

**CHAPTER 219**  
**SITE PLAN REVIEW**

(HISTORY: Adopted by the Planning Board of the Town of Fitzwilliam 3-88. Amendments as noted, where applicable.)

**§ 219-1. Statutory authority; title.**

- A. Pursuant to the authority vested in the Town of Fitzwilliam's Planning Board voted on at the March 1984 Town Meeting in accordance with the provisions of New Hampshire Revised Statutes Annotated, 1955, 674:43 and 44, as amended, the Town of Fitzwilliam's Planning Board adopts the following regulations governing the review of nonresidential site plans and multifamily development in excess of two (2) units, whether or not such development includes a subdivision or resubdivision of the site .
- B. These, regulations shall be entitled "Site Plan Review Regulations, Town of Fitzwilliam, New Hampshire."

**219-2. Purpose; compliance with other regulations.**

- A. The purpose of the site review procedure is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing, of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and. to guide the character of development.
- B. The site review procedure in no way relieves the developer, his/her agent or individuals from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations.

**219-3. Procedural Requirements**

Site plan review shall be conducted in accordance with the procedural requirements contained in the Subdivision Regulations, Article V of Chapter 221, for review of final plats, including the notice to abutters and a public hearing, except as required in these site plan review regulations. The list of all abutters within two hundred (200) feet of the proposed site should be checked with records at the County Registry of Deeds and not obtained from the local tax rolls, as ownership may have changed since April 1. The cost of notifying abutters will be borne by the developer. If the site plan meets the evaluation criteria and is approved by the Planning Board, then the applicant may apply for a building permit. No building permit will be issued until approval of the site plan by the Planning Board is granted. The applicant will be notified by certified mail of approval or disapproval of the site plan.

**§219-3.1. Preliminary Consultation and review (Added by ATM 3-14-2006 by Art. 2)**

- A. The applicant is required to appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultations shall be informal and directed toward:
  - 1. Reviewing the basic concepts of the proposal.
  - 2. Reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance.
  - 3. Reviewing the town's site plan review regulations as they may apply to this proposal.
  - 4. Guiding the applicant relative to necessary state and local requirements and forms.

B. Preliminary consultation and review shall not bind the applicant or Board; no public notice is required; no fees shall be charged; and no time limit for acting on the site plan shall apply.

**§ 219-4. Submission requirements.**

A. The application for site review shall be properly filled out.

B. Site plan:

- (1) Sheet size: twenty-two by thirty-four (22 x 34) inches maximum.
- (2) Scale: not less than one (1) inch equals sixty (60) feet.
- (3) Match lines when needed.
- (4) Six (6) prints of each plan sheet (blue or black line).
- (5) Date, title, scale, North arrow and location map.
- (6) Name and address of developer, designer/engineer, name of project, owner of record and signature.
- (7) Topographical plan with contour lines at two-foot vertical intervals; bench mark from United States Geological Survey datum.
- (8) All easements shall be shown.

C. List of current names and addresses of all abutters within two hundred (200) feet of the property line, including those across any street.

**§ 219-5. Required exhibits and data.**

The following items are required on the site plan(s):

- A. Sketch of site showing existing, natural features, including watercourses and water bodies, trees and other vegetation, topographical features and any other features which should be considered in the site design process.
- B. Plan of all buildings, with their type, size, location (setbacks) and elevation of first floor slab indicated (assume permanent on site elevation).
- C. An elevation view of all buildings indicating their height bulk and surface treatment.
- D. Limitation of off-street parking and loading spaces with a layout of the parking indicated.
- E. The location, width, curbing and type of accessways and egressways, plus streets, within and around the proposed site.
- F. The size and proposed location of water supply and sewage facilities and provision for future expansion sewage an water facilities and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of two hundred (200) feet
- G. The type and location of solid waste disposal facilities.
- H. The location, elevation and layout of catch basins and other surface drainage features.

- I. Existing and proposed contours and finished grade elevations; all contours shall be a minimum of two.-foot intervals.
- J. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
- K. The location, size, and design of proposed signs and other advertising or instructional devices.
- L. The size and location of all public service connections: gas, power, telephone, fire alarm, overhead or underground.
- M. The location and type of lighting for all outdoor facilities.
- N. Lines of all existing and adjoining streets.
- O. Surveyed property lines showing their deflection angles, distances, radius, lengths of arcs and control angles along property lines and monument locations, and names of all abutters within two hundred (200) feet.
- P. If a subdivision, then lines and names of all proposed streets, lanes, ways or easements intended to be dedicated for public use; all subdivision regulations shall apply.
- Q. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for site review.

NOTE: Section §219-4, Submission requirements, and §219-5, Required exhibits and data, will be the Planning Board's checklist in reviewing the application for completeness.

**§ 219-6. General standards.**

- A. Design of development should fit the existing natural and man-made environments with the least stress.
  - (1) Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of four (4) inches of topsoil is to be placed on the disturbed area. The site shall-be adequately landscaped.
  - (2) Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover shrubs or trees, as appropriate.
  - (3) Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting owner is obtained.
- B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting nonresidential sites.
  - (1) Appropriate, buffer strips must be maintained between use and residential zones. Buffer strips between nonresidential and residential zones must contain vegetation which will screen nonresidential uses from sight from residential areas during winter months.
  - (2) A landscaping plan must be submitted-showing locations and types of vegetation to be retained or established.

C. Screening must be provided to reduce visual pollution.

- (1) Storage areas must be fenced or screened from on-site or adjoining parking and neighboring properties.
- (2) Litter (garbage) collection areas must be screened.
- (3) The use of either fencing or hedges is permitted.

D. Parking and loading and pedestrian safety.

- (1) Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets.
- (2) 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.
- (3) Access, parking and loading areas shall be constructed so as to minimize dust, erosion and runoff conditions that would have a detrimental effect on abutting or neighboring properties.
  - (a) Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate runoff, however,
  - (b) The Board may require that access, parking and loading areas be conventionally paved if appropriate or necessary.
- (4) Sidewalks. Sidewalks 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 therefor by 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.

E. The erosion and sedimentation plan shall:

- (1) Make provision to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface material.
- (2) Show control measures both during construction and any permanent controls to remain after construction.
- (3) Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage casements, drainage structures and water bodies.
- (4) Identify and relatively locate proposed erosion and sediment control, measures and structures during and after development.

- (5) Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the town and the Cheshire County Conservation District standards.
- (6) Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed stormwater retention basins.
- (7) Ensure that stripping of vegetation, regrading or other development will be done in such a way that it will minimize soil erosion. Temporary seedings and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.

F. Illumination.

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

G. Access to public streets. Access to public streets will meet the requirements of the New Hampshire Department of Public Works and Highways and/or the town, as adopted and amended.

H. Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Water Supply and Pollution Control Commission, and/or the Town of Fitzwilliam's Subdivision Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer or his agent to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and tile field). The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the State of New Hampshire Water Pollution and Control Commission for its consideration and approval. Such approval must be obtained before site plan approval can be given.

I. Flood hazard areas. Site plans for both nonresidential development and multi-family unit other than one and two Family dwellings will be reviewed to determine whether such proposals will be reasonably safe from flooding. If such a proposal is determined to be in a flood-prone area, such proposals will be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage within the flood-prone area.
- (2) All public utilities and, facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate, flood damage.
- (3) Septic systems, if required, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (4) The lowest floor, including the basement, is elevated or floodproofed to or above the base flood level.

J. The Town Engineer or, in the absence of a Town Engineer, a registered engineer hired by the town shall inspect all

site improvements. The developer shall pay the cost of the Board's employment of said Engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or the Engineer. A letter certifying to the developer's concurrence to the employment of said Engineer shall be filed with the Board as part of the site plan review. "Engineer" is defined as the duly designated Engineer of the Town of Fitzwilliam, or other official assigned by the Planning Board, who shall be a duly registered engineer. The Planning Board may require special impact studies on any and all elements of the project and any such studies shall be conducted at the developer's expense. The Planning Board may further engage the services of qualified planners, engineers, attorneys or other professionals as necessary to review and comment upon the technical aspects of any plans or documents with respect to their compliance with these and other applicable regulations. The cost of any such professional assistance shall be paid by the developer, and no final approval shall be granted until the cost of such studies, consultations or professional assistance has been paid.

- K. The Planning Board may waive any requirements listed in these site plan review regulations, if it determines that such Regulation does not apply to the proposed development.
- L. The Planning Board may require that a performance bond, the amount and form to be determined by the Planning Board, in the form of a passbook savings deposit a bond or a letter of credit be posted by the developer and held by the town until the town is satisfied that all conditions of the site plan approval and any other pertinent zoning ordinance(s), subdivision regulation(s) and building regulation(s) have been met. The bond may be released in part when the project is substantially completed.
- M. The site plan map, which shows, at a minimum, lot lines and proposed construction, roads and other improvements and Planning-Board approval, should be recorded with the Board of Selectmen. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.
- N. Saving clause. If anything in these site plan review regulations is in conflict with other town regulations, the more stringent shall apply.
- O. It shall be the duty of the Board of Selectmen, and the Board is hereby given power and authority to enforce the provisions of these regulations. Upon any well-founded information that these regulations are being violated, the Board of Selectmen shall take immediate steps to enforce this chapter by taking any legal action authorized by the New Hampshire Revised Statutes Annotated 676:15 through 19, inclusive, as may be amended from time to time. **[Amended 12-19-1989]**