate landscaping between the site and adjoining streets to reduce negative visual impact.
 - 3. Adequate interior landscaping provided for large parking areas (over two double rows).

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4. Refuse, trash, litter or garbage collection and storage areas shall be screened by fencing or vegetation.
 5. All landscaping plans must show the size (present and future) and type, including common names, of all new plant material and the location, size and construction materials for any proposed fencing or retaining walls.
 6. All landscaping materials must be of a species and type native to northern New England, to the extent possible. Refer to University of New Hampshire Cooperative Extension Service list of recommended plants for New Hampshire for examples of acceptable species.
- C. **Parking and Loading Areas** (in accordance with Article IV, Section 411 of the Zoning Ordinance):
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 on 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 a 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.
- D. **Sidewalks.** Sidewalks a minimum of four (4) feet wide shall be provided for pedestrian traffic to provide connection between the main entrances 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 six (6) inches above grade and protected by curbing.
- E. **Erosion and Sediment Control 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 Grafton 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 seeding 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 be directed away from abutting properties or highways or streets to the extent possible.
2. Indirect lighting shall be used on signs advertising goods or services sold on premises. Moving, fluttering, blinking, or flashing lights or signs are not permitted.
3. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the development.
4. All outdoor lighting fixtures must utilize cut-off type fixtures to direct light downward and minimize glare and light scattering.

G. 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. Road Construction. New roads shall be constructed in accordance with the provisions contained in the Plymouth Subdivision Regulations.

I. 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 Department of Environmental Services, Water Supply and Pollution Control Division and/or the Town Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the applicant 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 applicant 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, Water Supply and Pollution Control Division for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

J. Accessibility: Site improvements, such as sidewalks, pedestrian walkways, parking areas and building access points, must be constructed in compliance with the

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“American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped,” Number A117.-1961, as modified (41 CFR 101-17.703).

- K. **Building Design** shall be sensitive to existing surrounding buildings as viewed at street level and to the character of the community.
1. In areas of higher density development, the recommended minimum height for a building is no less than the lower of the adjacent buildings.
 2. In areas of higher density development, the recommended maximum height for a building is the taller of the adjacent buildings, not to exceed the maximum permitted by the Zoning Ordinance.
 3. In areas of higher density development, the recommended setback is no more than that of the adjacent building with the greater setback.
 4. It is recommended that the exterior design of new development be coordinated with existing buildings. All new designs, while respecting this collective effect will also be reviewed for providing sufficient variety in exterior design so as to avoid monotony in appearance. Attention shall be given to:
 - a. exterior materials
 - b. colors and textures of walls
 - c. roofs and exposed structural members
 - d. openings for doors and windows
 - e. the ratio of window to wall area
 - f. window size, proportion, rhythmical grouping and frames.

L. **Site Plans Proposed in Lands Designated as “Special Flood Hazard Areas”**

For site plans that involve land designated as “Special Flood Hazard Areas”(SFHA) by the National Flood Insurance Program (NFIP):

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
2. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

- c. adequate drainage is provided so as to reduce exposure to flood hazards.

X. Standards for Personal Wireless Service Facilities

The following standards shall apply to Site Plan Review applications for personal wireless service facilities:

- A. **Definitions:** The definitions for this section shall be consistent with those in the Town of Plymouth's Zoning Ordinance.
- B. **Submission Requirements:** In addition to the submission requirements contained in these regulations, the applicant shall also submit the following:
 - 1. A scaled plan including a scaled elevation view, topography, radio frequency coverage, facility height, setbacks, parking, fencing, landscaping and adjacent land uses.
 - 2. If the applicant is not the property owner, a copy of the proposed lease between the property owner and the facility owner.
 - 3. Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RF) exposure guidelines, and FAA regulations on tower lighting requirements.
 - 4. Written proof that an evaluation has taken place satisfying the requirements of the National Environmental Policy Act (NEPA), further referenced in applicable FCC rules. Such written proof shall include the results of the evaluation.
 - 5. An inventory of existing personal wireless service facilities that are within the jurisdiction of the Town of Plymouth and those within three miles of the border thereof, including specific information about the location, height, design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers.
 - 6. For applications for a new ground mounted facility, the applicant shall submit written evidence demonstrating that no existing facility or structure can accommodate the applicant's proposed personal wireless service facility. This evidence shall consist of the following:
 - a. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a personal wireless service facility. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures that was contacted. If the Planning Board or Planning Department informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
 - b. If the applicant claims that a structure is not capable of physically supporting a personal wireless service facility, this claim must be certified by a licensed professional civil engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to

support the personal wireless service facility without unreasonable costs. The estimated cost shall be provided to the Planning Board.

- c. Substantial evidence that demonstrates other limiting factors that render existing towers and structures unsuitable for the applicant's proposed antenna.
 7. For applications for a new tower, the applicant shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other carriers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town of Plymouth, and grounds for the application to be denied.
 8. The applicant shall submit engineering information detailing the size and coverage required for the personal wireless service facility location. The Planning Board may have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with NH RSA 676:4(g).
- C. **Visual impacts:** Visual impacts shall be minimized. Visual impacts are measured on the basis of:
1. Change in community scale, as exhibited in relative height, mass or proportion of the personal wireless service facility within their proposed surroundings.
 2. New visible elements proposed on a contrasting background.
 3. Different colors and textures proposed against a contrasting background.
 4. Use of materials that are foreign to the existing built environment.
- D. **Enhancements:** Enhancements shall be maximized. Enhancements are measured on the basis of:
1. Conservation of opportunities to maintain community scale, e.g., buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
 2. Amount and type of landscaping and/or natural vegetation.
 3. Preservation of view corridors, vistas, and view sheds.
 4. Continuation of existing colors, textures, and materials.
- E. **Camouflage or Concealment:** Camouflage or concealment shall be maximized.
1. Camouflage or Concealment for Facilities on Existing Buildings or Structures – Roof Mounts: When a personal wireless service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the building's silhouette.
 2. Camouflage or Concealment for Facilities on Existing Buildings or Structures – Side Mounts: Personal wireless service facilities which are side mounted shall

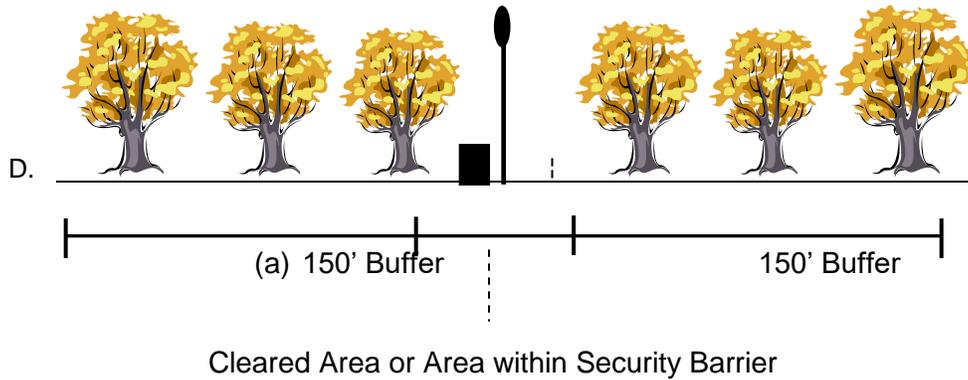
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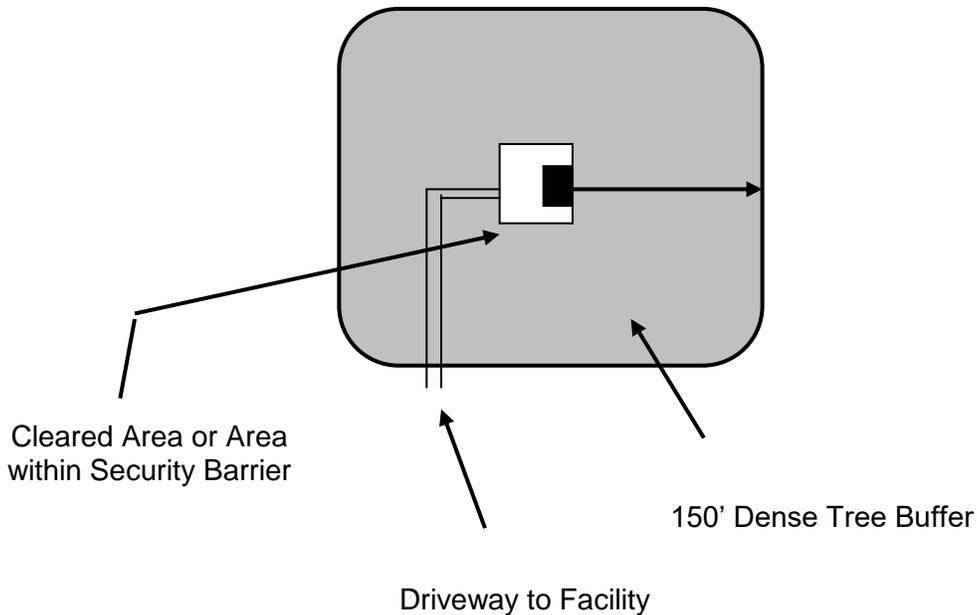
blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.

3. Camouflage or Concealment for Ground Mounted Facilities:
 - a. All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions, as set forth in the figure below.

C. Cross-Sectional View



Plan View



- b. These trees must be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate, or alter the required buffer based on site conditions. The one hundred and fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.
- F. **Color:** To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings.
- G. **Equipment Shelters:** Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:
 - 1. Equipment shelters shall be located in underground vaults; or
 - 2. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the personal wireless service facility; or
 - 3. Equipment shelters shall be camouflaged or concealed behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
 - 4. If mounted on a roof top, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.
- H. **Historic Buildings**
 - 1. Any personal wireless service facility located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
 - 2. Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
 - 3. Personal wireless service facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.
- I. **Scenic Landscapes and Vistas:** Personal wireless service facilities shall not be located within open areas that are visible from public roads, recreational areas, or abutting properties. All ground-mounted personal wireless service facilities shall be surrounded by a buffer of dense tree growth.
- J. **Driveways:** Existing entrances and driveways to serve a personal wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a personal wireless service facility shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is encouraged.

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XI. Town Engineer

The town engineer, or in the absence of a town engineer, a registered engineer hired by the Board, may be required to inspect all site improvements. The applicant shall pay the costs of any inspection(s) and test(s) deemed necessary by the Board or the engineer. The applicant shall enter into an agreement with the Town to establish an escrow account from which funds may be drawn for the payment of inspection costs. The findings of inspections conducted under this section may be utilized both by the Planning Board to effectuate site plan review regulations and by the Board of Selectmen to effectuate the provisions of the road acceptance policy of the Town of Plymouth as it may be amended from time to time.

XII. Waiver Procedure

The Planning Board may waive the requirements for any of the specific items outlined in these Regulations. Before granting a waiver, the Board shall find that requiring all the site plan information would be inconsistent with the intent of these regulations, and the lack of such information will not impair or prejudice the Board's review. The Planning Board cannot waive standards required by other Town boards, State statutes and/or Town Ordinances

XIII. Impact Fees

- A. **Purpose and Authority.** This regulation is adopted pursuant to Zoning Ordinance § 1003 to establish procedures and guidelines for implementation of impact fees as authorized by Article X of the Zoning Ordinance.
- B. **Definitions.** The terms "impact fee" and "development" shall have the same minimum as set forth in Zoning Ordinance § 1002.
- C. **Determination of Impact/Thresholds.** Pursuant to Zoning Ordinance § 1004.1, the Planning Board is required to determine if a development generates sufficient off-site impact requires imposition of an impact fee. The Planning Board may impose a "site specific impact fee" to address off-site impacts in accordance with Zoning Ordinance § 1004.

A particular development may create off-site impacts on municipal facilities which are specifically related to the location or size of a development or to the nature of municipal facilities which exist in the area of the development. In such a case, the Planning Board reserves the right to impose an off-site impact fee to address the specific impacts on municipal facilities created by the proposed development in accordance with Zoning Ordinance § 1004.1 as follows:

1. The Board will determine the off-site impacts of the proposed development for which infrastructure improvements are appropriate, including both future and indirect impacts of the development. The Board will then determine if developer contribution to defray the costs of such improvements is appropriate and, in making such determination the Board may consider, in addition to current benefits to the developer, future and indirect benefits accruing to the

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development. The Planning Board will determine the amount of the impact fee for the development utilizing the “rational nexus analysis” as set forth in § 1004.1. of the Zoning Ordinance.

2. The Board may engage engineers, planners, or other professionals to assist in the determination of site specific impact fees and the costs thereof may be assessed against the applicant in the same manner as are the costs of other studies.

D. Payment, Collection and Handling of Impact Fees. Impact fees shall be assessed, imposed, collected and handled in accordance with § 1005 of the Zoning Ordinance. If a development is not implemented within one year after approval, the Board reserves the right to recomputed the amount of site-specific impact fees which may have been imposed in connection with the initial approval.

E. Surety. Unless the Planning Board expressly finds that surety for the payment of impact fees is not required under the circumstances, a performance bond or letter of credit or other acceptable surety securing payment of the impact fees shall be deposited with the Board after the Board has determined the amount of the fees and prior to final approval for the development.

F. On-Site Improvements. The Board retains all authority to address on-site impacts and to require the developer to install and pay for such improvements as may be required or appropriate.

G. Waivers. Waivers of impact fee requirements may be granted upon written application and after notice and hearing in accordance with § 1007 of the Zoning Ordinance. Notice shall be provided in the same manner as notice of other hearings is provided and the applicant shall pay the costs of such notice.

H. Appeals. In accordance with RSA 674:21, appeals of Planning Board decisions concerning impact fees are to be filed in Superior Court pursuant to RSA 677:15 and are not to be filed with the Plymouth Zoning Board of Adjustment.

XIV. Performance Guarantee

In lieu of completion of required improvements prior to the recording of the approved site plan, the applicant may enter into a development agreement with the Board specifying the manner in which the improvements are to be completed, pursuant to RSA 674:36 III, as from time to time amended. The Board may require that a financial surety, in an amount to be determined by the Board, in the form of an irrevocable letter of credit or a performance bond, be posted by the applicant and held by the Town until the Board determines that all conditions of the site plan approval and any other pertinent Town ordinances or regulations have been met. The bond may be released in part when the project is substantially completed, at the discretion of the Board. If the development agreement

option is chosen, the Board shall hold a compliance hearing in accordance with Section VII prior to the full or partial release of any surety.

XV. Revocation of Planning Board Approval

- A. An approved and recorded site plan may be revoked by the Board in whole or in part, per RSA 674:4-a, under the following circumstances:
1. at the request of, or by agreement with, the applicant or the applicant's successor in interest;
 2. when any requirement or condition of approval has been violated;
 3. when the applicant has failed to perform any condition of approval within the time specified or within four years;
 4. when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or
 5. when the applicant has failed to provide for the continuation of adequate security.

XVI. Joint Hearings

The applicant may request a joint hearing with one or more land use boards in conjunction with a subdivision hearing if all are required for the same project. A subdivision hearing may be held concurrently with a site plan review hearing if so requested by the applicant.

XVII. 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.

XVIII. 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.

XIV. Definitions

The definition sections of the Zoning Ordinance and Subdivision Regulations of the Town of Plymouth are hereby adopted by reference.

XX. 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 these regulations. Any violation of these regulations 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 these regulations, whichever is earlier; or, (b) a

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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 action.