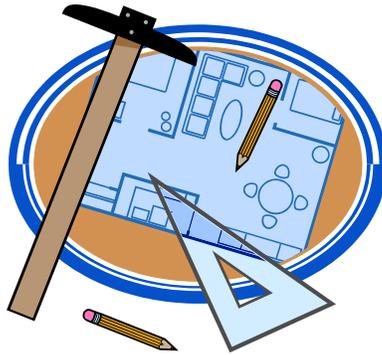


Site Plan Review Regulations



**The Town of Gorham
New Hampshire**

Revised March 8, 2005

Town of Gorham

Site Plan Review Regulations

Section I. Authority

Pursuant to the authority vested in the Planning Board by the voters of the Town of Gorham on March 11, 1997 and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Planning Board hereby adopts the following regulations governing the approval or disapproval of site plans for the development or change or expansion of use of tracts for nonresidential uses or multifamily dwelling units (which are defined as structures containing more than two dwelling units or lots containing more than two dwellings or manufactured housing units), whether or not such development includes a subdivision or re-subdivision of the site.

Section II. Purpose

The purpose of the Site Plan Review process 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 environs.
- (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) Require provisions, which will tend to create conditions favorable for health, safety, convenience, and prosperity.

The Gorham Site Plane Review Procedure in no way relieves the developer or his/her agent from compliance with the Gorham Zoning Ordinance, Gorham Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.

Section III Scope of Review

Whenever any development or change or expansion of use 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 Gorham Planning Board and (i) before any construction, land clearing, building development or change is begun; (ii) before any permit for the erection of any building or authorization for development on such site shall be granted; the owner of the property or his/her authorized agent shall apply for and secure from the Gorham Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

The Gorham Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. Where there is any doubt as to whether or not a project requires Site Plan Review, the affected party should request a determination from the Board. In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines are suggested:

- If the proposal involves a change of use category, e.g., from residential to commercial or from single family to multi-family.
- If the proposal involves external modifications or construction, including parking lots related to a non-residential or multi-family use.
- If a change of use or expansion of an existing use would impact public facilities, such as, but not limited to, road, sewer or water or impact on the public such as, but not limited to, increases in, noise, traffic, congestion or drainage or would affect the use or enjoyment of surrounding property, for example, a change from an attorney's office to an accountant's office would probably not, in and of itself, create sufficient impact, but a change from a Bed & Breakfast to a restaurant would. Conversely, a change from a two-person attorney's office to a five-person attorney's office might, under some circumstances, do so.

The Planning Board shall consider in all cases the nature and extent that public services or expenditures for the public services shall be necessary on account of the proposed site plan as part of the site plan review process. To the extent that such increased public services and expenditures are deemed to be related to the proposal under review, the Planning Board shall assess the just and proportional share thereof to the applicant as a condition of site plan approval.

Section IV. Definitions

Except as specifically set forth herein, the definitions contained in the Town of Gorham Zoning Ordinance and in the Town of Gorham Subdivision Regulations shall apply to the Town of Gorham site Plan Review Regulations.

Section V. Application Procedure

Except to the extent they are specifically set forth herein, the application procedures as outlined in the Gorham Subdivision Regulations shall apply to Site Plan Review.

Section VI. Submission Requirements

Every application shall be accompanied by a plat showing information relevant to the proposal, including those matters addressed in Section II herein. **All plats shall, at a minimum show the submission items listed below, unless a waiver from any of these is granted by the Board.** All existing conditions shall be drawn in solid lines; proposed conditions shall be drawn in dotted lines. Two (2) copies of the plat shall be submitted with the application.

A. Plat Submission Items The Plat shall show:

1. Name of project or identifying title; names and addresses of owners of record: and tax map and lot number.
2. North arrow, date of the plat, scale appropriate to the scope of the development, name and address of person preparing the plat; signature block for Planning Board approval. The plan shall be prepared, stamped and signed by a registered professional Engineer or registered Land Surveyor in good standing in the State of New Hampshire.
3. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets, together with the zoning district(s) and zoning lines relevant to the proposal.
4. All abutting landowners, physical features and uses of abutting land within 200 feet of the site. Where deemed appropriate by the Planning Board, this requirement may be enlarged to show additional features significant to the proposal. Physical features depicted shall include all encroachments by or onto the property of the applicant and all rights or easements appurtenant thereto or which will be required by or on account of the proposed development or use.
5. Boundary lines, their source, approximate dimensions and bearings, and the lot area in acres and square feet. The plan preparer shall certify that there are no zoning and land use violations or unresolved boundary claims or disputes pertaining to the property.
6. 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.
7. Location, name and widths of any existing and proposed roads and rights of way on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the specifications contained in the Town of Gorham Subdivision Regulations and of the Gorham Highway Department. To the extent that the Planning Board shall deem it necessary, such requirement shall include roads, rights of way and intersections directly and significantly affected by the proposal.
8. Location of existing and proposed sidewalks and driveways with indication of direction of travel for any which are one-way. Both vehicular and pedestrian circulation shall be shown.
9. Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets; and copy of any driveway permit(s).

10. Location and total number of parking spaces, loading spaces and other similar facilities associated with the use.
 11. A landscape plan, describing the number, location, types, and size of all existing and proposed landscaping and screening. The Planning Board shall, when appropriate, specify the type, nature and amount of screening in buffer areas so as to accomplish their state purpose.
 12. The location, type, and nature of all existing and proposed exterior lighting.
 13. Natural features such as federal flood plains, streams, marshes, lakes, or ponds and wetlands, as defined by the Town of Gorham Zoning Ordinance or applicable laws or regulations of the State of New Hampshire or the United States which may apply.
 14. The existing and proposed grades and topographic contours based on USGS data, with spot elevations and base flood elevations where appropriate.
 15. The size and location of all existing and proposed water mains, sewers, drainage culverts or facilities including the location and distance to any fire hydrants and/or fire ponds.
 16. If applicable, copy of certification by a New Hampshire licensed septic designer that an existing system is adequate to meet the needs of the proposed use.
 17. Location and type of proposed waste disposal system, with an outline of the areas reserved for leach fields for any new or replacement system location of test pits and record of percolation tests.
 18. Location of existing and proposed on-site well (showing the appropriate protective radius) as defined by applicable laws or regulations of governmental authority having jurisdiction thereof.
 19. Soil survey data from the Coos County Soil Survey.
 20. Location and description of any existing or proposed easements, deed restrictions covenants.

B. Other

1. The application shall be accompanied by any necessary Federal, State or local permits and approvals, including but not limited to Gorham Water & Sewer Commission, Gorham Zoning Board of Adjustment, NH Department of Transportation, and relevant agencies of the New Hampshire Department of Environmental Services. It is the responsibility of the applicant to seek and obtain all appropriate permits from any or all agencies, whichever may apply.
2. Erosion Control Plan which meets the design standards and specification 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 present:
 - a) A cumulative disturbed area exceeding 20,000 square feet;
 - b) construction of a road or street;
 - c) construction of three or more dwelling units.
3. An adequate stormwater drainage system developed by a registered professional Engineer, licensed in New Hampshire.
4. An adequate plan for snow removal. This plan should be developed with, and approved by the Gorham Public Works Director.
5. Copies of recordable instruments conveying any proposed or existing easements, covenants, deed restrictions, etc.
6. An impact analysis may be required, which takes into account the following items to the extent the Planning Board deems applicable:
 - a) Demographic description
 - b) Community Facilities Impacts (e.g., sewage disposal, water system, traffic, schools, public safety, recreation);
 - c) Environmental Impact Analysis, including without limitations off-site drainage, ground and surface water and air quality impacts, if any.
7. Such other information as deemed necessary by the Planning Board in order to apply the regulations contained herein. Should the Planning Board determine that some or all of the above-described information is not required, the applicant will be notified in writing within ten (10) days of the meeting at which the determination was made.

C. 'As Built' Plans

Supplemental information may be required by the Board to update the final plat to reflect "as built" conditions and details.

The plan shall show any easements and dedicated roadways. Security in the form of a cash bond or letter of credit may be required to guarantee performance of the applicant's obligations as described in the Planning Board review and approval, including, but not limited to, the cost of an independent Engineer's review of the application and associated submissions, as well as the construction supervision and inspection of all required improvements as more fully described in Section IX herein.

Section VII. Developments having regional impact

All applications shall be reviewed for potential regional impacts. Upon such a finding, the Planning Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting. At least 14 days prior to the scheduled public hearing, the Planning Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time and place of the hearing, and of their right to appear with the status of abutters to offer testimony concerning the proposal. The applicant shall be assessed the cost of any notices and certified mail required for such review and hearing.

Section VIII. Special Flood Areas

A. 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.

B. The Board shall require that all subdivision proposals and other proposed new developments of greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

- 1) all such proposals are consistent with the need to minimize flood damage;
- 2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- 3) adequate drainage is provided so as to reduce exposure to flood hazards.

Such information shall also be required of any subdivision or proposed development within the flood plain or flood-prone area of Gorham as described on the Federal Flood Insurance Rate Map of the community.

Section IX. Performance Guarantees and Procedures

1. General Provisions

Before final approval is recorded at the Registry of Deeds, the applicant must file a performance guarantee, in an amount and form acceptable to the town, to serve as a surety that all proposed private roads, improvements within public streets or to public facilities; and improvements that may be a part of sewer, water, storm water and/or utility systems; and proper erosion and sedimentation control measures are completed in accordance with the approved plans.

2. Performance guarantee requirements and procedures

A. Any performance guarantee shall be approved as to form and amount by the Town of Gorham, and conditioned on the completion of such improvements within two years of the date of the performance guarantee unless released earlier by a vote of the Board upon request of the developer. The performance guarantee shall be in the form of cash, a Letter of Credit drawn on a federal or state chartered bank or a performance bond.

B. The applicant shall construct and pay for all temporary improvements, such as erosion and sedimentation control measures and temporary infrastructure improvements, required by the Board, and shall maintain those improvements for the period of the performance guarantee or the date that the Town releases all securities whichever date comes earlier.

C. If improvements for which security is given are not completed within the period specified in the performance security, nor in proper conformance with the approved plans, the Board may vote to complete the improvements and withdraw the necessary funds from the balance of any such security in accordance with the term of security.

Any time a performance guarantee of any other sum is required by these regulations to be posted with the Town as security, the applicant shall prepare and submit an I.R.S. form 1099 with the security.

3. Inspection requirements

In order to confirm that various items and features delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), are, in fact, constructed in accordance with those plans and/or in accordance with applicable codes and standards, the Planning Board may, at the time of plan approval, require the applicant to establish an appropriate escrow, or other security, in addition to the Performance Guarantee Designated in Section 2 herein, acceptable to the Planning Board, which will be used by the

Town of Gorham as security for retention of appropriate engineers or other consultants to confirm that construction is in conformance with the approved plans and/or applicable codes and standards. The applicant shall reimburse the town for the cost of such engineers or consultants, prior to release of said security.

4. As-built plan requirements

In order to provide a permanent record of the locations, dimensions and characteristics of various items and features, delineated on plans presented to the Planning Board for approval (or which are otherwise required in connection with the development), the Planning Board shall require the applicant to provide "as built" drawings, sealed by a Licensed Professional Engineer, or Licensed Land Surveyor, prior to the final release of performance guarantee; pertaining to such items. As-Built Plan Requirements and content shall conform with applicable standards established by the Public Works Department.

5. Release of performance guarantees.

A. Performance guarantees shall not be released until a Licensed Land Surveyor has certified that the boundary monuments have been set.

B. As phases or portions of the secured improvements or installations are completed and approved by the Planning Board, the Board may partially release said security to the extent reasonably calculated to reflect the value of such completed improvements or installations, provided, however, that the Planning Board shall establish a reasonable retainage sufficient to repair or complete any such improvement on account of damage or determination caused by or on account of the completion of the project.

C. The security posted by the applicant may, upon request of the applicant, be released to the extent of improvements completed, as certified by the Town's inspecting engineer.

6. Review and Notice Fees

The Planning Board shall assess the cost of any notice required to abutters or other interested parties for any subdivision application and may impose fees to cover the Planning Board's administrative expenses and costs of special investigative studies, review of plans and documents and other matters which may be required by particular applications. Such fees shall be paid to the Town upon its invoice to the applicant within thirty (30) days after such invoice and no plan shall be signed by the Planning Board until all such sums which are due have been paid.

Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town. Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed, inspected and approved by the Planning Board or its designee, in accordance with the plan approved by the Board.

It shall be a condition of site plan approval that all relevant and applicable permits of other governmental jurisdictions shall be obtained, be at all times in force and that the property to which they apply shall be at all times in compliance therewith. Site plan revocation proceedings pursuant to RSA 676:4(a) may commence at the discretion of the Planning Board for any violation of the foregoing condition.

Section X. General Standards

A. Design of Development: The site should be designed so as to fit the existing natural and man made environments which it affects with the least stress or impact as follows:

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, as delineated in a landscape plan.

2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or newly installed ground cover, shrubs or trees where appropriate. Where a buffer or natural screen is required by the Planning Board, such buffer or screen shall be permanent and sufficient in the opinion of the Planning Board, to protect the abutting property to which it pertains from the unreasonable environmental impacts such as noise, lighting or intrusion of traffic to or from the proposed development.

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 landowner is obtained.

B. Illumination:

1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
2. Indirect lighting should be used on signs advertising goods or services offered on the premises.

Blinking or flashing lights or signs are not permitted by the Gorham Sign Ordinance.

3. Outdoor lighting is restricted to that which is necessary in the opinion of the Planning Board for advertising and security of the property.

C. Pedestrian Safety: Sidewalks, of a kind, size and type specified by the Planning Board as part of its approval, shall be provided for pedestrian traffic to provide connection between the main entrances of business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provision shall be made for sidewalks running from the street line to the establishments. All such sidewalks shall be at least six (6) inches above grade and protected by curbing.

D. Off-street Parking and Loading Requirements

1. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking and/or loading or unloading must not take place from a public street.

2. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties.

a) Permeable surfaces may be used which might reduce the need for installation of drainage facilities to accommodate runoff. However, the Planning Board may require that access, parking and loading areas be conventionally paved, if deemed appropriate.

E. Screening: Appropriate screening/buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting nonresidential sites:

1. Buffer strips (10 feet minimum – distance is dependent upon the nature of the project and the density of development in the area) must be maintained between proposed use and residential uses. Buffer strip between non residential and residential uses must contain vegetation, which will screen nonresidential uses from sight of the residential uses during the winter months.

2. Storage areas must be fenced or screened from on-site or adjoining parking and neighboring properties.

3. Litter (garbage) collection areas must be screened.

4. The use of either fencing or hedges is permitted and may be required where necessary to minimize impact on abutting property(ies).

F. Street Access/Traffic Pattern: Access to public streets shall meet the requirements of the NH Department of Transportation and/or the Town of Gorham. Any new road construction shall conform to the road standards as specified in the Town of Gorham Subdivision Regulations and the Gorham Highway Department. The internal traffic pattern must accommodate the proposed use, as well as providing easy, unimpeded access for emergency vehicles.

G. Water Supply and Sewage Disposal System must be sized to adequately meet the needs of the proposed use under the regulations of the NH Department of Environmental Services and/or the Town of Gorham Water & Sewer Department regulations. It shall be the responsibility of the applicant to provide adequate information to demonstrate that the area of the lot is adequate to permit the installation and operation of an individual sewerage disposal system and that existing systems are adequate to serve the needs of the proposed development.

H. Underground Fuel Storage Tank shall comply with the standards of the NH Water Supply and Pollution Control Division, as set forth in Part Env-WS 411, NH Code of Administrative Rules.

I. Stormwater Drainage. No increase in the peak flow of surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel upon which the development occurs, unless it is within an approved public storm drainage system. Notwithstanding the foregoing, the Planning Board may consider the adverse impact caused by drainage, whether or not it is within an approved public storm drainage system upon downstream properties or conditions.

J. Pollution Control: To avoid undesirable and preventable elements of pollution such as noise, smoke, soot, particulate, or any other discharges into the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties it is the responsibility of the applicant to employ the best standards and technology economically available at the time. No plan shall be approved which does not appropriately protect groundwater and other natural resources from adverse conditions caused by the development.

K. Handicap Access: When required by law all buildings shall have access for handicapped persons according to the Federal Americans with Disabilities Act regulations.

L. Underground Utilities: Where appropriate, installation of any new utilities and/or transmission lines shall be buried underground.

M. Fire Protection: Where appropriate, installation of Facilities for fire protection, including cisterns, sprinklers and storage related thereto or fire ponds shall be required.

Section XI. Revocation of Planning Board Approval

An approved and recorded subdivision plat may be revoked by the Planning Board in whole or in part, under the following circumstances:

- (a) At the request of, or by agreement with, the applicant or the applicant's successor in interest.
- (b) When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
- (c) When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, in no such time is specified, within the time periods specified in RSA 674:39.
- (d) When the time periods specified in RSA 674:39 have lapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.
- (e) When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided in these regulations or by RSA 674:36, III (b) and 674:4, III (d) until such time as the work secured thereby has been completed.

Section XII Administration and Enforcement

- A. These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Board of Selectmen. The Selectmen shall not issue any building permit for construction which requires site plan approval until or unless such planned construction has received site plan approval by the Planning Board.
- B. **Waivers:** Any portion of these regulations may be waived or modified when in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship on the applicant and such waiver would no be contrary to the spirit and intent of these regulations.
- C. **Penalties and Fines:** Any violation of these regulations shall be subject to a civil fine as provide in RSA 676:17, et seq., as amended.
- D. **Appeals:** Any persons aggrieved by a decision of the Planning Board may appeal said decision to the Superior Court pursuant to RSA 677:15, except when a disapproval by the Board is based upon the term of the zoning ordinance, or upon any construction, interpretation or application of the zoning ordinance, which could be made to the Zoning Board of Adjustment if made by the officer in charge of the enforcement. In such cases the appeal shall be made to the Zoning Board of Adjustment as provided in RSA 767:5 (III).

Section XII Validity

If any provision of these regulations shall be held invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.

Section XIII. Amendments

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing.

Section XV. Conflicts

In the event of a conflict between provisions of this regulation or of a provision of this regulation with any other regulation, law or that provision which adopts the stricter standard or imposes the greater burden shall control.

Section XVI. Effective Date

These regulations, and any amendments thereto, shall take effect upon their adoption and a copy filed with the Town Clerk and all site plan review regulations or part thereof inconsistent therewith are hereby repealed.