

TOWN OF FITZWILLIAM
CHAPTER 219, SITE PLAN REVIEW
LARGE SCALE, HEAVY CONSTRUCTION REGULATIONS

These General Conditions, adopted by the Planning Board and incorporated into the Site Plan Review Regulations (Chapter 219 in the Code of the Town of Fitzwilliam), pertain to large scale heavy construction, which is intended to apply to any construction that disturbs three (3) or more acres of real property, public or private, including:

- Construction of facilities required to facilitate the transmission and distribution of natural gas, electrical power, water and communications; and
- Construction of roads, bridges, tunnels, water supplies, sewers, electrical grids, natural gas supply and telecommunications; and
- Construction of warehouses, manufacturing plants, electrical generation facilities, natural gas and petroleum plant facilities.

I. Planning and Design

1. No construction will be allowed within the town limits by owners or Contractors with previous willful violations of the NH Department of Environmental Services (NHDES) or contract defaults.
2. No construction will be allowed within the town limits by owners or contractors whose principals, officers or owners have been convicted of a felony in NH or any other state.
3. The project design must be performed by a New Hampshire registered Professional Engineer. Surveys must be performed by a New Hampshire registered Professional Land Surveyor.
4. Design plans must conform to all New Hampshire State Building Codes and permitting requirements.
5. Design and construction must conform to all Federal, State and Local Regulations with regard to environmental regulations, guidelines and best practices, including but not limited to air, water, soil, light, noise and hazardous material handling and disposal.
6. All project designs must include a detailed Safety Plan including but not limited to: Standard Operating Procedures (SOPs) for construction segments; traffic maintenance; worker and public safety.

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7. All construction plans are subject to review and approval by the Town Planning Board, Town Select Board, road agent and designated Engineering consultant (engaged by the town, cost to applicant).
8. Six complete sets of design plans and project construction specifications shall be submitted for approval. This will also include a progress schedule indicating the major items of construction.
9. All applicable permits and an approved set of construction documents must be maintained on site and be available for review by all state and local officials or their designated representatives.
10. A performance bond will be required to be posted by the contractor prior to the beginning of construction.
11. The owner and contractor must carry all necessary insurance of adequate value and will include the Town as a rider on all policies at no cost to the town. The town will be held harmless in all matters relating to the proposed project.
12. Construction of the project will not begin until all federal, state and local necessary and applicable permits for the entire project have been obtained for construction.
13. During construction, an up to date construction progress report shall be prepared by the contractor (weekly) and provided to the Select Board and Planning Board for their use. The progress report will be submitted as a hard copy (5 copies) to the Town Offices on the Monday following the conclusion of the construction week. This will include an updated progress schedule of the major items of construction.
14. At the completion of the construction, fully updated and completed sets (5 sets) of as-built Plans and construction specifications (5 copies) shall be submitted to the Select Board and Planning Board. Submission of the documents shall take place no later than 30 days after project completion. No Certificate of Occupancy will be issued or bond released until this requirement is met.
15. A landscape design plan in keeping with the rural and historic character of the Town is required within the borders of the facility and extending to the project limit lines. Vegetative screening at the fence line is expected as a minimum.
16. Building exteriors must be of a character that is unobtrusive in a rural and historic setting.

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17. Noise emanations resulting from the proposed operations are limited to 10 decibels above ambient noise at the building structure and equipment housing line. All exhausts shall be equipped with sound suppression equipment to meet this condition.
18. All equipment exhausts shall meet Federal and State EPA requirements with regard to equipment exhaust emissions.
19. The proposed project shall meet or exceed the town's nighttime Dark Sky requirements.

II. Clearing and Grubbing

1. All necessary tree trimming and cutting must be performed by a certified arborist.
2. Proceeds of all cash crop trees removed by the contractor to be paid to the town (or property owner).
3. All stumps are to be removed offsite, legally disposed of and the holes filled and compacted with suitable clean, non-manufactured fill which matches the existing surrounding soil in all respects.
4. All clearing and grubbing debris must be removed offsite and legally disposed of.
5. Topsoil shall be stripped prior to excavations stockpiled and stored to prevent losses caused by pile erosion by wind and /or water, for use in restoration phase.
6. Prior to clearing and grubbing, suitable environmental protection must be in place at the limits of the proposed construction and in the construction zone.

II. Construction

1. All construction will at a minimum adhere to NH State construction standards and OSHA standards where applicable.

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2. Construction equipment will be inspected for leaks by an Independent Environmental Engineer prior to moving on site. The owner/contractor will have sufficient means on site at all times to control and clean up accidental spills. All substandard construction equipment will immediately be removed from the site and town limits. This applies to all equipment from mobilization through de-mobilization and for equipment using town roads for through passage.
3. Excavation of rock may not be accomplished with explosives, unless in compliance with the Fitzwilliam Blasting Ordinance. Rock cutter, trencher, saw or hydraulic excavator mounted hammer shall be used for rock excavation.
4. No trench longer than 100 feet may be left open overnight or on weekends and holidays.
5. All open trenches must be lighted at night and have safety fence installed adjacent to both sides of the trench for public and worker safety.
6. All NH DES regulations and applicable OSHA and NH Public Safety standards related to construction and jobsite safety will be strictly adhered to and monitored by an independent safety consultant paid for by the contractor. The independent safety consultant will have complete authority to order the cessation of construction as necessary. No construction will take place in the town unless the safety consultant is present on the project within the town borders. Safety stand downs will be conducted following the occurrence of a safety violation, near miss and/or accident. The independent safety consultant reports to the Town's designated Engineering consultant, Planning Board and/or Select Board.
7. Environmental protections and controls in accordance with NHDES and NHDOT specifications will be employed during the construction of the project. Environmental compliance will be monitored by an independent environmental consultant paid for by the contractor. The environmental consultant will have complete authority to stop work on the project if the required protections and controls are not regularly maintained as per NHDES and NHDOT standards or are missing. Work will not be allowed

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to continue until the protections and controls are fully restored. No construction will take place in the town unless the environmental consultant is present on the project within the town borders. The independent environmental consultant reports to the Town's designated Engineer, Planning Board and/or Select Board.

8. All construction road ways will completely removed from the project within the town borders at the completion of the installation phase and prior to restoration. Restoration of the areas disturbed by the construction road ways will be restored to the Town's engineering consultant, Road agent and/or Select Board's satisfaction.
9. No construction is permitted on Holidays, weekends and/or nights within the town borders. No overnight road closures or detours are permitted. No overnight deliveries are permitted.
10. Dewatering is not allowed except by permit. Discharge of dewatering systems will be accomplished through filtered settling basins as designed by the project environmental engineer (NH registered PE) in accordance with federal, state and local requirements and standards.
11. Jacking or boring for installation of conduits, pipelines, etc. must cross road ways perpendicularly and must be designed fully by a NH registered Professional Engineer.
12. Directional boring (Drilling); Road crossings shall be perpendicular to the road way line of travel. The depth of crossing for roads shall be 12 feet below wearing course finished grade. The drill path surface grade during this operation shall be constantly monitored for evidence of fracking (drilling mud appearing at the road surface or other surfaces along the drill route). In the event of fracking, the bore will stop and the fracked material immediately cleaned up and removed offsite to a lined landfill. Drill fluids exclusive of the bore and receiving pits shall be collected in Adler type Frac Tanks, the fluids recycled and reused or disposed of in a lined landfill. Water used for this operation shall be potable drinking quality water. If Fracking occurs the Directional Bore (Drill) will be abandoned and sealed.

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13. Directional boring (drilling) under water crossings and wetlands shall be at a depth of 25 feet below grade for wetlands and water crossing beds. The Drill path shall be constantly monitored for the evidence of Fracking. Any unexplained loss of Drilling Fluid or evidence of fracking either on the wetland or water body surface will be cause for the operation to immediately stop and the fracked fluid to be cleaned up and removed offsite to a lined landfill. The Bore (Drill) will be abandoned and sealed. Drill fluids exclusive of the bore and receiving pits shall be collected in Adler type Frac Tanks, the fluids recycled and reused or disposed of in a lined landfill. Water used for this operation shall be potable drinking quality water.
14. During concrete construction, Redi Mix delivery truck washout will not be allowed on ground surfaces that will permit slurry runoff to adjacent ground surfaces. Washouts, after hardening, will be removed from site and the town limits and legally disposed of. It will not be used as backfill or road base material.
15. Care will be used when coating concrete forms that no form release agent (form oil) shall be spilled or dripped on any ground surface. This also applies to post poured concrete cures and coatings. Excavated or milled road metal will not be used as backfill or road base material. It will be removed from the site and town limits and legally disposed of.
16. Oil shall not be mixed with fill materials to create a subbase for road ways, temporary or permanent.
17. Imported backfill will match the existing surrounding soil in all respects. Site Soil samples will be obtained prior to construction and soils lab tested for gradation, PH and all other qualities. Imported soil for backfill will meet these test requirements. The owner/contractor will gather the samples under the supervision of the independent engineering consultant. The lab results will be furnished to the independent engineer directly by the lab. The engineer will furnish copies of the lab results to the owner/contractor for his use in locating a borrow source. Samples taken at the borrow pit will be under the direct supervision of the independent engineer and provided to the soils lab for testing. Test reports for the borrow sample(s)

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will be provided by the lab to the independent engineer who will share them with the owner/contractor. The approved borrow source will then be marked at the source, identifying it as material for the project. Borrow fill brought on site will be accompanied by a scale or volume ticket provided by the source. Copies of these tickets will be contained in the as-built documents furnished to the town. This borrow fill will contain no chemicals, Bituminous Concrete, Portland Cement Concrete, Hazardous Materials or other contamination and will not be a manufactured soil material.

18. Temporary pavement will be Hot Mix Binder Course Asphalt only. All trenches across roads will be backfilled and compacted to 95% proctor and temp paved at the end of each work day. Jetting will not be permitted for compaction. Temp asphalt will be compacted with a 5 ton roller (minimum).
19. All road ways within the town used by the owner/contractor for delivery of labor, equipment and materials to the site will be video graphed by the owner/contractor in conjunction with the Town road agent / consultant engineer prior to the start of construction. Both parties shall retain a copy of the video. Damage to the wearing course, road base or other appurtenances to the road way during the period of construction shall be repaired by the owner/contractor to the satisfaction of the Town road agent/consultant engineer. Repair of the road way shall be in kind.
20. Any bridges that the owner /contractor deems part of the routing needed for delivery of labor, equipment and materials to the project shall be inspected by a NH registered structural engineer prior to any passage for soundness. The structural engineer will be designated by the Town Select Board in conjunction with the Town road agent / consultant engineer and paid for by the owner / contractor. Should any bridge be deemed insufficient, that route will not be used for delivery. The Town is under no obligation to and will not repair any bridge deemed insufficient for the owner /contractors purpose. The structural engineer will report directly to the Town Board of Selectmen (hereafter BOS).

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21. Trenches across Town Roads shall be restored in kind with the binder and wearing courses each receiving an eighteen (18) inch cutback from the trench and previous course layer. Upon completion of the trench restoration, an additional one (1) inch thick wearing course shall be applied to the entire road way from nearest intersection to nearest intersection. All public and private drives shall be adjusted to meet this new wearing course, providing a smooth transition from the existing drives. Public and private drives shall be milled or notched to provide the transition. This paving shall be performed to the satisfaction of the Town road agent / consultant engineer.
22. Traffic Control Devices employed on and around Town Roads shall conform to the FHWA Manual of Uniform Traffic Control Devices (MUTCD) and shall be maintained in a clean and undamaged condition during the construction of the project.
23. All Sanitary and product piping shall be hydrostatically tested prior to intended use. Testing pressures will follow industry standards. Water for testing may not be drawn from the town aquifers. In addition, test water shall be collected in Frac type tanks, removed from the town and legally disposed of outside of the town borders.
24. The owner / contractor shall make a good faith effort to purchase construction materials, components and equipment manufactured in the United States.
25. The owner / contractor shall make a good faith effort to employ local labor and craftspeople, where possible, in the construction of the project.

IV. Restoration Phase

1. At the conclusion of the construction phase, the road ways within the Town borders used for construction or delivery of labor, equipment and materials shall again be videographed by the owner/contractor in conjunction with the Town's road agent / consultant engineer. Any and all damage to the roads shall be assessed by the Town road agent/consultant engineer. Roads damaged by the owners /contractors use for construction or delivery of

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labor, equipment and materials to the project will be repaired by the owner/contractor to the complete satisfaction of the Town road agent/consultant engineer. Roads will be repaired / replaced in kind. All roads damaged and repaired will receive a new one inch (1") compacted thickness wearing course of Bituminous Asphalt. The asphalt wearing course shall meet the specifications of the NHDOT for high friction wearing course asphalt paving. The wearing course installation shall extend over the entire route of passage usage by the owner/contractor. Paving limits will be assigned and marked by the Town road agent /consultant engineer in conjunction with the owner / contractor. Any traffic markings will be replaced as necessary and will conform to NHDOT specifications with regard to permanent reflective pavement.

2. Non Plowable markers shall also be replaced as necessary and will also conform to NHDOT Specifications. Appurtenances shall also be evaluated and repaired / restored as necessary.
3. At the conclusion of the construction phase, the bridges along the route(s) will again be inspected by the structural engineer. This inspection will be paid by the Owner / Contractor. The Structural Engineer will report directly to the Town BOS. Any and all damage discovered during this inspection will be repaired by the Owner / Contractor at no cost to the town and to the satisfaction of the NH registered structural engineer, the Town Road agent / Engineer and the Town BOS.
4. Should the Project Owner require ongoing yearly usage of the Town road ways to continue operation / production of his endeavor, the road ways / bridges will be assessed yearly for damage due to the Owner's operations. All assessed damages will be repaired at the owner's expense. The yearly inspection of the road ways, bridges and appurtenances will take place in the springtime of the year to allow a construction season for the damage to be corrected. Damage assessment will be performed by the Town Road agent. All repairs will be made to the satisfaction of the Town Road agent. Prior to granting a permit to construct, The Project Owner will agree to this provision in contract with the Town. Failure to do so will result in the project to be non-permit able and non-constructible within the Town borders. This provision will remain in effect for the life of the operational

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use / production. It will continue for one year beyond the date for which use /production ceases. Repair / Restoration performed during this period will be considered Final. Repair / Restoration. A Bond will be in place to ensure this provision is completed yearly.

5. The owner at the completion of his use of the facility will, prior to quitting the site, decommission and remove all structures and infrastructure related to the project in a manner consistent with demolition practices as outlined by Federal and State Environmental Protection Regulations. Should the Owner during the life of the use / production sell or transfer ownership of the facility / property to another party, all Heavy Construction General Conditions herein described shall transfer to the new owner and shall be binding upon the new owner. Under no circumstances is demolition debris to remain within the town borders. In the event the proposed new owner will not or cannot agree to these provisions, no transfer of property / facility will be permitted by the Town and the facility / property will be decommissioned. A Bond in the amount necessary for the Town to contract for the removal of the facility, should the Owner abandon the site, will be provided by the Owner and held by the Town.
6. Restoration of grass areas shall be by weed free seed of a type native to the town. Seed, mulch, fertilization and watering shall be consistent with NHDOT specifications. Maintenance of the grass area will be continuous to ensure restored growth.
7. Trees planted during this phase will be native species only and be of a four (4) inch minimum caliper. Trees shall be maintained and watered consistent with NHDOT specifications.
8. Non Organic pesticides and herbicides will not be used during any phase of construction or post construction maintenance.
9. Drainage runoff from the site to adjacent properties and /or public thoroughfares is not permitted.