

S I T E P L A N R E V I E W
R E G U L A T I O N S

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SITE PLAN REVIEW REGULATIONS

ADOPTIONS AND AMENDMENTS

Pursuant to the authority vested in the Hampstead Planning Board by the voters of the Town of Hampstead in accordance with the provisions of Chapter 675, Section 6, New Hampshire Revised Statutes Annotated, 1955, as amended, the Hampstead Planning Board adopts the following regulations governing the site plan review of land in the Town of Hampstead, New Hampshire.

Adopted: December 1980

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Section 1 - Authority and Title:

Pursuant to the authority vested in the Hampstead Planning Board by the voters of the Town of Hampstead in accordance with the provisions of Chapter 674, Sections 43 and 44, New Hampshire Revised Statutes Annotated, 1955, as amended, the Hampstead Planning Board adopts the following Regulations governing the review and approval or disapproval of Site Plans in the Town of Hampstead, New Hampshire.

Section 2 - Intent:

These Site Plan Review Regulations are adopted to protect the public health, convenience, safety, and welfare; to promote balanced responsible, and desirable growth; to control the timing of development by avoiding haphazard and uncoordinated development of land without the adequate provision of public services or facilities; to insure that sound site utilization principles are followed; to avoid development that may have a negative environmental impact; and to guide the character of development.

The Site Plan Review Regulations which the Planning Board adopts may:

- 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 fire fighting 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;

Section 2 - Intent:

- 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 provisions as will tend to create conditions favorable for health, safety, convenience, and prosperity.

Section 3 - Jurisdiction

These regulations shall apply to the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

- 3.01 No building permit(s) shall be issued until the Applicant or his agent shall obtain Site Plan approval by the Planning Board.
- 3.02 No building permit(s) shall be issued until the approved Site Plan is filed with the County Registry of Deeds.
- 3.03 Any non-residential development that includes only additions of not more than 1,200 square feet to an existing building(s) and that does not constitute a change of use shall be handled in the same manner as building permit application.

Section 4 - Definitions:

- A. Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. Professionals whose stamp appears on documents submitted to the Board and holders of conservation easements on abutting properties shall be notified as abutters. For purposes of receiving testimony only, and not for purposes of notification, the terms "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Board of a hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 672:3, XXIII.
- B. Applicant: Shall mean the owner of record, or his agent duly authorized in writing at the time of the application.
- C. Application: Any Preliminary or Final Application.
- D. Board: The Planning Board of the Town of Hampstead, New Hampshire.
- E. Buildable Land: All land except that which is defined or described as Unsuitable for Subdivision or Building Purposes in Sections III B 7 or VIII C 4 of these Regulations.
- F. Checklist: The list of information which must appear on a Plat and materials which must accompany an Application, which list must be completed, initialed and filed by the Applicant at the time of filing an Application.
- G. Comprehensive Plan: The Master Plan for the Town of Hampstead, as it may be amended from time to time.
- H. Concept Plat or Plan: A preliminary concept plan of a proposed Subdivision.
- I. Condominium: The form of ownership of real property, and any interests therein, lawfully submitted to the provisions of RSA 356-B, in which individual owners own or lease separate units but together, or through an owners' association, own the common areas appurtenant to the units.
- J. Developer: The individual, partnership or corporation which will be responsible for the construction of all improvements and subsequent sale of lots and/or dwelling units.

Section 4 - Definitions:

- K. Drainage Right-of-Way: Land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to secure safety from flood damage and to preserve natural amenity.
- L. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- M. Engineer: A Professional Engineer, currently licensed in the State of New Hampshire and approved by the board.
- N. Final Plat: The final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Board for approval, which, if approved, shall be filed with the Registrar of Deeds of Rockingham County.
- O. Flood Zone: Any area designated as a Flood Zone Area on the Town of Hampstead Flood Insurance Rate Map, effective June 16, 1993.
- P. High Intensity Soil Survey: A study or survey of the soil types and characteristics of a plot or parcel of land which describes and defines the soil properties and soil types of the parcel in accordance with the Standards for a High Intensity Soil Map which are adopted from time to time by the Society of Soil Scientists of Northern New England or comparable standards of other comparable professional organization.
- Q. Lot: The whole area of a single parcel of land, a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development. A lot is an area with ascertainable boundaries in single or joint ownership, undivided by a street, established by deed(s) of record or a segment of land ownership defined by lot boundary lines on an approved subdivision plan.
- R. Lot Line Adjustment: A minor adjustment of the location of the boundary between two or more Lots which results in no new Lots, which involves no construction of new Streets or other public improvements, and which is not a Re-subdivision.

Section 4 - Definitions:

- S. Non-Residential Development: Any development, use or change in use of land other than single or two-family residential development, whether or not such development includes a Subdivision or Resubdivision of the land.
- T. Official Map: The official Town map adopted in accordance with RSA 674:10 (formerly RSA 36:16-18) as amended. Such a map shall be deemed to be conclusive with respect to the location and width of Streets and the location of public parks shown thereon.
- U. Performance Guarantee: Any security, including performance bonds issued by a State of NH-approved bonding company, escrow agreements, Letters of Credit, and other similar collateral or surety agreements, which may be accepted by the Town in lieu of a requirement that a Sub-divider complete certain improvements before the Board or other Town body approves a Plat.
- V. Plat or Plan: A map or plan of a Subdivision.
- W. Preliminary Application: The filing by an Applicant of a Preliminary Application Form and all other documents and information described in Section IV B 2 of these Regulations
- X. Preliminary Application Form: The form provided by the Board to be submitted by an Applicant to request consideration of a Preliminary Plat.
- Y. Preliminary Plat: Shall mean a layout plan prepared as required by the Planning Board and submitted to the Board for consideration.
- Z. Soil Scientist: Is interpreted to mean a person qualified in soils classification and who is licensed by the New Hampshire Board of Natural Scientists.
- AA. Request for Preapplication Design Review: A Subdivider's request for non-binding discussions with the Board filed pursuant to Section IV A of these Regulations.
- BB. Request for Preliminary Conceptual Consultation: A Subdivider's request for non-binding discussions with the Board filed pursuant to Section IV A of these Regulations.
- CC. Resubdivision: A change in a map of an approved or recorded Subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling Subdivisions.
- DD. Roadway: That portion of a way which is designed and prepared for vehicular travel.

Section 4 - Definitions:

- EE. Site Plan Review: The review by this Board of an Applicant's plans for Non-residential Development pursuant to the Site Plan Review Regulations.
- FF. Slope: The steepness of the land surface. Slope is expressed in percent by dividing a horizontal distance into the change in elevation that occurs within the distance. For the purposes of this regulation, the slope of a tract of land shall be determined by finding the average slope across each proposed lot, excluding wetlands, measured perpendicular to two (2) foot contours. For lots with variable elevation, the composite average slope, excluding wetlands, will be used to compute minimum lot size.
- GG. Soil Type: As defined by the National Cooperative Soil Survey. When a lot of land has more than one soil type, the predominant soil type will be controlling.
- HH. Soil Type Determination: The soil type as determined by a qualified soil scientist as designated by the New Hampshire Board of Natural Scientists using standards of the National Cooperative Soil Survey.
- II. Street: Any street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway and other public roadway. For the purposes of these Regulations "streets" shall be further divided into the following classifications:
1. Arterial Street (Class A): An inter-community thoroughfare designed primarily for high volume traffic movement throughout the community and beyond.
 2. Collector Street (Class B): A street providing a lower level of traffic service than an arterial street and which is designed to provide access between and among areas of the community.
 3. Local Street (Class C): A residential street having the primary function of providing direct access to adjoining properties; such street not being designed to provide for traffic service between and among areas of the community. Class C streets shall not be built in areas with the potential of serving more than fifty (50) units or of serving any commercial facilities.
- JJ. Subdivider: The owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of land or any part thereof.

Section 4 - Definitions:

- KK. Subdivision: Means the division of the lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purposes, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdividing or to the land or property subdivided. The division of a parcel of land held in common and subsequently divided into part among the several owners shall be deemed a sub-division under this chapter.
- LL. Town Engineer: A professional engineer, currently licensed in New Hampshire and approved by the Board.
- MM. Turnaround - Temporary: The area constructed at the termination point of any street which, in the foreseeable future, will be extended, either further onto the developer/owner's holdings or onto abutting properties. This classification shall be made by the Planning Board after initial review and consultation.
- NN. Wetland: Land containing soils classified by the United States Department of Agriculture Soil Conservation Service as poorly drained, very poorly drained, including fresh water marshes or alluvial soils.

Section 5 - General Requirements:

- 5.01 Responsibility: It is the responsibility of each Applicant to read and follow these Regulations. If an Applicant does not fully understand the Regulations, it is his or her responsibility to seek the advice and counsel of Town Officials, agents, or other qualified persons.
- 5.02 All Site Plans: This Section sets forth certain general requirements that apply to all Site Plans in the Town of Hampstead.
- A. State Grid Coordinates: All surveys, control and boundary information shall have at least two (2) ties to the State Grid Coordinate System.
 - B. U.S.G.S. Data: All contours, profiles and other elevations shall refer to current NGVD 29 Datum
 - C. Buffer Strip: As set forth in the Town of Hampstead Zoning Regulations Article VI-12.
 - D. State Approvals: Copies of all Applications to the State of New Hampshire for approval of the design of on-site septic systems, for "Site Specific" Approval, for dredge and fill permits, for driveway cuts, or for any other permit or approval required by the State of New Hampshire with regard to the Site Plan must be filed with the Application. Approval of any Final Application will be conditioned upon filing with the Board of evidence of the issuance of all such State approvals.
 - E. Conveyances to Town: Before recordation of a Final Plan requiring new road construction or the extension of municipal services, the owner shall transfer to the Town of Hampstead by Warranty Deed, all lands not platted for residential use and common area green spaces and recreational areas, or if commercial/industrial, for that use. Open spaces of adequate proportions and suitably located streets may be required to accommodate existing and prospective traffic and to afford adequate light, air, and access of fire-fighting apparatus to buildings and equipment and be coordinated to pose a convenient system. The lands described above shall include but not be limited to, the following categories: Public parks, recreation areas, recreation easements, open space, road rights-of-way, future extension requirements for roads, strips of land reserved for access to abutters and/or future streets, all other rights-of-way or dedicated lands.

Section 5 - General Requirements:

- F. Unsuitable Land: Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood or other hazard shall not be platted for occupancy, nor for other use which would tend to increase the danger to health, life or property or aggravate the flood hazard. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not be developed. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal systems shall not be developed unless connected to a common sewer system. No land described above and no land designated as Flood Zone or shown to be bog, marsh, swamp area, area of high water table, or designated as wetlands as set forth in the Town of Hampstead Zoning Ordinance Article II-2, or any similar situation, or area necessary for the protection of aquifers which may serve as future sources of drinking water for the Town, or with slopes in excess of thirty-three percent (33%), or ledge which is exposed or lying within four (4) feet of the soil surface, or which is subject to an easement or a right-of-way in favor of the Town, County, State, Federal Government, or any third party shall be developed. Any land covered by any soils listed by the New Hampshire Water Supply and Pollution Control Commission as Group 5 and Group 6, shall likewise not be developed. In the event that property proposed for Site Plan Review Approval contains any land, soils or natural features described in this Subsection, the Applicant shall, at the discretion of the Board, submit as part of the Application the report and associated plan of a certified soil scientist as defined in RSA 310-A:76 who has performed a High Intensity Soil Survey of the property.

- G. Ledge: All areas of exposed ledge shall be identified and plotted on any Plat submitted to the Board.

- H. Protection of Natural Features: Due regard shall be shown for all natural features, such as trees, water courses, scenic points, rare plant or animal species, historic spots and similar community assets, which if preserved, will add attractiveness and value to the Development or preserve the natural resources of the Town. Where appropriate, the Board may require the Applicant to dedicate lands or grant conservation easements to the Town to protect such resources.

Section 5 - General Requirements:

- I. Disturbing Environment: No person who is required to submit an Application for approval of a Development pursuant to these Regulations shall commence the construction of roads within the land proposed to be developed or clear the land of natural vegetation or place any artificial fill thereon or do any other act or acts which will alter the natural state of the land or environment, unless and until the Site Plan relating thereto has been submitted and approved in accordance with the requirements of these Regulations. Nothing in this paragraph shall be construed to prevent such preliminary ground surveys, marking by stakes, engineering studies, inspections, and testing (including test borings and test pits) as may be necessary to evaluate the suitability of the land for development and to assemble the information required to be shown on a Site Plan, provided, however, that such preliminary surveys, staking, studies, inspection and testing shall be accomplished with the minimum disturbance or alteration of the natural state of the land environment.

- J. Town Sewer: If any portion of a Development fronts on an existing street served or reasonably expected to be served by Town sewer; or fronts on a new street and lies within one thousand (1000) feet of a street served or reasonably expected to be served by Town sewer; the Plat shall show appropriate extensions to the existing sewer lines and appropriate sewer connections from all improvements to the new or existing sewer lines. The use of on-site sewage disposal systems shall not be permitted in such a Development after such sewer service becomes available.

- K. Utilities: All utility facilities, including but not limited to gas, electric power, telephone, and CATV cables, shall be located underground at the expense of the Applicant. Whenever existing utility facilities are located above ground on any land to be developed, except where existing on public roads and rights-of-way, they shall be removed and placed underground. This shall not apply to major transmission facilities not intended to serve individual properties. Utilities serving more than one (1) parcel shall be located within street rights-of-way in accordance with applicable State and Local Regulations and utility company rules and regulations. Utilities shall not be located beneath the paved surface of any street except where necessary at intersections and for service connections.

Section 5 - General Requirements:

L. Review by Other Town Officials: Before approval of a Site Plan is given, the Applicant shall solicit written statements from the following Town Officials regarding the proposed application.

(1) The Road Agent and Engineer as to the design of the street system, location of easements, and design of the water, sewer, and drainage systems, including appurtenances.

(2) The Police Chief, or representative, as to vehicular and pedestrian traffic safety and access for emergency vehicles.

(3) The Fire Chief, or representative, as to the adequacy of fire protection and access for emergency vehicles.

(4) The Recreation Commission, or its Director, and the Conservation Commission as to the suitability and location of any lands proposed to be dedicated for Town open space, park or playground or other recreational purposes.

(5) The Building Inspector, or representative for compliance.

Town Officials may opt to attend the regular Planning Board meeting to express their concerns regarding the Site Plan.

M. Compliance with Regulations: All Applications shall comply with the Zoning Ordinance and all other ordinances and regulations of the Town of Hampstead.

N. Erosion Plan: All Applications shall include a "Soils Erosion and Sediment Control Plan", conforming to the recommendations and specifications of the United States Department of Agriculture, Soil Conservation Service. Said plan shall address slopes, embankments, ditches, drainage ways, and the effect of the Development on water bodies and all disturbed areas. These plans shall be stamped by a New Hampshire Registered Professional Engineer.

Section 5 - General Requirements:

- O. Drainage/Grading Plan: All Applications shall include a Drainage and Grading Plan showing the entire area which is directly involved. The Plan shall indicate existing grades for the entire tract and proposed grading for all areas of proposed construction activity. The Plan shall show all existing and proposed drainage facilities, including but not limited to catchbasins, all stormwater culverts, headwalls, detention/retention basins, drainage swales, rip-rap areas, dams and weirs, and stormwater flow dissipators. The plan shall show all contributing drainage and subcatchment areas and existing and proposed stormwater flow calculations. All drainage plans for the Development shall be based on hydrological calculations from said Drainage/Grading Plans. These Plans and accompanying calculations shall be prepared by and bear the stamp and signature of a New Hampshire Registered Professional Engineer. If the storm water drainage system creates any additional stormwater flow over other properties, the developer shall obtain easements therefore from all owners of said downstream properties or provide appropriate detention facilities to assure existing flow quantities or velocities will not be exceeded.
- P. Phasing Plan: A written phasing plan shall accompany Applications for large scale Developments as determined by the Board. The plan shall specify the development time table for each phase of the Development. The plan shall include approximate dates for road and other public improvement construction for building/development commencement, and for building occupancy. In cases where specific impacts have been identified, the Board may require that the development of a large scale project proceed at a rate which will allow the Applicant and the Town a reasonable length of time in which to plan and prepare for impacts and to take steps to mitigate adverse impacts.
- Q. Streets: Developments that adjoin or include existing streets that do not conform to the width shown on the comprehensive plan or official maps or the street width requirements of these Regulations shall dedicate the differential width along either or both sides of said existing streets. If the Development is along one side of the street only, one-half (1/2) of the differential width shall be dedicated. Setbacks shall be measured from the new or future right-of-way line.

The length of streets or ways, whether public or private, shall not exceed 1,200 feet in length with only one entrance. (Amended April 21, 2003)

Section 5 - General Requirements:

- R. Landscaping and Building Design: Every Application shall include a detailed landscaping plan and the architectural design of all buildings on the site shall be compatible with that of surrounding properties. An elevation plan of any proposed buildings shall accompany all site plan applications.
- S. Evacuation and Emergency Plan: A written emergency access and evacuation plan shall be submitted for each Development.
- T. Water Supply for Firefighting Purposes

Site Plans

- A. All site plans that propose a building or buildings of over 5,000 square feet total for all floors shall establish a water supply in accordance with National Fire Protection Association (NFPA) Standard 1142 Standard on Water Supply for Urban and Rural Firefighting 1999 edition
- B. The water supply shall be a municipal style pressure system with underground pipe or a cistern of a design acceptable to the fire chief or a water hole acceptable to the fire chief.
- C. The water supply shall be equipped hydrant not susceptible to freezing with a minimum of one 4 1/2 inch fitting compatible with Hampstead Fire Department hose
- D. The water supply shall be accessible by the Hampstead Fire Department using one 10 length of hose between the truck and the hydrant without the truck leaving a paved surface
- E. The system shall be capable of delivering a flow of 1000 gallons per minute in all temperature ranges. In the case of a pressure system the residual pressure cannot drop below 20 pounds per square in during the 1000 gallon per minute flow.
- F. The flow is to be tested by the Hampstead Fire Department or its representative prior to acceptance.
- G. The water supply is to be constructed by the developer and accepted by the Hampstead Fire Department prior to the issuance of any permits for the building or buildings.
- H. If a sprinkler system compliant with NFPA 13 Standard for the Installation of Automatic Sprinkler Systems is to be installed in all of the buildings proposed for the site then the requirements for the additional water supply shall not apply.

Section 6 - Special Requirements:

The following special requirements apply to certain Developments which have a significant impact on the Town, its services or facilities, as specifically provided herein. The cost of these assessments and studies will be borne by the Applicant.

6.01 Traffic Impact Assessment (TIA):

- A. Where a Development will result in the generation of an average of two hundred (200) weekday vehicle trip ends (according to Trip Generation, An Informational Report, Institute of Transportation Engineers), the Applicant must submit a TIA to the Board with its Application. The TIA shall include, but not be limited to, information with respect to:
- (1) estimated vehicular trips per day,
 - (2) an analysis of approaches,
 - (3) an analysis of the circulation and channelization patterns,
 - (4) a description and analysis of the location and type of existing and proposed traffic control devices,
 - (5) pedestrian traffic and systems,
 - (6) an analysis of signal warrants,
 - (7) a description of the condition and capacity of the road network,
 - (8) other analysis of specific impacts as identified by the Planning Board.
- B. A "trip end" is defined as a vehicle movement either entering or leaving the site.

Section 6 - Special Requirements:

C. Examples of Developments which would generate two hundred (200) weekday vehicle trip ends include (from Trip Generation, approximate values):

- (1) 20 detached single family units,
- (2) 40 manufactured (mobile) homes or condominium units,
- (3) 20 motel units,
- (4) 17,000 gross square feet general office building,
- (5) 1,700 gross square feet shopping center,
- (6) 1,200 gross square feet high turnover sit down restaurant,
- (7) 8,400 gross square feet medical office building or clinic,
- (8) 4,000 gross square feet hardware/paint store,
- (9) Gasoline/service station,
- (10) 1,200 gross square feet bank.

6.02 Fiscal Impact Analysis (FIA): Where a Development would contain dwelling units equal to two percent (2%) of the existing dwelling units within the Town at the time of the Application, or where the Planning Board finds that a commercial or industrial Development may have an adverse fiscal impact upon the Town, the Applicant must submit an analysis of the projected tax and fee income to the Town and the projected service costs of the Town with the Application.

6.03 School Impact Analysis (SIA): Where a Development would generate a school age population equal to one classroom according to current U.S. Census data from Rockingham County, the Applicant must submit an analysis of the impact of the Development on the school system with the Application.

Section 6 - Special Requirements:

- 6.04 Environmental Impact Assessment (EIA): The Applicant of each Development containing ten (10) or more dwelling units or twenty (20) or more acres shall submit a report from the New Hampshire Natural Heritage Inventory (NH Department of Resources and Economic Development) which identifies rare plant and animal species and exemplary natural communities in or near the proposed Development with the Application. If any of the species or communities are identified within or adjacent to the Development, an EIA addressing the impacts on the species and communities shall be submitted with the Application.
- 6.05 Community Services Impact Assessment (CSIA): Where a Development contains one hundred (100) lots, one hundred (100) residential units, one hundred (100) gross acres, eight thousand five hundred (8,500) gross square feet of office or commercial space, or seventeen (17) gross acres of industrial land, the Applicant shall submit an assessment of the demands that the Development will place on existing or proposed community services including, but not limited to, police, fire, emergency, water, sewer, solid waste, roads, recreation, and Town offices with the Application.
- 6.06 Other Considerations: The requirements contained in this Section are based on thresholds at which the expected impacts will be measurable and at which point mitigation measures by the Applicant may be required by the Board. Nothing contained in this Section shall be construed to prevent the Planning Board from requiring other special investigations, at the Applicant's expense or from requiring the above identified investigations at lower thresholds where, in the opinion of the Board, circumstances related to the Development or the area warrant such special studies. An Applicant may not evade the application of the provisions of this Section through phased or scattered development of a parcel. The Board may, in its discretion, consider the effects of both prior and potential development of the land owned by the Applicant or other prior or future owners of the Development and require compliance with the terms of this Section.

Section 7 - Procedure:

The Applicant should discuss the proposed Development with the Planning Board before the formal submission of a Site Plan Review Application to anticipate any site development problems that may be encountered.

7.01 Preliminary Conceptual Consultation:

- A. Prior to submission of an Application for Board approval, the Applicant may discuss the proposal with the Board's Agent, and may make an appointment to discuss the proposal at a regularly scheduled Board meeting by notifying the Board's Agent three (3) weeks prior to the meeting.
- B. At the meeting, the Applicant may address the Board concerning the proposal but must limit the presentation to the intent and location of the proposal without going beyond a general description of the basic concept.
- C. The Board may briefly outline the steps that an Applicant may take to obtain Board approval. It may discuss the content of the Master Plan of the Town and its relation to the potential Applicant's proposal. The Board may also cite specific Sections of these Regulations or the Zoning Ordinance. The proposal may be discussed in conceptual form only and in general terms, such as the desirability of types of development and proposals under the Master Plan. The Board may make suggestions which might be of assistance in resolving problems with meeting requirements during formal consideration.
- D. A proposal shall neither be accepted as an Application nor be approved or disapproved by the Board under this procedure.
- E. No comments made during this consultation shall bind either the Applicant or the Board.
- F. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the Application.
- G. The time limits for Board actions under RSA 676:4, I(c) and Section 7.04 of these Regulations shall not apply to Preliminary Conceptual Consultation.

Section 7 - Procedure:

7.02 Site Plan Review Application:

A. Filing:

- (1) The Applicant shall file with the designated agent:
 - (a) three (3) copies of the completed Application Form;
 - (b) three (3) copies of the completed Application Checklist;
 - (c) five (5) copies of a Site Plan which complies with Section 8 of these Regulations;
 - (d) sufficient legible copies of the Site Plan, reduced in size to no more than 11 x 17 inches, to provide twelve (12) copies to the Board and one (1) copy to each Abutter and to each Town Official referred to in Section 5.02 L;
 - (e) three (3) copies of any construction plans;
 - (f) the appropriate filing fee based upon the fee schedule as may be set by the Board from time to time; and
 - (g) if the Applicant signs the form rather than the owner, certification that the Applicant is agent for the owner.
- (2) Completed applications must include all of the items listed in subsection 7.02 A. (1) and must be filed with the designated agent no later than the fourth Thursday prior to a regular meeting of the Board in order to be considered by the Board at such meeting. If any of the items listed in subsection 7.02 A. (1) are missing or incomplete as of the filing deadline, the Application shall not be placed on the agenda for the next Planning Board meeting. A work session at which no vote may be taken is not a regularly scheduled meeting of the Board.

Section 7 - Procedure:

7.02 Site Plan Review Application:

Notice to Abutters and Public: The Board shall notify the Applicant and all listed Abutters of its intent to consider an Application, by certified mail mailed not less than ten (10) days prior to the date for official submission to the Board of a completed Application. Such notice shall contain a general description (supplied by the Applicant) of the proposal and shall identify the Applicant and the location of the proposal and a reduced size copy of the Plan. The Applicant is responsible for the preparation of the mailing including the completed certified mailing forms. The Board will do the actual mailing. For the purposes of notification any professional that seals and signs the plan is to be considered an abutter and notified as such. The Board shall also post such notice in two (2) public places in the Town and publish the notice in a local newspaper within 10 days of the date of the meeting date.

7.03 Action on a Proposed Site Plan:

- A. Subject to the provisions of Section IV C 7 of the Land Subdivision Regulations of the Town of Hampstead, the Board shall act to approve, conditionally approve, or disapprove any Site Plan which has been timely filed and complies with these Regulations within ninety (90) days after the Board voted to accept the Site Plan. The Applicant may waive this time period and consent to such extensions as may be mutually agreeable.
- B. The Board may apply to the Board of Selectmen for an extension, not to exceed an additional ninety (90) days, to act on the Site Plan. The Applicant may also waive this time period and consent to such extensions as may be mutually agreeable.

Section 7 - Procedure:

7.04 Action on a Proposed Site Plan:

- C. The Board may grant conditional approval of a Site Plan, which shall become a final approval without a further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the Applicant of satisfactory compliance with the conditions imposed. Final approval may occur in this manner only when the conditions are:
- (1) minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
 - (2) conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
 - (3) conditions with regard to the Applicant's possession of permits and approvals granted by other boards or agencies; or
 - (4) All other conditions shall require a hearing after notice in accordance with Section 7.03.
- D. If the Board rejects the Site Plan, it shall provide the Applicant with written notice of its decision which shall describe the reasons for the rejection.
- E. Upon approval, the Chairman or Vice-Chairman shall sign and date the Final Plan as approved. Approved plans and any documents affecting covenants, deed restrictions, etc., shall be recorded with the Rockingham County registry of Deeds. All conditions of approval as imposed by the Planning Board shall appear on the face of the final plan to be recorded. Recording of the plans and associated documents shall be by the Planning Board.
- F. The Board's approval of a Site Plan shall lapse if all conditions of approval have not been met within ninety (90) days of the date of approval. Upon request, and where it can be shown to the satisfaction of the Board that a hardship exists, an applicant may be granted a reasonable extension of this time period.

Section 7 - Procedure:

7.05 Expenses and Fees:

All expenses incurred by the Town of Hampstead in processing an Application for Board action shall be borne by the Applicant. The cost of recording the Site Plan with the Registry of Deeds, cost of any required publication, cost of posting notices, cost of mailing notices of hearing, the reasonable anticipated cost of the consultation by the Board with any expert or specialist, and the reasonable anticipated costs to the Town for the services of the Board's designated agent, its attorney and its engineer, all must be paid by the Applicant at the time of filing an Application with the designated agent of the Board. All additional costs incurred during the review of the Application shall be paid prior to approval. Failure to pay these costs as specified will be valid grounds for refusal to accept the Site Plan as complete, or for disapproval of the Site Plan.

7.06 Modifications of Approvals:

Minor design modifications and minor modifications of approved subdivisions may be approved by the Planning Board upon recommendation of the Road Agent/Town Engineer, Building Inspector, and Town Planner at a public meeting without specific notification of abutters provided that all of the following conditions are met:

- (1) The modification is the result of circumstances relating to the property that were not anticipated at the time of approval.
- (2) The modification is minor, insubstantial, and will not in any way adversely affect abutters, future occupants, owners, or the public.
- (3) In all other cases, modifications shall be approved only pursuant to the provisions of Sections 7.03 and 7.04 of these regulations.
 - (a) When the Board has determined that a requested modification shall require a public hearing in accordance with Sections 7.03 and 7.04, the Applicant shall be responsible for all expenses and fees as set forth in Section 7.05 of these regulations.

Section 8 - Application Requirements: Exhibits and Data

The following items are required before a Site Plan Review will be initiated unless otherwise agreed by the Board at the preliminary consultation discussion:

- 8.01 Application for Site Plan Review and checklist completely filled out.
- 8.02 All Site Plans shall be drawn at no less than one inch equals one-hundred feet (1" = 100') and shall have the following information.
 - A. Date of survey, name and legal description of the proposed Development, locus map superimposed on the Town Tax map (scale of 1" = 1,000') showing the relation of the proposed Site Plan to existing streets and surrounding property within one thousand (1000) feet, the owner and developer, graphic scale and tie to the State Grid Coordinate System.
 - B. Tract Boundary lines, right-of-way lines of all streets, street names, easements and other rights-of-way, park areas or land to be reserved or dedicated to public use. All lot lines and other site lines, water courses with accurate dimensions, bearing or reflection angles and radii, arch, and central angles of all curves, and flood zone locations and base flood elevations as shown on the Town of Hampstead Flood Insurance Rate Map effective June 16, 1993 that may exist within five hundred (500) feet of the development boundaries with dimensions and soil types.
 - C. Plans shall reflect all land within one thousand (1000) feet of any portion of the Development in which the owner/developer, or any person or entity which has an interest in the owner/developer, has interest. If the plans include only a portion of the entire holdings, any potential future plans for these remaining holdings shall be shown in the form of a sketch. Said sketch is to include possible road layout, lots, service, etc.
 - D. The tax block, parcel number, and owners of all property abutting the tract to be developed.
 - E. Location and description of all monuments.
 - F. Name and address of engineer or surveyor. Certification and seal of engineer or surveyor as to accuracy of the Site Plan details and any calculations.

Section 8 - Application Requirements: Exhibits and Data

- G. Certification that the Applicant is the agent for the owner or is the owner of the land, or that the owner has given consent under an option agreement.
- H. Profiles of streets, based from topography, at the same horizontal scale as the plans and a horizontal to vertical scale ratio of five (5) to one (1), respectively.
- I. Street cross-sections based on topography at fifty (50) foot intervals. Scale to be one inch equals ten feet (1" = 10') horizontal and vertical. All data based on a field survey.
- J. When any officer or body of the Town, State or County is required to approve a plat, approval shall be certified on the plat in an appropriate space provided therefore.
- K. Existing and proposed ground elevation contours based on accurate field survey as follows: (Contours shall be accurate within one half (1/2) a contour interval).
 - slopes 0% to 2% - two foot (2') contour interval plus spot-elevations
 - slopes 2% to 5% - two foot (2') contour intervals
 - slopes > 5% - five foot (5') contour intervals
- L. Existing soils delineation based on the "Soils Survey, Rockingham County, New Hampshire" and a legend which explains the map symbols, describes the Water Supply and Pollution Control Division soils groups, and describes the properties of the soils regarding septic leach fields, basement/foundations, building construction, and road construction.
- M. All existing wetlands and associated buffer areas as defined in the Town of Hampstead Zoning Ordinance Article II with certification of Wetland Scientist or NH Certified Soil Scientist.
- N. Plan views of all buildings with their use, size, location, and floor elevations indicated.
- O. A typical elevation view of buildings indicating their height, bulk, facade design, signs, and calculation of lot coverage.

Section 8 - Application Requirements: Exhibits and Data

- P. The location, width, curbing, and paving of access ways and egress ways and streets within the site.
- Q. The location and dimensions of off-street parking and loading spaces with a layout of the parking indicated and a calculation of the required minimum number of spaces.
- R. The type, extent, existing or proposed planting size, and location of existing and proposed landscaping and open space areas indicating what existing open space areas will be retained.
- S. The location, type, size, height, and design of proposed signs and other advertising or instructional devices.
- T. Type and location of all underground utilities, including but not limited to gas, electric, telephone, and TV cable facilities.
- U. The location and type of outdoor lighting facilities, if applicable.
- V. In the event that a Flood Zone may exist within five hundred (500) feet of the Development boundaries, base flood elevations and utilities and drainage will be located and designed to be consistent with the need to minimize flood damage and to provide adequate drainage for the area.
- W. When individual sewage disposal systems are proposed, the plans for such systems must be approved by the appropriate Local, County, or State agency. When a public sewage disposal system is not available, the developer shall have percolation tests made and submit the results with the plan. The location of the septic system as proposed or, if applicable, as approved by the Division of Water Supply and Pollution Control shall be depicted on the Site Plan.
- X. A statement that the proposed street centerlines and building locations have been adequately flagged on the ground at the site to allow on-site evaluation of the proposed Development by the Board and Engineer.
- Y. Certification of approval of the Development by the NH Department of Environmental Services, Division of Water Supply and Pollution Control, or appropriate successor agency, accompanied by a duplicate copy of all data submitted to them and any stipulations related to the approval.

Section 8 - Application Requirements: Exhibits and Data

- Z. At least one bench mark tied to NGVD 29 datum shall be established on each section or submission of a Site Plan. The bench mark shall be tied to previously established bench marks on previously submitted plats. Said bench mark to be plainly marked in the field and stationed on the final plat with its elevation.

- AA. Final State of New Hampshire approvals, when appropriate, from the Department of Transportation (RSA 249), the Special Board on Dredging and Filling (RSA 149 and RSA 482:41e-i), and the Division of Water Supply and Pollution Control (RSA 149-E) shall be received as a condition to final approval.

- BB. Data Listing: The following listed data shall be included on the plan prior to submission to the Hampstead Planning Board:
 - 1. Area of Land _____ (acres).
 - 2. Area of building coverage, existing and proposed ____ (square feet or acres).
 - 3. Length of streets _____ (feet).
 - 4. Area of open space/conservation strips ____ (acres).
 - 5. List of all abutters with addresses.

Section 8 - Application Requirements: Exhibits and Data

CC. Certifications: The following listed certifications shall be affixed to the final plan together with the appropriate signatures and seals (when available) prior to approval by the Planning Board.

(1) It is hereby certified that the lands developed on this map are owned by title of record and that consent to the approval of said map is given.

(Date) (Corporate or Individual Name)

(2) I hereby certify that this map and survey has been made under my supervision. The date of the survey was:

(Date) (Licensed Land Surveyor)

(3) I have carefully examined this map and find it conforms with the laws and requirements applicable thereto.

(Date) (Building Inspector)

(4) This map is hereby approved by the Hampstead Planning Board at an official meeting held on _____ and shall be filed on or before _____ with the Rockingham County Registry of Deeds.

(Date) (Chairman of Hampstead Planning Board)

DD. Other information required by the Planning Board.

Section 9 - Inspections and Performance Guarantee:

Section IX of the Land Subdivision Regulations of the Town of Hampstead is adopted by reference to these Regulations.

Section 10 - Other Ordinances:

The Site Plan Review Regulations in no way relieves any owner or his agent, or individual from compliance with the Zoning Ordinance, Land Subdivision Regulations, or any other ordinance that pertains to the proposed Development. All Site Plans shall conform in all respects to the provisions of the Zoning Ordinance, Land Subdivision Regulations and all other applicable Town Ordinances and Regulations. No Site Plan will be approved unless it complies in all respects to any pertinent ordinances.

Section 11 - Waivers:

The proposed Development shall conform to the Zoning Ordinance of the Town of Hampstead. Where strict conformity to these Site Plan Review Regulations would cause undue hardship or injustice to the owner of the land, a Site Plan substantially in conformity with these Regulations may be approved by the Board, provided that the spirit of these Regulations and public convenience and welfare will not be adversely affected.

Section 12 - Enforcement:

These Regulations shall be enforced by the Board of Selectmen or its duly authorized representative.

Section 13 - Appeals:

Pursuant to RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning a Site Plan or building permit may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Planning Board.

Section 14 - Validity:

If any section, subsection, or phrase of these Site Plan Review Regulations is found, for any reason, to be invalid by a Court or competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

Section 15 Fee Schedule

IX Fees

(Adopted December 4, 1980; Amended July 15, 2002)

1) The Fee Schedule is set as follows:

Subdivision Plan	\$100.00
Site Plan:	\$100.00
Recording Only:	\$ 50.00
Lot Line Change:	\$ 30.00 each lot

Subdivision (per sheet):

First Two Lots:	\$30.00 per lot
Lots #3 to #10:	\$25.00 per lot
Lots #11 to #20:	\$20.00 per lot
Over 20 Lots:	\$15.00 per lot

Abutter Notification per RSA 676:4

Certified Letter \$5.00 per abutter, applicant, any person whose name appears on the plan.

Legal Advertisement \$100.00

2) The fee for the inspection of roads will be assessed to the developer. Minimum inspections will be made after stumping, after the road grade is cut, after gravel and drainage are put in, and after the hot top is in place to insure that the road meets all the standards of the Town of Hampstead. This is a usual fee for subdivision and is due prior to final approval.

Table of Dimensions

Parking

Head in Space		10 ft	20 ft
Compact Spaces		9 ft	18 ft
	Up to 30% allowed Spaces must be striped		
Aisles		24 ft	
Driveways		24 ft	
Turning Radius		40 ft bus w/ 7 ft Overhang	
Fire Lanes	Fire lane must be striped	20 ft	

Pavement

Wearing Course	1"
Base Course	2"
Crushed Gravel Base	6"
Gravel Base	12"
Crown	2%

Drainage

Overland Flow	10 yr Storm
Culverts	25 yr Storm
Minimum Culvert Size	15 inch
Culvert Cover	4' Minimum

Dumpsters

Screening required,
Not visible from road