

TOWN OF ALLENSTOWN
Planning Board
16 School Street
Allenstown, New Hampshire 03275
October 04, 2017

Call to Order.

The Allenstown Planning Board Meeting for October 04, 2017 was called to order by Chair Mike O'Meara at 6:31 p.m.

Roll Call.

Present on the Board: Diane Adinolfo, Chad Pelissier*, Mike Frascinella, and Mike O'Meara

*Chad joined immediately after Roll Call and prior to any discussion/deliberation.

Ex-Officio: Ryan Carter (Not Present)

Others Present.

Residents of Allenstown: None (see below)

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TOWN OF ALLENSTOWN
Planning Board
16 School Street
Allenstown, New Hampshire 03275

Meeting Date: 10 / 4 / 2017

Sign-In Record

Print Name	Signature	Indicate applicable status	
		Allenstown Resident	If no, state Organization represented
<u>None</u>		☐ Yes ☐ No	
		☐ Yes ☐ No	
		☐ Yes ☐ No	
		☐ Yes ☐ No	

Others Present: Matt Monahan (by telephone, as previously agreed with the Chair)

Other Public Officials: None

Allenstown Staff: None

Note: Prior to conducting business, the Chair requested, and a moment of silence was observed, for the victims and families of the Las Vegas shooting incident.

OLD BUSINESS/RECIPT OF APPLICATIONS & PUBLIC HEARINGS

- a. Adoption of various revisions to the Allenstown Planning Board's regulations.
Rules of Procedure, Subdivision Regulations, and the Site Plan Regulations.

Open Public Hearing:

In conjunction with board member review of the proposed changes, the Chair opened the Public Hearing portion of the meeting at 6:33 p.m.

The Chair requested that Matt Monahan review the proposed changes to the regulations.

Note: Copies of the proposed changes are attached as Appendix A of these meeting minutes, and are briefly summarized below as presented by the Planner.

Rules of Procedure:

Page 1 – Add “Allenstown Planning Board” to title & revise “Updated” date to 04 October 2017.

Page 3 – Update date on “Certificate of Adoption” page to 04 October 2017.

Page 15 – Add definition of “plat” in paragraph 2.

Page 15 – Add new paragraph regarding “Notice of Decision Recording Fees”.

Page 17 – Update the Adoption Date to 04 October 2017.

Subdivision Regulations:

Page 1 – Add “Allenstown Planning Board” to title & revise “Updated” date to 04 October 2017.

Page 2 – Update date on “Certificate of Adoption” page to 04 October 2017.

Page 13 – Add new section 5.01(l) regarding delineation of Wetlands by a Certified Wetland Scientist.

Page 33 – Revise Section 7.04(a) regarding provision of Final Plans in a digital format.

Page 34 – Update Amendment History.

Site Plan Regulations:

Page 1 – Add “Allenstown Planning Board” to title & revise “Updated” date to 04 October 2017.

Page 2 – Update date on “Certificate of Adoption” page to 04 October 2017.

Page 8 – Add new Section 4.02 regarding Conceptual Consultations and Design Reviews.

Page 10 – Add new Section 6.01(q) regarding compliance of Final Plans with Section 7.04(a) of the Subdivision Regulations.

Page 17 – Revise Section 7.11(b) regarding delineation of Wetlands by a Certified Wetland Scientist.

Page 20 – Update Revision History.

The Chair requested a motion to adopt the proposed changes to the Allenstown Planning Board's regulations as outlined by the Planner. Motion to adopt the changes made by Mike Frascinella. Motion seconded by Diane Adinolfo.

Close Public Hearing:

There being no members of the public present from which to solicit input, the Chair closed the Public Hearing portion of the meeting at 6:38 p.m.

Vote: Diane Adinolfo–Yes, Mike Frascinella–Yes, Chad Pelissier–Yes, and Mike O'Meara–Yes.

Motion passed and the changes to the regulations were adopted, with an effective date of 04 October 2017.

NEW BUSINESS/RECIEPT OF APPLICATIONS & PUBLIC HEARINGS.

- a. None

UNAPPROVED MINUTES:

- a. Review and approve minutes from the September 20, 2017 meeting.

The Chair requested a motion to approve the minutes of the September 20, 2017 meeting as written. Motion to approve made by Diane Adinolfo. Motion seconded by Mike Frascinella.

Vote: Diane Adinolfo–Yes, Mike Frascinella–Yes, Chad Pelissier–Yes, and Mike O'Meara–Yes.

Motion passed and the minutes for September 20, 2017 were approved.

IV. CORRESPONDENCE & OTHER BUSINESS:

- a. None

V. STAFF UPDATE:

None

Page 2 of 2
The following information is being provided to you for your information only. It is not intended to be used as a substitute for professional advice. The information is provided as a service to our clients and is not intended to be used as a substitute for professional advice. The information is provided as a service to our clients and is not intended to be used as a substitute for professional advice.

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VI. ADJOURN

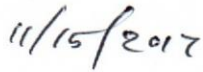
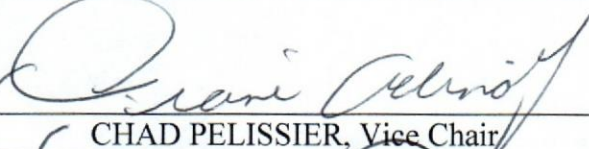
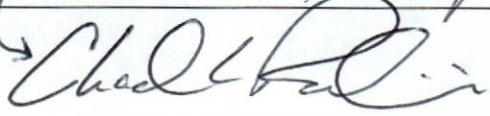
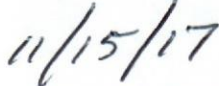
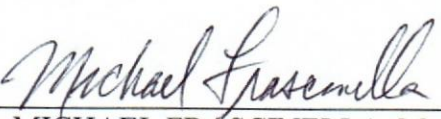
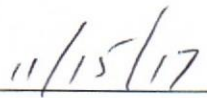
There being no further business before the board, the Chair requested a motion to adjourn.

Motion to adjourn made by Diane Adinolfo. Motion seconded by Mike Frascinella.

Vote: Diane Adinolfo–Yes, Mike Frascinella–Yes, Chad Pelissier–Yes, and Mike O’Meara–Yes.

Motion passed and the meeting was adjourned at 6:42 p.m.

Signature Page

Approval:	
	
MICHAEL O'MEARA, Chair	DATE
	
CHAD PELISSIER, Vice Chair	DATE
	
DIANE ADINOLFO, Member	DATE
	
MICHAEL FRASCINELLA, Member	DATE
	
RYAN CARTER, Ex-Officio	DATE

Amendment Approvals:		
Amendment Description:	Approval:	Date:
	MICHAEL O'MEARA, Chair	DATE
	CHAD PELISSIER, Vice Chair	DATE
	DIANE ADINOLFO, Member	DATE
	MICHAEL FRASCINELLA, Member	DATE
	RYAN CARTER, Ex-Officio	DATE

TOWN OF ALLENSTOWN
Planning Board
16 School Street
Allenstown, New Hampshire 03275

Meeting Date: 10 / 4 / 2017

Sign-In Record

[illegible]

**Allenstown Planning Board
Meeting Minutes
October 04, 2017**

APPENDIX A

Allenstown Planning Board

Meeting Minutes

October 04, 2017

APPENDIX A

Town of Allenstown New Hampshire



Allenstown Planning Board BY-LAWS AND RULES OF PROCEDURE

Adopted

July 18, 2001; Updated ~~February 8,~~
2012 October 4, 2017



Certificate of Adoption

In accordance with New Hampshire RSA 676:1, Method of Adopting Rules of Procedure, 675:6 and 675:7, the Allenstown Planning Board, having held a duly noticed public hearings on ~~June 20, 2001 and July 18, 2004~~ October 4, 2017 hereby adopts and certifies these "Planning Board By-laws and Rules of Procedure".

Member	_____	Member
Member	_____	Member
Member	_____	Member
Member	_____	Member
Member	_____	Selectmen's Representative

This document was received and recorded by the Town Clerk on _____, 2017 ~~20~~.

Signed: _____
Allenstown Town Clerk

Seal:

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Pursuant to RSA 676:1, as amended, the Allenstown, New Hampshire Planning Board adopts the following Rules of Procedure.

Article 1 - Title; Adoption; Amendment

1. These Rules may be cited as the Allenstown Planning Board Rules of Procedure.
2. These Rules shall be adopted following a public hearing by the Planning Board. The hearing shall be noticed by a legal notice published not less than ten (10) days prior to the hearing and said notice shall contain a summary of the provisions herein, together with the notation that the full text is available upon request.
3. The rules shall be effective upon adoption by a majority of the Board and when they have been signed by a majority of the Board and filed with the office of the Town Clerk.
4. These rules may be amended and revised in the same manner as the initial adoption.

Article 2 - Membership; Terms of Office; Officers; Vacancies

1. Pursuant to RSA 673:2, the Planning Board shall consist of five (5) members; four (4) of whom shall be residents of the community appointed by the Board of Selectmen and the fifth member shall be a member of the Board of Selectmen.
2. Except for the Selectmen's representative, members shall be appointed in staggered terms pursuant to RSA 673:5. The membership of the Board shall be appointed in such a manner so that two (2) members shall be appointed each year.
3. Term of Office shall commence upon appointment and after the Board member has been sworn in, provided however, that term shall continue until successors have been appointed.
4. The Planning Board shall elect the following officers from its members, provided however, that the Selectmen's ex officio member shall not hold any office: Chairman, Vice Chairman, and Secretary.
5. Officers shall be elected for a one (1) year term at the first regular meeting following appointment by the Board of Selectmen.
6. Pursuant to RSA 673:12, vacancies in the membership of the Board occurring other than through the expiration of a term of office shall be filled by the Board of Selectmen by appointment by until the end of the unexpired term or start a new term, as appropriate.
7. The Board of Selectmen may appoint up to three (3) qualified alternates who shall be appointed to three (3) year terms. The initial appointments of alternates shall be staggered as per RSA 673:6.

8. **Attendance:** The Secretary shall keep a record of the attendance of all members at planning board meetings. Members are expected to attend all meetings and workshop sessions. Members shall be permitted to miss three (3) meetings in a single calendar year. Upon missing three (3) meetings, the Chairman shall notify the member by writing of the next upcoming meeting. Should the member miss a fourth meeting, the Planning Board may submit a request in writing to the Board of Selectmen to have said regular member removed from the Board in accordance with RSA 673:13.
9. **Removal of Members:** In accordance with 673:13, after public hearing, appointed members and alternate members of the Planning Board may be removed by the Board of Selectmen upon written findings of inefficiency, neglect of duty, or malfeasance in office.
 - The Board of Selectmen may, for any cause enumerated above, remove an elected member or alternate member after a public hearing.
 - The Board of Selectmen or the Planning Board shall file with the town clerk a written statement of reasons for removal under this section.
 - The Selectmen, may for any cause enumerated in RSA 673:13, remove the members selected by them.

Article 3 - Duties of officers; Minutes

1. The Chairman shall preside over meetings and shall be responsible for conduct and decorum of the meeting. The Chairman shall have the responsibility to ensure that all parties receive a full and fair hearing before the Board and to enforce the rules herein and applicable State laws.
2. The Vice-Chairman shall preside over meetings and assume the duties of Chairman in the absence of the Chairman. This shall include signing plans and mylars for the Board in the absence of the Chairman. If the Vice-Chairman is also absent, then the Secretary shall assume the Chairman's duties.
3. The Secretary shall be responsible for the maintenance of Board minutes and records. However, the Board may retain a recording secretary whose records shall be reviewed by the Secretary for accuracy. In the event that the Secretary is acting Chairman of the meeting, a member of Board may be appointed to serve as Secretary. This shall include signing plans and mylars for the Board in the absence of the Chairman and Vice-Chairman.
4. Minutes of the Board meetings shall be kept in accordance with the provisions of RSA 91-A. Minutes shall be considered a summary of events and business transacted once adopted by the Board with any corrections noted.
5. Audio tape or video tape recordings may be made of the meeting at the discretion of the Chair, or by majority vote of the Board.

Article 4 - Meetings; Special Meetings; Place; Hours

1. The Board regularly holds meetings on the first and third Wednesdays of each month, except that the Board may vote to hold only one meeting in a month or may vote to set other dates.
2. Special meetings of the Board shall be held at the call of the Chairman or by written request of a majority of the Board members.
3. Regular or special meetings of the Board may be recessed to a time and place certain as a continuation of said meeting without further notice.
4. All meetings of the Board shall be held in Town Hall unless the Board shall vote to meet at some other different place for a particular meeting.
5. Regular meetings of the Board shall commence at 7:00 PM unless the Board shall vote to fix some different meeting time for a particular meeting.
6. The Board shall not commence any items of new business, which include public hearings later than 10:30 PM provided that the Board may continue to conclusion the public hearing of any item of business, which commenced prior to that hour. The Board may, by vote, determine to waive this rule and take up new business later than 10:30 PM. However, if the applicant or any abutter object to the Board hearing a specific plan after 10:30 PM, then the Board will continue that application until the next regularly scheduled meeting.

Article 5 - Quorums; Voting; Conduct of meetings

1. A quorum of three (3) members shall be required to conduct business.
2. An affirmative vote of a majority of members voting on a question shall be sufficient for adoption of the question. Members of the Board present may be counted to determine whether a quorum is present although they may abstain from voting affirmatively or negatively. Persons abstaining shall not be considered "members voting" in determining whether a question has been adopted. Members are expected to vote on matters before the Board, unless that member has recused himself/herself. Abstaining from a vote is discouraged, unless the issue pertains to business that took place when the member was absent.
3. When the vote on a question is evenly divided, the question shall be deemed to have been defeated.
4. A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted with the prevailing side.

5. Unless modified by a vote, the Board regularly follows the following Order of Business:

- A. Call to Order
- B. Attendance and Appointment of Alternates
- C. Adoption of Agenda
- D. Treasurer's Report
- E. Adoption of Minutes of prior meetings
- F. Correspondence / Report of Subcommittees
- G. Conceptual Consultations
- H. Design Reviews
- I. Consideration of Old Business
- J. Consideration of New Business
- K. Other Business
- L. Adjournment

6. Correspondence specific to an application before the Board will not be read with the general correspondence, but rather during the public hearing on that application.

7. The Agenda order for public matters shall be as follows:

- A. Public matters will be placed on the Agenda in the order they are received by the Chairman / Planning Staff Person. The date received shall be the date when the signed form was submitted to the Chairman / Planning Department.
- B. Any public matters that are continued from a previous meeting shall be first on the Agenda, in the same order as before.
- C. Upon receipt of application by the Planning Board, no further material may be added to the file except at a public meeting or hearing of the Board where the application is posted to be heard.
- D. If the Board determines that it does not have sufficient information to proceed with consideration and to make an informed decision, the application shall be voted incomplete and not be accepted by the Planning Board. The Board / Planning Staff Person will provide the applicant with the written reason for rejection and the rejected plan will be kept in a separate file in the Planning Department for no more than one year, unless otherwise directed by the Planning Board.
- E. The Chairman shall enforce such order and decorum as may be necessary for the sufficient conduct of the Board's business, guided by a desire to maximize public input on matters before the Board. The Chairman shall regulate discussion among Board members, but refrain from participating in the debate. The Chairman's viewpoints may be expressed, but only after other members of the Board have spoken. If the Chairman wishes to participate in a specific discussion, he/she should hand the gavel to the Vice-Chairman and participate as a regular member. However, the Chair may vote on issues before the Board.
- F. The Chairman shall establish such rules of parliamentary procedure as are necessary, subject to the provision that the Chairman may be overruled by a majority vote of the Board.

- G. When desired by the Board, the Town's Consultant Planner or Consultant Engineer shall present the plans to the Planning Board for review. At the option of the Board, the Developer's agent may be allowed to present the plans.
- H. Board members and members of the public shall be recognized by the Chairman before speaking on the plan. Members of the public shall address all comments and questions through the Chairman. All members of the Board and the public are encouraged to submit testimony, ask questions, and comment on applications. However, comments are encouraged to be concise and submitted in writing for the record. The Board shall have the authority to limit public comment and testimony to a 5 minutes per person, when in the Board's opinion, testimony being offered is redundant or not relevant to the application or issue before the Board.
- I. The Chairman shall have the discretion to cut off the discussion at any point during the hearing. Should any member wish the discussion to continue, the Chairman shall call for a vote of the Board and the majority opinion will carry.

Article 6 - Sitewalks

1. A sitewalk is defined as a visit by the Board or a member of the Board to a location which is the subject of an application before the Board, where the visit is in the company of the owner applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. This does not include a view of a site from adjoining public highways or other observations that can be made without entering on the property.
2. When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a sitewalk by the Board.
3. When the Planning Board schedules a sitewalk for Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.
4. Sitewalks are public meetings of the Board and as such members of the public are allowed to attend. The Chairman has the authority to maintain decorum and order on a sitewalk just as at any other meeting of the Board.
5. The practice of an applicant directly contacting a member to invite that member to visit a property without prior Chairman / Staff Person notice shall be discouraged as an inappropriate course of conduct.
6. When the Board meets to consider an application, the Board and/or individual members of the Board shall disclose whether they have conducted a sitewalk on the location under consideration.
7. Minutes of sitewalks shall be kept only if there is a quorum of the Board conducting the sitewalk. Minutes shall be in accordance with Article 3.4.

8. The Board should refrain from making decisions on an application while on a sitewalk. Any comments, motions or direction to an applicant should be made at the public hearing.

Article 7 - Joint Meetings with Zoning Board, Conservation Commission, or other Land Use Board or Commission.

1. RSA 676:2 provides that the Planning Board may hold joint meetings and hearings with other "land use boards" including the Zoning Board of Adjustment, Historic District Commission, Conservation Commission, and each Board shall have the discretion as to whether or not to hold such a joint meeting or hearing.
2. Joint business meeting(s) with another local land use board may be held at any time when called jointly by the chairman of the boards convened.
3. A joint public hearing must be a formal public hearing when the subject matter of a hearing is within the responsibilities of boards convened.
4. The Planning Board chair shall chair all joint meetings and public hearings on subject matter of which involves the Planning Board.
5. The rules of procedure for joint meetings and public hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - A. Call to order by Chairman
 - B. Introduction of members of both Boards
 - C. Explanation of reason of joint meeting / hearing by Chairman
 - D. In the case of a public hearing relative to a requested permit or an application for plat approval, or both, the applicant shall be called upon to make his/her presentation.
 - E. Those in support of the application will be allowed to speak
 - F. Those in opposition of the application will be allowed to speak
 - G. In case of Zoning Board hearing, the Zoning Board will make its decision prior to Planning Board.
 - H. Adjournment.

Article 8 - Public Hearings; Workshops

1. The Board shall follow the statutory provisions for holding all public hearings on zoning amendments or changes in site plan/subdivision regulations.
2. In the case of zoning amendments or regulation changes proposed by the Board or Town staff, the Chairman / Planning Staff Person shall present the question and the public will be invited to comment.
3. When voting on proposed regulation changes, zoning amendments, land sale, or road acceptances, the Board shall consider each separate item and vote on adoption or

disapproval of each separate proposal at the conclusion of the presentations of that item.

4. When voting on citizen zoning amendment proposals, the Board shall vote to approve or to disapprove said proposal. If the Board should be evenly divided or if a motion to approve fails to receive a majority vote, the proposal shall be noted as being "disapproved".
5. When voting on regulation changes or staff proposed zoning amendments, the proposal shall be adopted or submitted to the voters for adoption only if approved by a majority vote.
6. Workshop meetings of the Board shall be meetings of the Board to receive presentations on or study one or more selected topics.

Article 9 - Standards of Conduct

1. The primary obligation of Planning Board members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.
2. Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
3. To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public planning board decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table when the Board members deliberate and vote on a matter. Further, the Board member may not discuss the matter privately with any other Board member voting on the matter or otherwise communicate directly or indirectly with Board members regarding the matter in question so as to attempt to influence the vote on said question.
4. In circumstances where the number of Board members who may not participate as a result of the provision in 9.3 results in less than a quorum being able to participate in a given question, the abstaining members may be counted as "present" although they are not allowed to participate in anyway other than abstaining. A Board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the table provided that he/she not participate, comment, or make any indication of his/her position.

5. A Board member must not disclose or improperly use confidential information obtained in the course of his duties for financial gains or to further a personal interest.
6. Notwithstanding the above restrictions, a Board member who has an interest in a plan before the Board may, following recusing himself/herself from the Board, exercise his/her rights as a citizen and address the Board on the issue under review.
7. Ex parte communications (written or verbal communications from or to a Board member concerning a pending application) impair the procedural due process rights of interested parties and undermine public confidence in the Planning Board. Board members should refrain from initiating ex parte communications on any application. Any requests or inquiries by Board members should be made during public hearings or through appropriate town staff or Planning Board Chair. Members receiving ex parte communications should refrain from responding (citing this section) and refer the party initiating the communication to the appropriate town staff or Planning Board Chair. In appropriate circumstances, the town staff shall advise interested parties of the inquiry or attempted ex parte communication.
8. All Board members share a responsibility to enforce adherence to the standards or conduct herein. If a member believes that one or more members may either by intention or inadvertence be in violation of these standards, he/she shall call that fact to the attention of the Chairman who shall in turn call it to the attention of the member in question. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such a vote shall be advisory and non-binding and can not be requested by other than Board members.

Communication Policy

1. **Scope:** All communication that is made, or will be made to any member of the public (anyone other than the Planning Board members) including applicants, or potential applicants.

The following is an abbreviated list of communication that will be affected by this policy: Letters to applicants, Site Plan Reviews, Conceptual Reviews, Proposed changes to By-Laws, Zoning Ordinances, Rules of Procedures and process, Master Plan, Internal Planning Board memos, Letters of correspondence from any of the following sources: Board of Selectmen, Town Engineer/s, Town Attorney/s, CNHRPC, NHMA, Town Building Inspector, other Town Department Heads.
2. **Purpose:** The purpose of this policy is to ensure that all Planning Board members are aware of Planning Board Communication that may go public before it actually does. The intent of this policy is to allow each Planning Board member to become aware of, and educate themselves on all matters pertaining to Planning Board business, before they are approached on said matters by members of the Public or media.

members should not be engaged in advising applicants outside of the chain of communication outlined in this Section, including Planning Board officers such as the Chair, Vice Chair and Secretary.

Article 10 - Subcommittees

1. The Planning Board having adopted a Master Plan, is authorized by the Board of Selectmen to prepare and amend a recommended program of municipal capital improvements per RSA 674:5.
2. The Planning Board shall establish a permanent subcommittee to be known as the Capital Improvement Program Subcommittee of the Allenstown Planning Board. The purpose of which is to aid the Board of selectmen in their consideration of the annual budget and fulfill the long-term capital needs of the town as defined in the Master Plan.
3. The subcommittee shall develop a Capital Improvements Program (CIP), projected over a period of at least six years, in a manner deemed appropriate by the Planning Board. The subcommittee is authorized to meet with all municipal departments, agencies, authorities, and boards to develop a statement of all capital projects proposed to be undertaken during the terms of the program.
4. The subcommittee shall utilize the information obtained to formulate a draft Capital Improvement Program consistent with the goals and needs of the community and shall present the draft, with supporting documentation, to the Planning Board for timely consideration to set the annual budget.
5. The subcommittee shall incorporate comments received from the Planning Board, and present the final Capital Improvements Program to the Planning Board.
6. The CIP subcommittee shall consist of the following members:
 - One (1) Selectman appointed by the chairman of the Board of Selectmen whose term shall be one (1) year.
 - One (1) School Board member appointed by the chairman of the School Board whose term shall be one (1) year.
 - Two (2) members of the Planning Board appointed by the chairman of the Planning Board whose term shall be one (1) year.
 - Three (3) members of the general public appointed by the chairman of the Planning Board whose terms shall be one (1) year.
7. The Planning Board, at its discretion, may create additional subcommittees for work on other Board projects, including Master Plan Updates, Zoning Ordinance Amendments, Site Plan Review Regulation Amendments, Subdivision Review Regulation Amendments, and other similar projects.

3. **Procedure:** The Planning Board Chairman shall prepare for review any Communication mentioned above in the section titled "1. Scope." The Planning Board Chairman or Secretary shall disseminate said communication to ALL Planning Board Members for their review during or in lieu of a regularly scheduled Planning Board meeting, prior to any disclosure to outside members of the Public. This should be done as early as possible after receiving any such Communication. Note: this review can be accomplished by either presenting the communication to all Planning Board members via a Planning Board Meeting, or by distribution of hard copy to each Planning Board Members (via mail, email, fax or hand-delivery).

If the communication is a time sensitive issue, and proper review cannot be held during a regular or SPECIAL Planning Board Meeting, the Planning Board Chairman or Secretary should at least obtain a verbal consent from the Vice Chairman and all other Planning Board Members prior to disseminating said communication to the public.

4. **Good Faith Clause:** The intent of this policy is to allow all Planning Board Members to be up to date with information relative to their position on the board. This is crucial in order to maintain credibility as a Planning Board Members. However, it may not be possible to strictly adhere to the policy at all times. It is therefore expected that, the Chairman of the Board and all members will make their best effort to adhere to the policy and to notify all Planning Board members of all said Communication as soon as humanly possible.

5. **Communication with the Town Attorney:** Any meetings or correspondence such as letters, faxes, emails or phone-calls with the Town Attorney as they pertain to any Planning Board business shall be followed up with a Letter to the Planning Board immediately after said meeting or correspondence takes place. This letter or memo is required in order to comply with the Communications Policy set forth above. All Planning Board Members shall be provided with this letter as soon as humanly possible (the only exception to this rule will be any legal correspondence on or pertaining to one of the Planning Board Members in which the Attorney/Client Privilege has been invoked).

6. **Communication Between the Board and Applicant(s):** Communication from an applicant to the Planning Board must first go through the Building Inspector or other Town Hall staff person designated by the Planning Board Chair in the absence of a Building Inspector. Communication will then move to the Town Planner or Circuit Rider Planner if such position is present and from there to the Planning Board Chair. If necessary, communication will then move to the Planning Board Chair. Whenever possible, issues shall be resolved at the level closest to the applicant (i.e., first by the Building Inspector, then with the Circuit Rider/Town Planner, and finally with the Planning Board Chair only when necessary). With the exception legal meetings, individual Planning Board

Article 11 - Fees: All required fees shall be provided to the Planning Board in the form of a check made to the "Town of Allenstown" at the time an application is filed, unless otherwise noted.

The following shall constitute the necessary filing fees for consideration of site development plans (note: "plat" means a plan or map representing a tract of land; a subdivision or site plan):

Site Plan Review

- **General Administrative Fee:** \$50.00 per 1,000 square feet of building, or fraction thereof - \$250.00 minimum fee.
- **Notification Fee:** Current fee charged by the United States Postal Service for Certified Mail per abutter notification fee. Notification fees are payable at time of initial application. For additional noticing, the Board may at its discretion require additional fees from the applicant.
- **Plat Recording Fee:** Applicants will be responsible for providing the Allenstown Planning Board with two mylar copies of the Final Approved Site Plan. Applicants will also be responsible for recording said plat/s with the Merrimack County Registry of Deeds, no longer than ten (10) business days upon signed final approval from the Planning board. Failure to do so will result in a maintenance fee of at least \$50.00, but no more than \$150.00. This fee will be assessed and based on the Town's cost for tracking and resolving any issues related to the registering of approve plats.
- **Professional Circuit Rider Planner Review Fees:** The Planning Board may, at its discretion, employ the services of an outside consultant planner to review plans submitted by applicants for conformity with local and state laws and regulations, as well as commonly accepted planning principles. The entire cost of such reviews shall be borne by the applicant(s). Prior to signing and recording of the plat, the applicant shall provide the Town with a check, made to the Town of Allenstown, for the entire cost of such reviews.

- **Notice of Decision Recording Fees:** When plats are not recorded at the Merrimack County Registry of Deeds, a notice of decision will be recorded to memorialize the Planning Board's action. Applicants will also be responsible for providing the fee for the recording of notices of decision with the Merrimack County Registry of Deeds, no longer than ten (10) business days upon signed final approval from the Planning board. Failure to do so will result in a maintenance fee of at least \$50.00, but no more than \$150.00. This fee will be assessed and based on the Town's cost for tracking and resolving any issues related to the registering of notices of decision.

- **Professional Engineering Review Fees:** The Planning Board may, at its discretion, employ the services of an outside consultant engineer to review roadway, drainage, utility, water line, sewage disposal, pedestrian facility, or any

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other similar design. Said cost of such reviews shall be borne by the applicant. Prior to signing and recording of the plat, the applicant shall provide the Town with a check, made to the Town of Allenstown, for the entire cost of such reviews.

- **Legal Review Fees:** The Planning Board may, at its discretion, employ the services of the Town Attorney to review any proposed deed, easement, or other legal agreements as necessitated by an application. Said cost of such reviews shall be borne by the applicant. Prior to signing and recording of the plat, the applicant shall provide the Town with a check, made to the Town of Allenstown, for the entire cost of such reviews.

Subdivision and Lot Line Adjustment Review

- **General Administrative Fee:** \$250.00 per lot, including parent parcel - \$500 minimum fee.
- **Notification Fee:** Current fee charged by the United States Postal Service for Certified Mail per abutter notification fee. Notification fees are payable at time of initial application. For additional noticing, the Board may at its discretion require additional fees from the applicant.
- **Plat Recording Fee:** Applicants will be responsible for providing the Allenstown Planning Board with two mylar copies of the Final Approved Site Plan. Applicants will also be responsible for recording said plat/s with the Merrimack County Registry of Deeds, no longer than ten (10) business days upon signed final approval from the Planning board. Failure to do so will result in a maintenance fee of at least \$50.00, but no more than \$150.00. This fee will be assessed and based on the Town's cost for tracking and resolving any issues related to the registering of approve plats.
- **Professional Circuit Rider Planner Review Fees:** The Planning Board may, at its discretion, employ the services of an outside consultant planner to review plans submitted by applicants for conformity with local and state laws and regulations, as well as commonly accepted planning principles. The entire cost of such reviews shall be borne by the applicant(s). Prior to signing and recording of the plat, the applicant shall provide the Town with a check, made to the Town of Allenstown, for the entire cost of such reviews.
- **Professional Engineering Review Fees:** The Planning Board may, at its discretion, employ the services of an outside consultant engineer to review roadway, drainage, utility, water line, sewage disposal, pedestrian facility, or any other similar design. Said cost of such reviews shall be borne by the applicant. Prior to signing and recording of the plat, the applicant shall provide the Town with a check, made to the Town of Allenstown, for the entire cost of such reviews.

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- **Legal Review Fees:** The Planning Board may, at its discretion, employ the services of the Town Attorney to review any proposed deed, easement, or other legal agreements as necessitated by an application. Said cost of such reviews shall be borne by the applicant. Prior to signing and recording of the plat, the applicant shall provide the Town with a check, made to the Town of Allenstown, for the entire cost of such reviews.

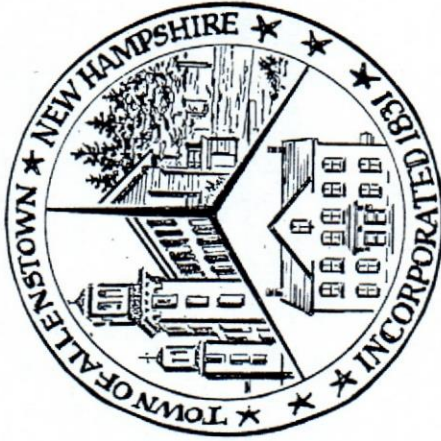
Lot Merger

- **General Administrative Fee:** \$250.00 per lot, including parent parcel - \$500 minimum fee.
- **Notification Fee:** Current fee charged by the United States Postal Service for Certified Mail per abutter notification fee. Notification fees are payable at time of initial application. For additional noticing, the Board may at its discretion require additional fees from the applicant.
- **Plat Recording Fee:** Applicants will be responsible for providing the Allenstown Planning Board with two mylar copies of the Final Approved Site Plan. Applicants will also be responsible for recording said plat/s with the Merrimack County Registry of Deeds, no longer than ten (10) business days upon signed final approval from the Planning board. Failure to do so will result in a maintenance fee of at least \$50.00, but no more than \$150.00. This fee will be assessed and based on the Town's cost for tracking and resolving any issues related to the registering of approve plats.

Adopted by the Allenstown Planning Board on May 4, 1992
Amended— July 18, 2001; ~~October 22, 2014~~ October 4, 2017



Town of Allenstown New Hampshire



ALLENSTOWN PLANNING BOARD SUBDIVISION REGULATIONS

Adopted

JUNE 20, 2001; Updated ~~October,~~
2015 October 4, 2017



Certificate of Adoption

In accordance with New Hampshire RSA, 675:6 and 675:7, the Allenstown Planning Board, having held a duly noticed public hearing on ~~June 20,~~ 2004 October 4, 2017 hereby adopts and certifies these "Subdivision Regulations".

Member

Member

Member

Member

Member

Member

Member

Selectmen's Representative

This document was received and recorded by the Town Clerk on

_____, 2015 2017.

Signed:

Allenstown Town Clerk

Seal:

Town of Allenstown New Hampshire

Subdivision Control Regulations

as amended **October, 2015**~~October 4, 2017~~

ARTICLE I – Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 36, Sections 19 – 29, and the authority granted by the voters of the Town of Allenstown at Town Meeting assembled, the Planning Board adopts the following regulations governing the subdivision of land in the Town of Allenstown.

ARTICLE II – Title

These regulations, as amended from time to time, shall be known and may be cited as "Town of Allenstown Subdivision Control Regulations" and are hereinafter referred to as "subdivision regulations".

ARTICLE III – Definitions

Abutter – shall mean any owner of record of a parcel of land which is contiguous, at any point, to the parcel being subdivided, or which has frontage on a common road at any point within that portion defined by the perpendicular extensions across the road, from the points of intersection between the edge of the road right-of-way and the property lines of the parcel being subdivided, or anyone 200 feet from the parcel of land being subdivided. For purposes of receiving testimony only, and not for purposes of notification, the term "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 notification by the Town of a Planning Board or Zoning Board of Adjustment hearing or advertised meeting, in the case of an abutting property being under a condominium or other form of collective ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

Applicant – the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the agent of any such owner.

Approval – for the purposes of receipt of notification of a meeting or hearing convened by the Planning Board shall mean recognition by the Planning Board, certified by written endorsement the plat, that the final

plat submission meets the requirements of these regulations and satisfied, the judgement of the Planning Board, all criteria of good planning and design. For the purposes of receipt of notification of a meeting or hearing convened by the Planning Board, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" shall mean the officers of the collective or association as defined in RSA 356-B:3XXIII. For the purposes of testimony, only the term "abutter" shall mean any person who is able to demonstrate that his land will be directly affected by the subdivision.

Board – shall mean the Planning Board of the Town of Allenstown.

Bond – shall mean any form of security including a cash deposit, escrow account, surety bond or other instrument of credit in an amount and form satisfactory to the Board.

Buffer or Buffer Strip – shall mean a strip of land along a property line or zone district boundary line which shall be free of any building or use other than natural woody growth, landscaping or screening.

Building Inspector – shall mean the Building Inspector of the Town of Allenstown, if any; if none, the Selectmen.

Business Day – shall mean a day in which the Town Hall is open for a majority of the day.

Conceptual Consultation - shall mean a recommended pre-application phase during which a prospective applicant and the Board may discuss the basic concept of a proposal in very general terms only, advise the applicant of submittal requirements and provide appropriate Town of Allenstown Subdivision Regulations.

Conditional Approval – shall mean an expression by the Planning Board that the materials that were submitted in the Design Review, appear to satisfy all requirements established herein for the Design Review phase. Conditional Approval does not constitute, nor should it be construed as approval either implied or granted, of the final plat, nor does it bind the Planning Board to the final plat.

Dedication – shall mean a gift by the owner of his property to another party without any consideration being given for the transfer. Since a transfer of property is included, the dedication is made by written instrument and is completed with an acceptance.

Design Review – shall mean meeting to discuss materials submitted by the applicant and will in general review the submitted materials relative to

proposed street profiles in connection with topography in the area, the existing requirements of the applicable zoning ordinance and relative to the general requirements of the community and the best use of land to be subdivided and the best use of lands adjoining the proposed subdivision.

Engineer – shall mean the engineer or agent appointed by the Selectmen of the Town of Allenstown, from time to time, for the purpose of these regulations or in the absence of such appointment, the Selectmen.

Final Plat – the final drawing or drawings which the applicant's plan of a subdivision is indicated, prepared as required under these subdivision regulations and which, if approved by the Board, will be submitted to the Registry of Deeds of Merrimack County for recording.

Free and clear days – shall mean the number of specified days not counting the day of the meeting or hearing, nor the day material is received or for which notice is published

Health Officer – shall mean the Health Officer of the Town of Allenstown, if any and if none, the Selectmen of said Town.

Lot Line Adjustment – is the adjustment of a lot line between two or more legally existing lots of record that, while reconfiguring the shape and size of the existing lots, conforms to current zoning requirements, and does not create any additional lots; and which, in the event of a non-conforming lot(s), does not result in the expansion of an existing non-conformity.

Master Plan – shall mean the comprehensive plan of development for the community.

Official map – shall mean the adopted street or base map of the municipality, as defined in RSA 36:16-18, as amended.

Planner - shall mean the planner for the Town of Allenstown and shall include planning consultant(s) or a circuit rider planner from the Central New Hampshire Regional Planning Commission, as applicable.

Preliminary Layout – shall mean a plan prepared as required by the subdivision regulations and submitted to the Planning Board during the design review prior to preparing the final plat.

Special Flood Hazard Area – shall mean the area designated in the current Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, as amended.

Street, Public – a public way or a proposed public way upon acceptance by the Town. The word "street" shall include the entire right-of-way.

Street, Private – A way not intended to be accepted or maintained by the Town.

Subdivision – 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 purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relate to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts amount the several owners shall be deemed a subdivision. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision and shall not be deemed to create any new decision of land for any other purpose.

(a) Subdivision, Minor – the subdivision of land into not more than three lots for building development purposes or for proposals which do not involve creation of lots for building development purposes, with no potential for re-subdivision, requiring no new roads, utilities or other municipal improvements.

(b) Subdivision, Major – the subdivision of land which does not meet the definition of a minor subdivision, above.

Technical Review Committee (TRC) - shall mean the committee of Town department heads engaged in the formal application review process following formal submittal of an application by an applicant and prior to the Checklist Review Meeting conducted by the Planner and Building Inspector. The purpose of the TRC is to advise Planning Board Applicants of potential issues with regard to their applications prior to meeting with the Planning Board. The TRC's membership shall include the following:

- a) Town's planner (paid for by applicant if applicable)
- b) Building Inspector
- c) Town's Engineer (if engineering proposed; paid for by applicant)
- d) Town Administrator
- e) Police Chief
- f) Fire Chief
- g) Pembroke Water Works
- h) Allenstown Sewer Department
- i) Allenstown Highway Department

j) Conservation Commission Representative

Town – shall mean the Town of Allentown, NH.

Article IV – Application Procedure

4.01 General – whenever any subdivision is proposed to be made and before any contract for the sale of, or offer to sell, such subdivision or any part thereof shall be made, and before any required application for a permit for the erection or placing of a structure thereon shall be made, the owner thereof, or his agent, shall apply in writing to the Board for approval of such subdivision. The application procedure as described in this Article, is a three-phase process as follows:

Conceptual Consultation – strongly encouraged by the Board, but the decision to participate in a conceptual consultation rests with the applicant. The intent of a conceptual consultation is to enable the applicant and Board time to review, discuss and evaluate a proposed subdivision at a time when modifications will not result in substantial loss of engineering or surveying costs to the applicant. The Board will conduct an initial review and will coordinate with other agencies as needed, and will indicate to the applicant the Board's initial reactions and recommendations.

Design Review – strongly encouraged by the Board, but the decision to participate in a design review rests with the applicant. That phase of the recommended pre-application process during which the specific design and engineering details are reviewed by the Board.

Final Plat Procedure – required by the Board. The applicant is required to submit a completed subdivision application to the Board.

Each of these three phases are more specifically described below.
4.02 Conceptual Consultation – the conceptual consultation is a strongly encouraged pre-application phase during which a prospective applicant and the Board may discuss the basic concept of a proposal in very general terms only, advise the applicant of submittal requirements and provide appropriate Town of Allentown subdivision regulations. The Board may offer suggestions and advice dealing with the subdivision process, *but shall not review design plan(s) or information of any kind, no matter how sketchy if they may be.* Such consultation (review of preliminary plans and any other information) may occur only during a formal meeting of the Board. All consultations held during the conceptual consultation shall be non-binding with respect to the applicant and the Board.

4.03 Design Review – the applicant is required to submit design plans, related information and a fee of \$25.00 plus fees for mailing and posting to the Board at least 26 days prior to a regularly scheduled meeting of the Board, if the applicant desires a design review by the Board. The Board will then notify abutters via certified mail and publish notices of the design review. At least seven days after notice of the design review is published and abutters notified, the Board will hold a public design review meeting to discuss materials submitted by the applicant. The public that may attend the design review meeting and may listen or record proceedings, but is not allowed to speak unless permitted to do so by the Chairman of the Board. At the design review meeting, the Board will in general, review the submitted materials relative to proposed street profiled in connection with topography in the area, the existing requirements of the applicable zoning ordinance relative to the general requirements of the community, the best use of land to be subdivided and the best use of lands adjoining the proposed subdivision. At the design review meeting, the board will advise the applicant of State/Local approvals that may be needed. The applicant is advised to submit design review materials to appropriate State agencies at the same time as, or prior to, submission of materials to the Board.

4.03(a) The Board, before and/or after the design review meeting, reserves the right to retain the services of a licensed professional engineer, at the cost of the applicant and to confer with local agencies, to review the application and associated materials.

4.03(b) After the design review meeting, the Board may forward copies of the design review materials to appropriate local agencies. The Board may also forward related materials to State agencies for their input. Local and State agencies will submit their comments to the Planning Board. After the design review meeting, the Board will communicate in writing to the applicant, the specific changes, if any which it may require to the design plans and the amount of construction or improvements it may require as a prerequisite to the subsequent review of the subdivision plans, within 30 days of the design review meeting. The Board may disapprove the design plans in their entirety, but will adequately, upon the records of the Board, state its grounds for such disapproval.

4.03(c) All consultation held during the design review shall be non-binding with respect to the applicant and the Board.

4.04 Final Plat Procedure – the applicant is required to submit its completed subdivision plans to include the Final Plat plans and related plans and related information as described in ARTICLE V – Plan Requirements and fees in accordance with Article II of the Allentown Planning Board By-Laws and Rules Procedures to the Board at least 28 days prior to a regularly scheduled meeting of the Board (not counting the day of the

meeting). The entire submittal package must be submitted electronically at allenstownnh.gov. Two full scale paper copies of the plans and any checks shall be submitted to the Building Inspector. Material submitted subsequently shall be submitted to the Planning Board via email at planning@allenstownnh.gov. The Board will provide a receipt of the Final Plat to the applicant indicating the date of receipt thereof. Submittal of appropriate fees (including escrow fees), complete and signed application forms, a current abutters list and a signed Fee Acknowledgement less than 28 days in advance of the next regularly scheduled Planning Board meeting will result in the entire application package automatically being deemed incomplete.

4.04(a) The applicant shall tender offers of cession in a form certified and satisfactory by Town Counsel, of all land included in streets, highways or parks not specifically reserved by the applicant, but approval of the final plat by the Board shall not constitute acceptance by the Town of the dedication of any street, highway, park or any other open space.

4.04(b) The applicant shall be required to file a bond in an amount and with surety and conditions satisfactory to the Board providing for and securing to the Town, the actual construction and installation of such improvements and utilities within a period specified by the Board and expressed in the bond. All work shall be completed and all utilities shall be installed by the applicant, and to insure the completion thereof, the applicant shall post a 100% performance bond covering all such work, said bond to be procured from a Bonding Company licensed to do business in the State of New Hampshire. Such bond or other method shall be approved as to form and sureties by the legal counsel of the Town and conditioned on the satisfactory completion, as determined by Town Agencies, of such improvement within five years of the date of the bond or within a period of time mutually agreed to by the Board and the applicant.

4.04(c) The applicant will forward final subdivision plans to the Building Inspector who will then forward them to the Town Planner/Circuit Rider Planner (AKA Planner) and will begin the public notification process. The Planner will then schedule a Technical Review Committee (TRC) meeting with the Applicant, the Building Inspector, and the other department heads within the Town. This meeting will be scheduled within seven (7) business days of the Applicant's submittal. Following the TRC meeting, the Applicant, Building Inspector, and the Planner will review checklist items and administrative requirements for the application. This "checklist review meeting" may take place either directly after the TRC meeting or on a separate day.

4.04(d) Plan Review by Town Staff:

i. Prior to the meetings described in section 4.04(c) above, the Planner and Building Inspector will informally review the application for completeness, and, at the checklist review meeting the Planner and Building Inspector will review the application in the presence of the Applicant to identify items needed for completeness that are missing from the submittal package.

ii. Following the conclusion of the TRC and the checklist review meetings the Planner will issue a review memorandum to the Applicant and the Planning Board outlining the missing items identified at the meeting and as a result of Planner and Building Inspector reviews. This memorandum will be issued within five (5) business days of the checklist review meeting. The Building Inspector or other town staff designated by the Town Administrator will cause notice of the application in a paper of general circulation for no less than ten (10) days not counting the day posted and the day of the meeting, and shall mail, via certified mail, a copy of the abutter notice provided by the Planner as well as a reduced 11 x 17 copy of the proposed plan provided by the Applicant.

iii. From the conclusion of the checklist review meeting described above, the Applicant will be able to submit revised changes to the application package up to fifteen (15) free and clear days in advance of the Planning Board Meeting. Items submitted less than 15 days in advance of the meeting shall be processed at the next regularly scheduled meeting in accordance with Article 5.7.C of the Town of Allenstown Planning Board By-Laws and Rules Procedure.

iv. The Planner will issue a second memorandum to the Applicant and Planning Board outlining any remaining items that may render the application incomplete no later than ten (10) days before the meeting.

4.04(e) The Board, at any point in the final plat procedure, reserves the right to retain the services of a licensed professional engineer, at the cost of the applicant and to confer with local agencies, to review the application and associated materials.

4.04(f) At any point in the final plat procedure, the Board may require satisfactory compliance with "construction precedents", at the discretion of the Board, before the Board approves the final plat. Examples of a "construction precedent" would be that a drainage easement to be obtained before final approval can be granted. A public hearing as described in 4.05 is required to determine satisfactory compliance with "construction precedents".

4.04(g) At any point in the final plat procedure, the Board may require satisfactory compliance with "condition precedents", at the discretion of the Board, before the Board approves the final plat. An example of a condition precedent would be proof of septic system approval or obtaining a driveway permit. A public hearing is not required to determine satisfactory compliance with "administrative conditions".

4.04(h) At the Planning Board meeting for which the application was received by the Board it will vote, whether or not to accept the application as complete. If the Board accepts the application as complete, the Board may enter into a public hearing immediately after (if so noticed) or schedule it for a future meeting.

4.04(i) The public hearing shall be held within 30 days after the meeting that was held to receive the completed application if it is not held at the same meeting. Notice of the public hearing, if not included in the notice for the meeting to receive the completed application, will be accomplished by notifying abutters via certified mail and publishing notices of the public hearing at least 10-days in advance of the public hearing. If due to time and/or other considerations, the public hearing is recessed, no additional notice of continued session will be accomplished over that accomplished for the first session of the public hearing. The time and date of the recommended public hearing will be announced at that time unless deemed necessary by the Board. Applicant shall be responsible for any costs incurred regarding notices.

4.04(j) Any applicant, abutter or any person with a direct interest in the application may testify in person or in writing at the public hearing. Others may testify as permitted by the Board.

4.05 Action of the Board – the Board shall, within 65-days from the submission of the final plat, act to approve, modify and approve or disapprove the plat in accordance with statutory requirements as amended, and shall specifically state its reasons for its action. If conditional approval has been granted, the Chairman or designee of the Chairman shall so endorse in writing on the final plat, noting when the requirements of the conditional approval shall be met. If "construction precedents" are upon which conditional approval of the final plat has been granted, the Board shall convene a public hearing as such described in 4.04(i). The purpose of this public hearing is to determine if "construction precedents" imposed on the applicant by the Board have been satisfactorily complied with.

4.06 Failure to Act – if the Board has not taken action on a final plat within 65-days after receipt thereof and any required accompanying submissions, such plat shall be deemed to have been approved, unless an extension of such time shall have been granted by the Selectmen as provided by

statute. The Town Clerk is hereby specified as the municipal officer who shall issue on behalf of the Planning Board a certificate of failure on the part of the Planning Board to take action on approval or disapproval of a final plat submitted to it, as provided by statute. The applicant may waive the provisions hereof and consent to an extension of the period within which the Board is required to act.

4.07 Filing with Registry of Deeds – an approved subdivision plat shall be recorded with the Registry of Deeds of Merrimack County prior to any sale, rent, lease or other transfer of land within the subdivision.

4.08 Official map – the recording of such approved plats shall without further action modify any official map of the Town, but shall not constitute acceptance by the Town of any street, easement, open space or other area dedicated to public use. The Board will not recommend acceptance thereof by the Town until all improvements have been carried out as shown on the approved final plat, in accordance with these subdivision regulations and in compliance with any conditions established by the Board in its approval of the final plat.

ARTICLE V – Plan Requirements

5.01 Preliminary Layout – each applicant desiring to participate in the design review phase shall file with the Board five black and white copies of preliminary layout at a horizontal scale suitable for recording and adequate to show all pertinent details as determined by the Board. The overall sheet size shall be 30 inches by 40 inches with separate sheets numbered and showing their relationship to each other. The plan shall show or be accompanied by the following information:

5.01(a) Proposed subdivision name; name and address of owner of record; applicant and engineer or surveyor; date; north arrow and written graphic scale;

5.01(b) Names of owners, abutting properties identified by Town of Allentown tax map page and lot number, area in acres and square feet of each abutting property, names of abutting subdivisions, streets, grantees of easements, purpose of easements, setbacks, alleys, parks and public open spaces;

5.01(c) Location of property lines and their approximate dimensions, existing easements, buildings, water courses, ponds or standing water, rock ledges and other essential features and soil types and characteristics;

5.01(d) Location and size of existing and proposed water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage. Location of each existing percolation test hole and the results, each proposed septic system component, each proposed well, and typical designs of the proposed on-lot water and sewerage system;

5.01(e) Location, name and widths of existing and proposed streets and highways with their grades and profiles and the elevations of sufficient points on the property.

5.01(f) Proposed lots, setback lines, required easements and approximate square foot size of each lot;

5.01(g) Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions are intended to cover part or all of the tract;

5.01(h) Preliminary location and size of any bridges or culverts which may be required (culverts over 10' diameter are marked as bridges);

5.01(i) Date and signature block for the Chairman, Allentown Planning Board;

5.01(j) Where the preliminary layout submitted covers only a part of the applicant's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted;

5.01(k) Any landscaping, lighting and signage shall be shown on the plan.

5.01(l) Wetlands shall delineated by a Certified Wetland Scientist in accordance with the Allentown Zoning Ordinance or the U.S. Army Corps of Engineers standards. The more detailed and/or stringent delineation method shall control.

5.02 Final Plat – the final plat shall be submitted on five (5) blue/black line prints on paper and one (1) print on 11" x 17" paper at the meeting at which final approval is granted. Sheet sizes shall be in accordance with requirements of the registry of deeds but not smaller than 20" x 30". Space shall be reserved on the plat for endorsement by all appropriate agencies. The subdivision plat shall be consistent with the approved preliminary layout. Two reproducible mylars will be required for signature

by the Planning Board Chair once all conditions of approval have been met.

The plat shall contain the following statement: "The Subdivision Regulations of the Town of Allentown are a part of this plat, and approval of this plat is contingent on completion of all the requirements of said Subdivision Regulations, excepting only any variances or modifications and subject to any conditions made in writing by the Board and attached hereto." together with the following information:

5.02(a) All data required for preliminary layout submission;

5.02(b) Name and seal of engineer and of land surveyor licensed by the State of New Hampshire;

5.02(c) Final disposition of land into lots, streets, open spaces, drainage courses and any easements running with the land. The subdivision plat shall be based on a boundary survey with a maximum error of closure of 1 in 10,000 certified by a surveyor registered in the State of New Hampshire. Distances shall be to the nearest 100th of a foot and bearings to the nearest 10 seconds. Primary horizontal and vertical control points shall be included on the plat. Topographic contours shall be depicted at a maximum contour interval of 2 feet or as required by the Board. All survey shall be ties to the New Hampshire State Plane coordinate system (1988 Datum) at the discretion of the Board, as soon as appropriate reference control points have been set by the Town and notice of same has been published;

5.02(d) Station, Radii, Curve data and paving widths for proposed streets; lot and parcel dimensions, areas in square feet and acres, consecutive numbering of lots;

5.02(e) Accurate locations of all easements, either on or off the site. Easements of at least twenty (20) feet in width shall be provided for all storm water and sanitary sewer pipes that are located other than in the streets. Easements shall also be provided for the full width of the channel of any stream or drainage ditch which will carry drainage runoff from any proposed street, existing street or street which may be constructed in the future on the undeveloped land within the watershed area. Easements shall also be provided for storm water and sanitary sewer pipes that may need to be installed in the future to serve undeveloped land within the watershed that drains across the area of the proposed subdivision. A written acknowledgment of the applicant's responsibility for maintenance and the assumption by the applicant of liability for injuries and damages that may occur on any land to be dedicated for public use, until such land has been legally accepted by the Town.

5.02(f) Approved names of proposed streets;

5.02(g)(1) A notation is required on the plan signed by the surveyor certifying that the monuments and bounds shown thereon have been found or set or will be set under his supervision prior to any conveyance of approved lots. Monuments or bounds set with regard to a subdivision which is not approved shall be removed;

5.02(g)(2) Street monuments for new streets shall be granite or concrete, shall be dimensioned and located on street right-of-way lines at every change in horizontal direction, at PC and PT of every curved lines, and at the point of intersection if right-of-way lines where there are no curved corners. In subdivision of land on an existing street, the plan shall show reference data to an existing street monument or one that has been set for reference purposes. Monuments or durable bounds shall also be set to identify the sidelines of public easements and in such other locations as may be specified in the review and consideration process;

5.02(g)(3) In addition, for all subdivisions, durable lot bounds shall be set at all corners and/or changes in direction of all lot boundary lines, or of off-set reference lines as appropriate, and shall be of such material and set in such a manner as recognized land survey procedures may recommend for durability and future usefulness;

5.02(h) Existing and proposed plans for telephone, electricity and gas utilities, all proposed electrical lines shall be underground;

5.02(i) The Board shall require the installation of sanitary sewers in any subdivision within the limits as set by the Allenstown Sewer Commission, to the public sanitary sewer system of the Town. Sanitary sewers shall be located within streets rights-of-way unless topography dictated otherwise. When located in easements on private property, the applicant shall deed access to the Town and shall indemnify the sanitary sewer easement on the final plan. Where private sewage disposal systems are proposed, the plan shall be referred to the Health Officer and or Water Supply and Pollution Control Division of the New Hampshire Department of Environmental Services prior to subdivision approval;

5.02(j) The proposed storm drainage shall be accompanied by a drainage analysis map. Computations for methods of controlling runoff, and the drainage analysis map shall be stamped by a professional engineer licensed by the State of New Hampshire.

5.02(j)1 All stormwater management standards and provisions within Section VII of the Allenstown Site Plan Regulations are adopted by reference into the Allenstown Subdivision Regulations.

5.02(j)2 All major subdivisions, as well as all minor subdivisions depicting roadways or other significant impervious coverage to topography changes, shall require a drainage study depicting stormwater flow rates and volumes at each property line. Such study shall show both pre and post development stormwater calculations and shall be prepared, stamped and signed by a Professional Engineer.

5.02(j)3 All erosion and sedimentation control provision standards and provisions within Section VII of the Allenstown Site Plan Regulations are adopted by reference into the Allenstown Subdivision Regulations.

5.02(j)4 All proposed subdivisions shall comply with the Allenstown Stormwater Management Ordinance Standards for all design.

5.02(k) Notation of soil types including delineation of difference soil types including depth to seasonal water table, depth to bedrock, permeability and identification of poorly drained soils;

5.02(l) Final road profiles and cross sections at 50 foot intervals: If the subdivision abuts a state highway, or if a proposed street intersects a state highway, a copy of the driveway permits from the New Hampshire Department of Transportation Bureau of Highway Maintenance approving any proposed driveway or street access to such state highway pursuant to *Administrative Rules for the Permitted of Driveways and Other Accesses to the State Highway System, adopted by the New Hampshire Department of Transportation on January 1, 1993, as amended.*

5.02(m) If a subdivision is to be served by public water supply or by public sewers, a statement from the Municipal Department/Company involved, attesting to the availability of such services, or Municipal Department/Company concurrence with the feasibility of extending such services so as to serve the applicant's subdivision.

5.02(n) All materials submitted to the Board as part of the subdivision application shall be initiated by the applicant and a representative of the Board. All conditions placed on the applicant by the Board shall be included on the plans filed with the Merrimack County Registry of Deeds.

- 5.03** Minor Subdivision – for a minor subdivision, the Board may waive the requirements described in Section 5.02 for Final Plat. All state and local approvals shall be obtained as required in Section 5.06, prior to final approval by the Board.
- 5.04** Lot Line Adjustment – for a lot line adjustment defined in Section 3, the Board may waive the requirements described in Section 5.02 for Final Plat. All state and local approvals shall be obtained as required in Section 5.06, prior to final approval by the Board.
- 5.05** Building Inspector – prior to issuing building permits, it shall be the duty of the Building Inspector to consult with the Board to determine if subdivision regulations have application to the building permit requested.
- 5.06** Necessary Approvals – the State and/or local reviews and approvals that are necessary in most instances, and evidence of which must be submitted to the Board before the final plat approval will be approved by the Board include, *but not limited to*, the following:
- 5.06(a) The New Hampshire Water Supply and Pollution Control Division must grant certificates of "Subdivision Approval" and "Construction Approval". The only exemption involves a subdivision of land exclusively into lot of five or more acres. This only exempts the requirement for "Subdivision Approval" certificates. "Construction Approval" must still be issued before a building permit can be granted (RSA 149-E:3);
 - 5.06(b) New Hampshire Department of Transportation must issue a "Construction Permit" for any subdivision or development which would substantially affect the size or grade of any driveway, entrance, exit or approach within the limited of the right-of-way of any Class I or II highway of the State-maintained portion of a Class II highway (RSA 236:13);
 - 5.06(c) State of New Hampshire Water Resources Board;
 - 5.06(d) Board approval for a driveway permit to obtain access to a road maintained by the Town;
 - 5.06(e) Water Commission and Sewer Commission approvals if required by the Commissions;
 - 5.06(f) Police and Fire Department of proposals as required by Town ordinance, or at the discretion of the Board regarding the need for traffic control devices, access for fire equipment, hydrant installation, etc.

- 5.07** Construction and Design Requirements – plans specifications, construction and design requirements shall conform to the applicable requirements of State and local agencies described in 5.06, above.

ARTICLE VI – General Subdivision Requirements to be Observed by the Applicant

- 6.01** Impact of Subdivision on Town Services – if the Board feels that a proposed subdivision may have an adverse impact on Town services, the Board may require:
- 6.01(a) A fiscal impact study conducted by an independent consultant, approved by the Board, at the cost of the applicant;
 - 6.01(b) A traffic impact study;
 - 6.01(c) A communities facilities impact study by an independent consultant approved by the Board, at the cost of the consultant;
 - 6.01(d) A site impact analysis by the applicant or applicant's consultant either of which must be approved by the Board, at the cost of the applicant;
 - 6.01(f) Other studies as required by the Board by the Applicant or Applicants consultant either of which must be approved by the Board at the cost of the applicant.
 - 6.01(g) Plan and Document Review by Outside Professionals: The Planning Board shall have the right to engage independent experts, including but not limited to planners, engineers, soil scientists, consultants, and legal counsel to review plans, studies, deeds, easement documentation, and other similar documents during the course of reviewing applications.
- For site improvements proposed by an applicant, the Board reserves the right to employ the services of an independent consulting planner or civil engineer to review plans submitted by the applicant to ensure that proposed improvements, including, but not limited to:
- (a) Conformance with Federal, State, and Local regulations;
 - (b) Road design and construction;
 - (c) Utility design and installation;
 - (d) Drainage structures design and installation; and,
 - (e) Erosion and sedimentation control proposals and installation.

THE COST OF SUCH REVIEWS SHALL BE BORNE BY THE

APPLICANT. Payment in full by the Applicant must be provided before plans are signed and recorded by the Town.

6.02 General Requirements and Principles - the applicant shall observe the following general requirements and principles of land subdivision:

6.02(a) The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.

6.02(b) No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks and possible grass strips shall be subject to the approval of the Board.

6.02(c) Except where near-future connections may be possible, cul-de-sac streets shall not, in general, exceed 400 feet in length, and shall be equipped with a turn-around roadway at the closed end with a minimum radius of 60 feet from the center to the outside edge of the right-of-way with a minimum paved radius of 50 feet. Hammerheads shall not be allowed.

6.02(d) Reserve strips of land which, in the Board's opinion, show an intent on the part of the applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.

6.02(e) The widths of blocks, in areas zoned residential, shall not be less than 200 feet, nor shall the length exceed 1,200 feet.

6.02(f) Intersection property lines as street intersections shall be joined by a curve of at least a 20-foot radius.

6.02(g) Lot shape and configuration requirements:

6.02(g)1 There shall be adequate width and area on every lot after the erection of a residence, to permit the parking within the lot of at least two cars for each family dwelling unit.

6.02(g)2 Lot dimensions and building setback lines shall meet the requirements of the Zoning Ordinance for the district or districts in which the subdivision is located unless a variance has been granted by the Allentown Zoning Board of Adjustment.

6.02(g)3 If a tract of land is subdivided into larger parcels than ordinary building lots, such parcels shall be so arranged as to allow the opening of future streets and logical future re-subdivisions.

6.02(g)4 Side lot lines shall be substantially (within 10 degrees) at right angles or radial to the street lines for a minimum one-hundred (100')-foot distance beginning at the R.O.W.

6.02(g)5 All lots shall be laid out in a reasonably symmetrical manner. "Pork chop," "flag lots" or other highly irregularly shaped lots shall be prohibited. "Pie-shaped" lots that meet frontage and other zoning requirements shall not be considered irregular. A "pork chop" or "flag" lot is a lot that's only access to a public right-of-way is by means of a narrow strip of land. The lot is so shaped and designed that the main building site area is set back from the street on which it fronts and includes an access strip connecting the main building site with the frontage street

6.02(g)6 All lots shall be approximately rectangular in shape, and should not have a depth in excess of four (4) times their width, except where extra depth or non-rectangular shape is necessary due to topography and/or natural conditions.

6.02(g)7 All required easements, within and/or beyond the limits of the project, shall be provided where necessary and shall be of an adequate shape and size.

6.02(h) Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for arterial and collector streets and 8% for local streets. No street shall have a downgrade of less than 1/2 of 1%.

6.02(i) All topsoil or loam must be removed from the limits of the roadbed. Topsoil shall be removed from areas that will be filled. All unsuitable material must be excavated and replaced with a suitable clean fill as approved by the Allentown Road Agent. The roadway shall be constructed in accordance with the current revision to the *New Hampshire Department of Transportation Minimum Design Standards for Rural Subdivision Streets*.

6.02(k) Trench Backfill, Roadway Bases and Embankment Compaction Testing & Materials – after site plan approval and after obtaining a building permit, the applicant, through its contractor, shall provide samples of each backfill material from the proposed sources of supply. The applicant through its contractor, shall allow sufficient time for testing and evaluation of results before material is needed. Samples from alternate sources shall be submitted if required. The Highway Department and/or Building Inspector will be the sole and final judge of the suitability of all materials.

6.02(k)1 Compaction shall be performed to not less than ninety-five percent (95%) maximum density as determined in a laboratory compaction test, performed under the specifications of ASTM D1557-64T, Method "A", (Backfill material of a stony nature shall be tested under Method "C" or "D" of the same ASTM Designation) or other approved ASTM or American Association of State Highway and Transportation Officials (AASHTO) specifications. Such tests shall also be used for establishing the optimum moisture content of the materials. The in-place dry unit weight of the compacted materials shall be determined by methods specified under ASTM "D" 1556-58T or other approved ASTM or AASHTO specifications. The in-place compaction test to be consistent with the approved laboratory compaction test.

6.02(k)2 At least one laboratory compaction test shall be performed for each distinctive type of material to be incorporated. These laboratory tests to be taken at the suggestion of the testing laboratory and/or as directed by the Highway Department and/or the Building Inspector. A minimum of two in-place moisture density determinations shall be made for each 500 linear feet of trench backfilled. The actual number of compaction tests, their locations and depths shall be determined by the Highway Department and/or Building Inspector. The percentage compaction of the fill at the point of the in-place moisture density test shall be computed as follows:

$$\text{Percentage Compaction} = \frac{DF \times 100}{DL}$$

in which:

DF = Unity dry weight in lb./cubic feet of sample used in field moisture-density determinations.

DL = Maximum unit dry weight in lb./cubic feet obtained in the specified laboratory compaction test on a sample of the same type of material.

6.02(k)3 If the percentage compaction at any point is found to be unacceptable, additional compaction with or without modification of the field moisture content as directed shall be performed and additional moisture-density determinations made. This procedure shall be repeated until satisfactory compaction is obtained.

6.02(l) If public water and/or sewer system(s) exist within 3,000 feet of a major subdivision, the Board may require that those systems be extended to the subdivision.

6.02(m) Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, or diminish any environmental quality until appropriate measures have been taken by the applicant or his agent to lessen such hazards, to the satisfaction of the Board.

6.02(n) Major subdivisions that are not serviced by town water must be provided with a fire cistern system in accordance with the current Fire Protection Cistern Specifications in effect at the time of construction.

6.02(o) Area set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

6.02(p) Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Town of Allentown.

6.02(q) In areas not currently served by the public sewer systems it shall be the responsibility of the applicant for his agent to provide adequate information to prove that the area and soils of each lot are adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field).

6.02(r) Pavement and paved drainage facilities shall be installed and constructed under the supervision of the engineer. Curbs and

sidewalks shall be installed in accordance with the Allentown Comprehensive plan under the supervision of the Planning Board.

6.02(s) The proposed subdivision shall conform to any zoning ordinance adopted by the Town of Allentown. Where strict conformity to the Subdivision Regulations would cause and undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with the regulations may be approved by the Board provided that, the opinion of the Board, the spirit of the regulations and public convenience and welfare will not be adversely affected.

6.02(t) Subdivisions on Class VI Highways: Subdivision on a Class VI highway is generally discouraged. The purpose of this section is to allow conditional approval of subdivisions located on Class VI highways. Any such approval shall only be granted when denial of the project would cause the applicant unusual hardship or would serve no public purpose. Any subdivision fronting a Class VI, or proposing new lots to access a Class VI road, shall be required to upgrade said Class VI road to Town Minimum Road Standards. The Board shall require a performance guarantee (in accordance with these regulations).

6.02(u): Subdivisions Creating / Extending Private Roadways: Subdivisions creating new private roadways shall be permitted by the Board, in order to encourage interior development of property, and to discourage strip development that may occur on primary or major roadways in the community. The Planning Board, at its discretion, shall approve the layout of roads to be built and maintained exclusively by said roadway owner(s) according to the following conditions:

1. Before final approval of a private subdivision road, the Applicant shall post a surety acceptable to the Board and Town Attorney to cover the cost of construction and maintenance of the roadway and associated drainage, in accordance with Section 7 of these regulations.
2. A maintenance agreement shall accompany the plan to be recorded at the Merrimack County Registry of Deeds. Said agreement shall stipulate to what extent is each lot created, or each lot existing, is responsible for maintenance of said private road. Said agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of the conveyance binding upon the parties thereto, their successors and assignees.
3. The applicant shall sign a "Statement of Agreement" with the Town, indicating that he/she understands that the Town is under no obligation to take over maintenance or other responsibility associated with said roadway.

4. Applicants must provide 50-foot rights-of-way, or vehicular easements, to be associated with proposed private roadways. Roadways shall be centered within said easement.
5. No private roadway shall be approved without adequate provisions for utilities and drainage. Utility and drainage easements shall be provided as necessary.
6. Under circumstances where a roadway physically becomes private at a given location, the applicant shall install a turn around or modified cul-de-sac.

Subdivisions will not be permitted to occur on existing private roadways or other private rights of way unless the following provisions are made:

The applicant, or his agent, must present to the Board the Deed to the parcel to be subdivided. Said deed must specifically state that new lots to be created from the subdivision of the parcel may be given the right to utilize the existing right of way for access for proposed properties. Without such indication, a subdivision will not be permitted unless:

1. Required: A written contract or agreement has been secured between the party owning the private ROW or roadway, and the party wishing to create a subdivision, granting permission for the newly proposed lots to access said Right-of-way
2. Required: A maintenance agreement shall accompany the plan to be recorded at the Merrimack County Registry of Deeds. Said agreement shall stipulate to what extent is each lot created, or each lot existing, is responsible for maintenance of said private road. Said agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of the conveyance binding upon the parties thereto, their successors and assignees.
3. Required: A "Letter of Authority" from the private roadway owner which grants the applicant permission to upgrade said roadway to conditions specified by the Board.
4. The Board in accordance with these regulations shall require a performance surety for any road, drainage, or utility work.

Any such agreements shall be a condition of approval for all subdivisions created on private ROW or roadways.

ARTICLE VII – Matters to be Considered by the Planning Board in Acting on Subdivision Applications

7.01 Scattered or Premature Development

7.01(a) Purpose – the purpose of this section is to provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire department, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. Therefore, the Board shall not allow such scattered or premature subdivision of land to take place unless the applicant shows: (1) through studies approved by the Board and concurred at the expense of the applicant that the type and/or scope of the proposed subdivision and/or (2) through both on and off-site improvements made at the expense of the applicant that the conditions on whether the subdivision is premature or scattered are not valid, and/or are overcome by remedial action of the applicant.

7.01(b) Causes – the following items shall be considered in determining whether the proposed subdivision is scattered or premature and the applicant may be required to have studies made under guidelines established by the board to determine the effect that the proposed subdivision may save on:

- 7.01(b)1 Distance from the nearest elementary school;
- 7.01(b)2 Capacity of school system and effect on school bus transportation;
- 7.01(b)3 Adequacy of access street(s) and/or sidewalks;
- 7.01(b)4 Adequacy of water supply for domestic and fire fighting purposes;
- 7.01(b)5 Potential health problems due to on-site sewage disposal systems and water supply;
- 7.01(b)6 Potential fire protection problems due to location and/or special conditions relative to type of use;
- 7.01(b)7 Potential special policing problems;
- 7.01(b)8 Potential drainage problems both on the site and downstream;
- 7.01(b)9 Excessive expenditure of public funds;

7.01(b)10 Other potential problems within the meaning of the purpose of this section as stated in Part 1, above;

7.01(c) Improvements – if it is determined by the Board that the proposed subdivision is scattered or premature, unless special on and off site improvements are made to the satisfaction of the Planning Board, the Planning Board may require the applicant to, satisfactorily accomplish "Construction Precedents" prior to or as a condition of approval of the subdivision. These "Construction Precedents" may consist of, but not be limited to the following:

7.01(c)1 Improvement of any access street to the subdivision to the appropriate street standards if such access would otherwise be inadequate provided the Town owns or provides the right of way;

7.01(c)2 Extension of the public water and/or sewer system(s) if either or both existing within 3,000 feet of the subdivision provided that the subdivision provided that the subdivision serves, or can potentially serve 12 or more lots;

7.01(c)3 Construction or reconstruction of sidewalks on any access streets where potential increase in pedestrian traffic will occur provided the Town owns or provides the right of way;

7.01(c)4 Construction of static water supplies (cisterns) with dry hydrants for fire protection;

7.01(c)5 Provision of traffic signals and/or signs at intersections and reconstruction of intersections within the immediate area of the proposed subdivision and in the immediate area of the subdivision, if such intersection would otherwise be inadequate provided the Town owns or provides the right of way;

7.01(d) Phasing of subdivisions – as an alternative to making the studies and/or improvements as required by this section, the applicant may propose to develop the subdivision in stages. This may be approved by the Board if the Town and/or school district have plans to make public improvements and a schedule to implement these improvements so that the various phases of the subdivision will not take place until the relative public improvements are scheduled.

7.02 Requirements to be considered by the Board.

The Board may consider and condition it approval of a subdivision application upon any of the following requirements:

- 7.02(a) That proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;
- 7.02(b) That the land indicated on plats submitted shall be of such character that it can be used for building purposes without danger to health;
- 7.02(c) Those requirements which tend to create conditions favorable to health, safety, convenience or prosperity.

7.03 Performance Bond, Maintenance and Improvements Requirements.

7.03(a) Improvements – all applicants shall be required to complete, in accordance with the Planning Board's decision to the satisfaction of the Town Engineer, Road Agent and the Board of Selectmen, all the street, sanitary, and other improvements of the subdivision as required in these regulations, specified in the final plat and construction plans of Sections 4.04, 5.02 and 6.01 of these regulations, as approved by the Planning Board, and to dedicate same to the Town of Allenstown, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

7.03(b) Performance Bond – the Board shall require that the applicant post a bond or satisfactory surety at the time of the application for final plat approval in an amount estimated by the engineer and approved by the Board as sufficient to secure the Town of Allenstown, the satisfactory construction, installation, and dedication of the required improvements delineated in the construction plans of Section 5.02 of these regulations.

- 7.03(b)1 Such performance bond shall comply with all statutory requirements and shall be satisfactory to the Board's Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Board in the resolution approving the final subdivision plat and shall be incorporated in the bond and shall not in any event, exceed two (2) years from the date of the final plat approval. Such bond shall be approved by the Board of Selectmen as to the amount and surety and conditions satisfactory to the Board of Selectmen.

The Board, may upon proof of difficulty, recommend to the Board of Selectmen, an extension of the completion date set forth in such bond for a maximum period of one (1) additional year.

- 7.03(b)2 Temporary Improvements – the applicant shall build and pay for all costs temporary improvements required by the Board and shall maintain same for a period specified by the Board. Prior to the construction of any temporary facility or improvement, the application shall file with the Board of Selectmen, a separate suitable bond for temporary facilities, which bond shall insure that temporary facilities will be properly constructed, maintained and removed.

7.03(b) 3: Construction Inspections

A. For all site improvements required as part of site plan or subdivision approval by the Board, an inspection fee, to be determined by the Board or its designee, shall be deposited into a Town account, prior to final plan approval, in accordance with RSA 673:16. This fee shall cover the cost of inspection to be provided by the Town Engineer, a Town appointed inspector, or designated Engineering Firm or other designee, to ensure that the improvements are constructed to the specifications of the Planning Board, or other applicable Town ordinances and/or regulations. The Planning Board reserves the right to engage any independent engineer of its choice.

B. During the construction process, the Town's inspector shall inspect the site to ensure improvements comply with the approved plans and required engineering standards. The amount of the said fee shall be determined by the Planning Board based upon a reasonable estimate of the anticipated inspection costs as provided by the Consulting Engineering Firm contracted with the Town of Allenstown. Site inspections shall be conducted up to the amount of the fee collected. Should the inspection fee collected be insufficient to cover

the remaining required site inspections, the Town will notify the applicant to cease further site development until additional funds have been received and deposited with the Town. Once all required site development and all site inspections have been conducted, any unused portion of the inspection fee shall be returned to the applicant.

C. Inspection Schedule:

1. The Planning Board, or their designated agent, shall provide for the inspection of required improvements during the construction stage and shall certify their satisfactory completion. During the construction stage of any new street or, the developer or his agent must notify the Town's Inspector at least 2 business days in advance before starting each phase of street / improvement construction as noted below.

Inspections of improvements shall conform with the following schedule:

- Inspection #1: Initial layout of roadway and flagging of wetlands.
- Inspection #2: After clearing, stumping, and grubbing, installation of temporary erosion control devices, prior to placement of any fill materials or base gravel.
- Inspection #3: Installation of underground utilities and drainage devices/stormwater management facilities (catch basins, underdrains, etc.)
- Inspection #4: Completion of subgrade and slope work
- Inspection #5: Installation of bankrun gravel and compaction
- Inspection #6: Installation of crushed gravel and compaction

- Inspection #7: Final ditchwork, slope work, landscaping, and permanent erosion control devices (i.e. retention / detention ponds, swales, etc)
- Inspection #8: Installation of headwalls
- Inspection #9: Installation of binder course of pavement.
- Inspection #10: Installation of wear course of pavement
- Inspection #11: Remaining work
- Inspection #12: Final walk through inspection. Preparation of punch list.
- Inspection #13: Follow up inspections as required.

2. The Planning Board in consultation with the Town's Engineer must approve any reductions in the number of inspections.

3. The Town Engineer shall approve testing schedule and methods used to test the materials.

4. The Town Engineer may require additional inspections based on construction methods used, materials, time of year, or other variables.

If, upon inspection, any of the required improvements have not been constructed in accordance with the Planning Board's construction standards and specifications, the developer shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, surety provider and the developer shall be severally and jointly liable for completing the improvements according to

Planning Board specifications. Any costs incurred by the Town as a result of the inspection procedures shall be borne by the developer and failure to pay such costs may result in calling of the financial guarantee by the Town.

7.03(b)4 Maintenance of Improvements – the applicant shall be required to maintain all improvements to and on the individual subdivided lots and provide for snow removal on streets until acceptance of said improvements by the Town. The local government may, on twelve (12) hours notice, plow the street or effect emergency repairs and charge same to said applicant, if upon notification of said applicant of the need to carry out such work, it is not completed by the applicant.

7.03(b)5 Failure to Complete Improvements – If the Board finds that the applicant has not installed improvements satisfactorily or has not completed those improvements within the approved time of completion, or has not maintained those improvements in a satisfactory condition, the Board may provide notice to the applicant and may take further action or make such use of the bond as may be appropriate in the judgement of the Board to complete those improvements.

7.03(c) Release or Reduction of Performance Bond.

7.03(c)1 Certificate of Satisfactory Completion – the Board of Selectmen and Planning Board will not accept dedication of required improvements, nor release nor reduce a performance bond until:

- a. The applicant has submitted a certificate stating that all the required improvements have been satisfactorily completed;
- b. Approval by the applicable Town departments has been obtained;

- c. The project is free and clear of any and all liens and encumbrances;
- d. The applicant's engineer and/or surveyor has submitted a detailed "as built" survey plan of the subdivision, indicating the locations, dimensions, materials, and other information required by these regulations, and that the layout of the line and grade of all public improvements and lot monuments is in accordance with the final plat and construction plans for the subdivision, and;
- e. A title insurance policy has been furnished to and approved by the Board.

Upon approval and recommendation, the Town may thereafter accept the improvements for dedication in accordance with the established procedure.

7.03(c)2 Reduction of Performance Bond – a performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the subdivision. In no event shall a performance bond be reduced below twenty-five (25%) of the principal amount.

7.03(d) Warranty – applicant shall warranty, in writing, all roads, drainage, roadside landscaping, and like improvements for a minimum of one (1) year after acceptance of the road by the Town. The warranty shall include a performance bond equivalent to 20% of the original construction cost of the roads and improvements.

7.03(d) 1: Issuance of Building Permits and Certificates of Occupancy on New Roadways.

Authority of Building Inspector

This section shall not be construed as inhibiting the authority of the Building Inspector. This section simply stipulates when new lots are eligible for building permits and certificates of occupancy. This section does not inhibit the Building Inspector for denying the issuance of such

permits or certificates for reasons not related to provision of these regulations.

Issuance of Building Permits

Per RSA 676:12, IV, no building permit shall be issued for new lots fronting on a new subdivision road, as approved by the Planning Board, until the applicant, or his/her successor, has provided the Town with a bond or other form of performance surety, in the amount of 110% of anticipated cost of constructing new road and utilities, pursuant to RSA 674:36, III or RSA 674:44, IV. All sureties must be acceptable to the Town Attorney.

As an alternative, applicant(s), or successor(s) in ownership, may forego bonding requirements. However, in such cases, no building permit shall be issued for new lots in developments for which no surety has been provided until all required improvements have been constructed to the satisfaction of the planning board's consultant engineer, Town Road Agent, and the Planning Board.

Issuance of Certificate of Occupancy

Per RSA 676:12, IV, no building shall be used or occupied prior to the completion of required utilities and road construction through installation of base (binder) course of pavement in accordance with Town road standards. All improvements must be constructed to the satisfaction of the Town's Consultant Engineer and Road Agent. In the case of gravel roadways, no building shall be used or occupied prior to the completion of required utilities and road construction through installation of 6" crushed gravel base.

Above work must be completed for the entire frontage of the lot for which a certificate of occupancy is requested, unless otherwise approved by the Planning Board. Furthermore, no certificate of occupancy shall be issued unless a bond for remaining work to be completed has been provided to the Town and is acceptable to the Town Attorney.

7.04 Submittal of digital documents is required as follows:

7.04(a)

Shape Files/CAD Files shall be provided to the Town for new infrastructure development. Final plans, as approved by the Planning Board, shall be provided to the Planning Board in a digital format. Such a format shall be georeferenced drawings and may be CAD, Shape Files or GDB format. They shall, in addition to those items presented to the Planning Board for approval, include a calculation of the change in impervious coverage as well as depict any infrastructure (including sewer, water, and drainage).

7.04(b) Formal applications made to the Planning Board shall be done digitally via email to the Planning Board per Section 4.04 of these Regulations.

7.04(c) All materials for final submittal shall also be made via email to the addresses mentioned in 7.04(b) above. Paper copies of the plans and mylars to be signed shall be submitted to Town Hall.

ARTICLE VIII – Conflict with Other Ordinances

8.01 In any case where a provision of these regulations is found to be in conflict with a provision of any other ordinance or code of the municipality existing upon the effective date hereof, the provision which establishes the higher standards for the promotion and protection of community health, safety, convenience and prosperity shall prevail.

ARTICLE IX – Severability

9.01 The invalidity of any section, subsection, paragraph, sentence, clause, phrase or word of these regulations shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word thereof and to this end, the provisions of these regulations are hereby declared to be severable.

ARTICLE X – Court Reviews, Amendments and Penalties

10.01 Court reviews of the decisions of the Board under these regulations, amendments to these regulations and penalties for violations of these regulations shall be in accordance with the statutes governing the same as from time to time amended.

Amendment History:

- October 4, 2017:

- o 5.01(f) Wetland delineation
- o 7.04(a) Post-approval digital file submittal

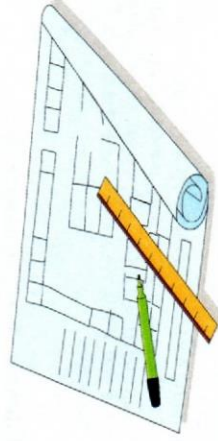
- August, 2015:

- o Article II Title
- o 4.04(c) Submittal requirements
- o 4.04(d) Plan review by town staff
- o 5.02(c) Final disposition of land

- 5.02(h) Existing & proposed utilities
- 5.02(i) Proposed drainage
- 6.02(g) Lot shape & configuration

- 7.03(b),3.c.1 #3 Inspection of utilities & drainage
- 7.04 Digital document submittal

~ NOTES ~



Town of Allenstown New Hampshire



ALLENSTOWN PLANNING BOARD SITE PLAN REVIEW REGULATIONS

Adopted
JUNE 20, 2001; Updated ~~October,~~
2015 October 4, 2017



Certificate of Adoption

In accordance with New Hampshire RSA, 675:6 and 675:7, the Allenstown Planning Board, having held a duly noticed public hearing on ~~June 20, 2001~~ October 4, 2017 hereby adopts and certifies these "Site Plan Review Regulations."

Member	_____	Member
Member	_____	Member
Member	_____	Member
Member	_____	Selectmen's Representative

This document was received and recorded by the Town Clerk on

_____ 2015 2017.

Signed: _____
Allenstown Town Clerk

Seal:

Town of Allenstown New Hampshire

Site Plan Review Regulations

As Amended October, 2015 October 4, 2017

ARTICLE I Authority

In accordance with the provisions of New Hampshire Revised Statutes Annotated, 674:44 as from time to time amended, the Town of Allenstown Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the developments, change or expansion of use tracts for non-residential uses or for multi-family dwelling units, which are defined as structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

ARTICLE II Title

These regulations as amended from time to time, shall be known and may be cited as "Town of Allenstown Non-Residential Site Plan Review Regulations" and are hereinafter referred to as "Site Plan Regulations".

ARTICLE III Purpose

The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all site plans for the development of tracts of land for all uses other than one and two family residential, prior to the issuance of a building permit, whether or not such development includes a subdivision or re-subdivision of land, and to assure that minimum standards will be attained so as to provide for and protect the public health, safety and general well being, in accordance with RSA 674:44.

ARTICLE III Categories of Land Development & Applicability

Site Plan Review is required for:

1. The initial development of a multi-family site (3 units or more).

2. A change of use (see definition in these Regulations).
3. The initial development of a commercial site on previously undeveloped land.
4. The expansion of any of the aforementioned categories beyond 1,000 square feet (including impervious surfaces).

A. Categories of Site Plan Review:

For the purposes of efficiency of regulation, the following categories of land development are hereby established. Procedural requirements for approval of land developments vary among categories.

I. Major Site Development: All site developments requiring site plan review which involve one or more of the following circumstances shall be processed as a Major Site Plan:

- a. Any development activity or combination of activities that, within any four (4) year period results in the construction of any of the following:
 - i. 5,000 square feet or more of new gross floor area including accessory structures; or
 - ii. 10,000 square feet or more of new impervious surface or parking area;
- b. Construction of a multifamily development containing six (6) or more dwelling units.
- c. Changes of use that affect 10,000 square feet or more of gross floor, impervious surface, or parking area.
- d. Any use resulting in the construction of a drive-through window.
- e. Any development with the potential for regional impact.

II. Minor Site Development: All site developments requiring site plan review which involve the following, but not those criteria outlined in Major Site Development above, shall be processed as a Minor Site Plan:

- a. Any development activity or combination of activities that, within any four (4) year period results in the construction of any of the following:
 - i. Less than 5,000 square feet of new gross floor area including accessory structures; or
 - ii. Less than 10,000 square feet of new impervious surface or parking area.
- b. Construction of a multifamily development containing between three (3) and five (5) dwelling units.

- c. Changes of use that affects less than 10,000 square feet of gross floor, impervious surface or parking area.
- d. Construction of accessory buildings or accessory structures between 1,000 and 4,999 square feet of gross floor area.

In all cases, the Building Inspector / Code Officer shall not issue a building permit for the construction of any structure on said properties subject to these regulations, until final approval is granted by the Board, and no certificate of occupancy shall be granted until all site improvements required by plat approval by the Board have been installed to the specifications of the Board, or its designee. In the case of the latter, the Building Inspector / Code Officer may issue a certificate of occupancy provided that there is a performance guarantee in place that is adequate to ensure the completion of all required improvements

B. Exempt Site Developments:

1. Those proposals, including accessory structures, which do not meet the thresholds for either Major or Minor Site Development and are not changes of use or the initial development of a multi-family or commercial enterprise, shall be exempt from site plan review. NOTE: although site plan review may not be required for a given project, this does not eliminate the need for a building permit when such a permit is required.
2. The construction of accessory structures or buildings on currently developed sites totaling less than 1,000 feet in size do not require site plan review.
3. Single family homes, duplexes and home occupations do not require site plan review. NOTE: although site plan review may not be required for a given project, this does not eliminate the need for a building permit when such a permit is required.
4. When it is unclear if a project requires site plan review, an applicant may request a waiver from the Planning Board, in writing, from the site plan review process. The Planning Board may or may not grant the waiver based upon the merits of the waiver request.

In all cases, the Building Inspector / Code Officer will only issue a building permit after a determination that identified improvement will not have a negative impact on pedestrian or vehicular traffic circulation on said property in question or on abutting properties. If the Building Inspector / Code Officer makes a determination that said proposed improvement will have a negative impact, the applicant will have to comply with the requirements of these regulations.

ARTICLE IV
Definitions - Procedures

In addition to the terms defined below, definitions contained in ARTICLE III of the Town of Allenstown Subdivision Control Regulations are hereby incorporated by reference.

Accessory Building: Is a building that is secondary, subordinate and reasonably related to the primary use on a lot.

Change of Use: Occurs when the use of a building or site, or any portion thereof, changes to a new use. For example, a gas station succeeding a hardware store or an office succeeding a retail use is a change of use. By contrast, one restaurant succeeding another restaurant and a real estate office succeeding an insurance agency are not changes of use. Some changes of use occur without any development, as defined herein. These regulations provide for site plan review of such changes of use in certain situations.

Impervious Surface: Is a man-made surface through which water does not easily pass through. These surfaces include items such as buildings, paved/bricked walkways, patios or driveways.

4.01

Site Plan Review shall be conducted in accordance with the procedural requirements contained in Subdivision Control Regulations, ARTICLE IV and a public hearing and in accordance with RSA 676:44 as from time to time amended.

4.01(a)

The list of all abutters should be checked with records at the County Registry of Deeds and not be obtained from the local tax rolls, as ownership may have changed since town records were last updated.

4.01(b)

The applicant shall bear all the costs of review, including the costs of notifying abutters, the Board's administrative expenses, the costs of special investigations, the review of documents, and other costs required by particular applications (see RSA 676:44 V).

4.01(c)

In reviewing a site plan application, the proposed plan shall be reviewed in relation to existing neighborhood and Town development patterns. An application may be disapproved based on one or more of the following:

- 4.01(c)(1) The layout and arrangement of structures are not visually or functionally related to one another or to adjoining properties in a reasonable manner and which could be improved through plan modification.

- 4.01(c)(2) The vehicular and pedestrian circulation on-site and onto public street(s) will create safety hazards.
- 4.01(c)(3) Adequate utilities are not available not provided for the proposed development.
- 4.01(c)(4) The development would significantly overcrowd the site and create an adverse effect on the surrounding area through lack of adequate provisions for parking, loading or other activities normally accessory to the development.
- 4.01(c)(5) The development would be inconsistent with the type of adjoining development, and adequate screening or protection has not been provided to protect adjoining properties from the adverse affects of lighting, noise or other factors.
- 4.01(c)(6) The landscaping is insufficient with regard to the surrounding area and does not reflect the Board's concern for environmental improvement through development.
- 4.01(c)(8) The development would result in adverse environmental effects on adjoining properties.
- 4.01(c)(9) The development would be premature by reason of lack of utilities, transportation, schools, fire protection and other essential services or necessitate excessive expenditures of public funds to provide such service.
- 4.01(c)(10) Existing site characteristics such as soil conditions, lot configuration or access difficulties could not accommodate the proposed development.
- 4.01(c)(11) Adequate information necessary for the proper evaluation of the application is not provided.
- 4.01(c)(12) The proposed site plan is not in conformance with the Zoning Ordinance or other ordinances that may apply.
- 4.01(d) If the site plan meets the evaluation criteria and is approved by the Board, then the applicant may apply for a building permit. No building permit will be issued until approval of the site plan by the Board is granted. The applicant will be notified by mail of approval or

disapproval of site plans and/or any conditions to be met prior to issuance of a building permit.

- 4.01(e) Upon approval of a site plan by the Board, the applicant shall have a period of one year to secure a building permit unless the Board authorized a longer period not to exceed one year.

4.02 Conceptual Consultations and Design Reviews shall be made in accordance with Article IV of the Allenstown Subdivision Regulations, as amended from time to time.

ARTICLE V

Submission Requirements

- 5.01** Projects not requiring additional building or changes to the exterior dimensions of existing building shall submit the following:

- 5.01(a)** Completed application for Site Plan Review.

- 5.01(b)** Site Plan:

1. Sheet size – 22" x 34" maximum.
 2. Scale – scale suitable for recording and adequate to show all pertinent details as determined by the Board.
 3. Match lines when needed.
 4. Five (5) blueline/blackline prints of each plan sheet; two reproducible mylar copies for Chair signature upon approval.
 5. Date, title, scale, north arrow, location map.
 6. Name and address of applicant, designer/engineer, and owner of record.
 7. Show all easements.
 8. Signature block and approval date.
- 5.01(c)** List of current names and addressed of all abutters.
- 5.01(d)** Fees as set by the Planning Board.

- 5.02 All other projects requiring site review shall, in addition to items required in Section 5.01(a), include a topographical plan with contour lines at two (2) foot vertical intervals and benchmark from USGS datum.
- ARTICLE VI**
Plan Requirements
- 6.01 The following are required for projects not requiring additional building or changes to the existing dimensions of existing buildings:
- 6.01(a) Plan of the site showing bearings, distances and distances of all property lines of the entire parcel held in single ownership and/or held in single easement regardless of whether or not all or part of the parcel is being developed at the time of the non-residential site plan application, area of parcels in acres and square feet, existing natural features including water courses and water bodies, trees and other vegetation, topographical features, any other features which should be considered in the site design process;
- 6.01(b) Sketch map showing the general location of the site in relation to the Town;
- 6.01(c) Names and addresses of owners of all properties abutting the site;
- 6.01(d) Any zoning classification of the site and all parcels surrounding the site;
- 6.01(e) Applicable setback lines and zoning requirements for minimum lot size as required in Town Ordinances;
- 6.01(f) Plan of all building with their type, size and location (setbacks) within fifty (50) feet of the parcel;
- 6.01(g) An elevation view or photograph of all building indicating their height, bulk and surface treatment;
- 6.01(h) Location, arrangement and dimensions of parking stalls, aisles, drives, fire lanes, entrances/exits, and ramps; locations and dimensions of loading areas; locations and dimensions of pedestrian entrances, exits and sidewalks; and locations(s) of emergency access for fire, police and emergency equipment;
- 6.01(i) The location, width, curbing and type of access ways and egress ways (driveways), plus streets within and around the site;

- 6.01(j) The type and location of solid waste disposal facilities (dumpsters shall be screened and located in flat, accessible areas);
- 6.01(k) The location, size, design and number of proposed signs and other advertising or instructional devices;
- 6.01(l) The location and type of lighting for all outdoor facilities, including direction and area of illumination;
- 6.01(m) Lines of all existing adjoining streets;
- 6.01(n) Water supply and sewage disposal systems;
- 6.01(o) Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Plan Review.
- 6.01(p) All materials submitted to the Board as part of the Site Plan application shall be initiated by the applicant and a representative of the Board. All conditions placed on the applicant by the Board shall be included on the plans filed with the Merrimack County Registry of Deeds.

6.01(q) Final plans shall comply with Section 7.04(a) of the Subdivision Regulations regarding digital document submittal following Planning Board approval.

- 6.02 All other projects requiring site plan review shall, in addition to items required in Section 5.01(a), include the following:
- 6.02(a) Major site plans shall require a plan of all buildings with their type, size, location (setbacks), height of first floor indicated (assume permanent onsite elevation) and floor area ratio as related to the Zoning Ordinance.
- 6.02(b) Major site plans shall require the size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties;
- 6.02(c) All site plans shall require the location, elevation and layout of catch basins and other surface drainage features;
- 6.02(d) Major site plans shall require existing and proposed contours and finished grade elevations to be shown at a minimum contour interval of two (2) feet.

- 6.02(e) Major site plans shall require a landscape plan showing the location, type and size of plantings within all landscaped areas and open space areas that will be retained; and any fencing walls and screening/buffers. The landscape plan shall be prepared by a professional landscape architect licensed by the State of New Hampshire.
- 6.02(f) Major site plans shall require the size and location of all utility connections, on the parcel or planned to be on the parcel including profiles and supporting design calculations; such as gas, power, sanitary sewer, storm drainage and public water supply, telephone, fire alarm, overhead or underground. The utilities plan shall be prepared by a professional engineer licensed by the State of New Hampshire.
- 6.02(g) Major site plans shall require survey of property lines showing their deflection angles, distances, radius, length of arcs, control angles, along property lines and monument locations and names of all abutters by a surveyor licensed by the State of New Hampshire;
- 6.02(h) Major site plans shall require indication of lines and names of all proposed streets, lanes, ways or easements intended to be dedicated for public use and all Non-Residential Site Plan Review Regulations shall apply; and
- 6.02(i) Major site plans shall require if the project may affect the operational and safety characteristics of the adjacent street network, a traffic analysis may be required. The traffic analysis shall be prepared in accordance with specifications for traffic impact studies available from the Board.
- 6.02(j) Major site plans shall require a drainage study depicting stormwater flow rates and volumes at each property line. Such study shall show both pre and post development stormwater calculations and shall be prepared, stamped and signed by a Professional Engineer. Minor Site Plans depicting drainage areas, significant paving or new buildings may be required to provide a drainage study by the Planning Board.

ARTICLE VII General Standards

- 7.01 Design of development should fit the existing natural and man-made environments with the least stress:

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- 7.01(a) Site preparation is to be conducted with minimal disturbance to existing vegetation. A 25-foot buffer around wetlands shall be maintained during all construction activities. Temporary erosion and sedimentation control structures shall also be no closer than 25 feet from a wetland. 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.
- 7.01(b) Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs or trees as appropriate.
- 7.01(c) Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless prior written consent of the abutting owners has been obtained.
- 7.01(d) Backfilling and compaction and compaction testing shall be as described in Section 6.02 of the Town of Allentown Subdivision Control Regulations.
- 7.02 A landscaping plan must be submitted showing locations and types of vegetation to be retained or established. Landscaping is intended to promote attractive development; reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and buffer protection between potentially conflicting uses; and prevent soil erosion, excessive storm water runoff and pollution of water bodies.
- 7.02(a) All portions of a lot or parcel which are not used for buildings, structures or paving and similar uses shall be landscaped in such a manner as to blend with the neighborhood and Town as a whole. To the extent possible, existing trees shall be retained and protected. All plant materials shall be installed according to accepted horticultural methods.
- 7.02(b) The Board may require more than the minimum front setback area for landscaping when the use, buildings or site conditions dictate that additional landscaping would better serve the intent of these regulations. This required area shall be landscaped with trees, shrubs and other materials of a suitable height appropriate to the area in a manner as will not obstruct vehicular line-of-sight. Design of this area shall include such other standards as may be contained in any street landscape plan adopted by the Board.
- 7.02(c) All parking areas shall have a minimum of one (1) tree for each 900 square feet of the first 3,600 square feet devoted to parking and one tree per 3,600 square feet of parking area thereafter. Trees shall be a

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minimum of 2.5" caliper at one foot above the root crown. Trees shall be complemented with suitable ground cover for protection from soil erosion.

Where vehicles will be located adjacent to sidewalks, fences, walls, trees, landscaping or similar features, a suitable curb or wheelstop shall be provided so that the vehicle cannot overhang or otherwise damage those features.

To the extent possible, the minimum landscape requirements shall be adhered to for any application involving the expansion or change in use of an existing building.

Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting non-residential sites:

A buffer strip may be required along all property lines abutting zoning district boundaries, public rights-of-way and potentially incompatible land uses. The buffer strip shall include plantings of a type, height and spacing adequate to secure visual privacy from automobile lights, year lights, electric signs, building lighting, mechanical equipment and trash containers. The buffer strip shall be a minimum of ten (10) ten feet in width or more at the discretion of the Board, and shall be maintained as an integral part of the lot throughout the year. A fence or wall, not to exceed 6 feet in height may be used in conjunction with or substitutes for any portion of the required buffer strip when approved by the Board. Where existing topography and/or landscaping provides adequate screening, the Board may modify these requirements;

Screening must be provided to reduce visual pollution including the following:

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

Litter (garbage) storage areas must be screened throughout the year.

The use of either fencing or hedges is permitted.

Parking and loading and pedestrian safety shall incorporate the following:

Off-street parking and loading spaces shall be provided in accordance with this section. Maneuvers for parking and/or loading or unloading

spaces must not take place from a public street. The number of parking and loading spaces required shall be based on the use of the structure and according to the requirements of the zoning ordinance. Parking and loading spaces shall be maintained and shall not be encroached upon for the duration of the use.

Design Requirements - The general layout and traffic circulation of parking and loading areas shall be designed so as to provide unsafe conditions and traffic congestion in the adjacent streets and to provide for the safety of vehicles and pedestrians using the area.

Parking lots shall be laid out in accordance with the zoning ordinance. In addition, all proposed curb cuts, access drives, fire lanes, maneuvering areas and parking areas shall comply with all requirements of the Town Highway, Police and Fire Departments.

Loading spaces shall be so designed that vehicles, when loading and unloading, will have adequate maneuvering area and will not project over any street line.

Individual parking and loading spaces, entrances and exits shall be suitably identified with directional signs, lines and arrows.

Off-street parking and loading areas shall be suitably improved, paved and maintained so as to create no hazard from surface water runoff, dust, or erosion to abutting or neighboring properties and public rights-of-way, and shall be separated from the street by a curb, fence, landscaping or other suitable barrier.

Sidewalks shall be a minimum of four (4) feet wide and shall provide for a connection for pedestrian traffic between the main entrances to business, housing or industrial establishments and parking areas. In the event that pedestrian shoppers or employees are reasonably anticipated, provisions shall be made for sidewalks running from the street line to the establishments. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways shall be at least six (6) inches above grade and protected by curbing.

All site plans shall require an erosion and sedimentation plan, including temporary erosion control measures, and shall not conflict with Allenstown

Zoning Ordinance, Article XXV, Section V.C. The erosion and sedimentation plan shall:

- 7.06(a) Make provision to accommodate the increased run-off caused by changed soil and surface conditions during and after development. The proposed development shall provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm water system and will, so far as practicable, conserve the water resources of the area and avoid flooding, erosion and sedimentation. Sanitary sewers shall not mix with storm sewers. The permanent drainage system shall be so designed that except for unusual circumstances, the rate of run-off from the site will not exceed the rate prior to construction and shall comply with the design standards outlined in Allentown Zoning Ordinance Article XXV, Permanent (Post-Construction) Stormwater Management Ordinance;
- 7.06(b) Show control measures both during construction and any permanent controls to remain after construction;
- 7.06(c) Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures and water bodies.
- 7.06(d) Identify and relatively locate, proposed erosion and sediment control measures and structures during and after development;
- 7.06(e) Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the Town and the Merrimack County Conservation District standards;
- 7.06(f) Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins; and
- 7.06(g) Ensure that stripping of vegetation, regrading or other development will be done in such a way that will minimize soil erosion. Temporary seeding and/or mulching may be required by the Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected and supplemented.
- 7.06(h) Installation of erosion control blankets when seeding drainage ways is recommended.

- 7.06(i) Sedimentation accumulated during construction or repairs shall be removed once construction or repairs are completed. Temporary erosion control measures shall not be removed before construction/disturbance is complete.
- 7.06(j) The drainage system and temporary erosion control measures shall not mix storm sewers and sanitary sewers.
- 7.06(k) Maintenance provisions for erosion and sediment controls, as well as permanent stormwater facilities shall be included in the plan set.
- 7.06(l) Bare soil shall be seeded or otherwise stabilized.
- 7.06(m) All vegetation use for erosion stabilization purposes shall be of a native variety.
- 7.07 Illumination plans shall incorporate the following:
 - 7.07(a) Outdoor lighting that will not glare on abutting properties or on public highways or streets;
 - 7.07(b) 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; and
 - 7.07(c) Outdoor lighting restricted to that which is necessary for advertising, safety and security of the development.
- 7.08 Plans for access to Public Streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the Town, as adopted and amended.
- 7.09 Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control and/or the Town Subdivision Control Regulations. In areas not currently served by public sewers, it shall be the responsibility of the applicant 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. The applicant shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

7.10 Site plans for both non-residential development and multi-family units will be reviewed to determine whether such proposals will meet existing floodplain regulations of the Town. If such a proposal is determined by the Board to be in a special flood hazard area, such proposals shall meet the following requirements:

7.10(a) All such proposals are consistent with the need to minimize flood damage within the flood prone area;

7.10(b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and, all utilities (including electrical) shall be underground;

7.10(c) Septic systems, if required, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters; and

7.10(d) The lowest floor (including the basement) is elevated or floodproofed at or above the base flood level;

7.10(e) The flood hazard area shall be preserved from any destruction or damage resulting from clearing, grading, or dumping of earth, waste material or debris.

7.11 Provisions shall be made for snow storage.

7.11(a) Snow storage shall be at least 25 feet from the high water mark of surface water; 75 feet from private wells; 200 feet from a community water supply; and, 400 feet from municipal wells.

7.11(b) Snow shall not be piled in sensitive areas such as vegetative buffers, wetlands, lakes, streams, rivers or wellhead protection areas.
Wetlands shall be delineated by a Certified Wetland Scientist in accordance with the Allenstown Subdivision Regulations.

7.11(c) Double row silt fence or other barrier may be required when snow storage is in close proximity to a sensitive area.

ARTICLE VIII Town Engineer

8.01 The Building Inspector, or in the absence of the Building Inspector, and at the discretion of the Planning Board, a registered engineer hired by the Planning Board, shall inspect all site improvements,

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including permanent stormwater management provisions or temporary erosion control measures (as needed). The applicant shall pay the cost of the Board's employment of said engineer and the cost of any ion(s) and test(s) deemed necessary by the Board or engineer. A letter certifying to the applicant'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 or other official, who shall be a duly registered engineer in the State of New Hampshire.

ARTICLE IX Waivers of Site Plan Review Regulations

9.01 The Planning Board may waive any requirements listed in the Town of Allenstown Site Plan Review Regulations except those which pertain to Special Flood Hazard Areas. Before granting a waiver, the Board shall find that requiring all of the site plan information would be inconsistent with the intent of these regulations, and the lack of such information will not impair or prejudice the Board's review. Applicants shall submit waiver requests to the Board in writing and shall address each of the following for each waiver requested:

1. Strict conformity to the specific Site Plan Review Regulation would cause undue hardship to the owner of the land; or,
2. Specific circumstances relative to the site plan, or conditions of the land in such a site plan, indicate that the waiver will properly carry out the spirit and intent of these Regulations.

ARTICLE X Performance Bond

10.01 The Planning Board may require that a performance bond, in an amount to be determined by the Planning Board in the form of a passbook, savings deposit, irrevocable letter of credit or a bond, be posted by the applicant and held by the Town until the Board of Selectmen is satisfied that all conditions of the site plan approval and any other pertinent zoning ordinance(s), Subdivision regulation(s), and other Town Ordinance(s) or regulations(s) have been met. The bond may be released in part when the project is substantially completed, at the discretion of the Board of Selectmen.

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ARTICLE XI
Professional Review

11.01 The Planning Board may require the owner or his authorized agent to deposit in escrow with the Town an amount of money sufficient to cover the costs for any professional review of the site plan documents, in addition to that provided for in ARTICLE VIII of this regulation, which the Board may feel is reasonably necessary to protect the general welfare of the Town. Escrow fees shall be required at the time of application in accordance with the Allenstown Subdivision Regulations.

ARTICLE XII
Recordation

12.01 The formal Notice of Decision for the Site Plan application shall be recorded with the Registry of Deeds. A copy of the Notice of Decision and any other recorded documents, with proof thereon of recordation must be filed with the Planning Board. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded on the face of the map.

ARTICLE XIII
Joint Hearings

13.01 In accordance with adopted Rules of Procedure, the Planning Board may hold a hearing on site plan review in conjunction with a subdivision hearing if both are required for a proposal. A hearing for site plan review by the Planning Board may be held at the same time and place that a hearing for special exception is held for the project by the Board of Adjustment.

ARTICLE XIV
Amendments

14.01 Amendments to these site plan review regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, as may from time to time, be amended.

ARTICLE XV
Separability

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

ARTICLE XVI
Penalties

16.01 As provided in RSA 676:15 & 17, as from time to time amended, the Town may obtain an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove any erection, construction, alteration or reconstruction which is not in compliance with this regulation. Any violation of this regulation may be punishable, as determined by the Selectmen, by either: (a) a civil fine of not more than \$100 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he or she is in violation of this regulation, whichever is earlier; or (b) a criminal penalty, which shall be a misdemeanor if the violation is committed by a natural person, or a felony if committed by any other person.

*Adopted by Allenstown Planning Board
In accordance to the requirements of*

RSA 674:43, 674:44, 675:1 & 647:6

June 20, 2001

Revisions:

- October 4, 2017:

o 4-02 Conceptual

consultation

o 6-01 (q) Digital

submittal post

approval

- October, 2015

o Article III (formerly

III-A) Purpose

o 6-01(j) Solid waste

disposal facilities

o 6-02(c) Catch basins

& drainage features

o 6-02(j) Drainage

study

o 7-01 Design fitting

site

o 7-01(a) Wetland

buffer & erosion

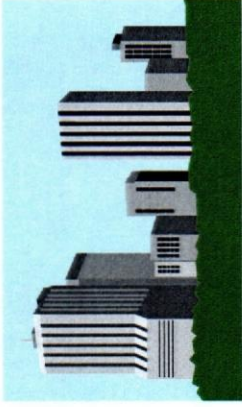
control

o 7-06 Erosion control

o 7-06(a) Stormwater

runoff

- o 7-06(h) Erosion control blankets
- o 7-06(i) Erosion control maintenance
- o 7-06(j) Storm/sanitary sewer mix prohibition
- o 7-06(k) Storm water control maintenance
- o 7-06(l) Bare soil seeded
- September 4, 2013
 - o 11-01 Escrow
 - o Section 16-01 Violation
- February 8, 2012
 - o Article III-A Purpose
- o 7-06(m) Native vegetation use
- o 7-10(b) Floodplain development
- o 7-11 Snow storage
- o 7-11(a) Snow storage setbacks
- o 7-11(b) Snow storage and water resources
- o 7-11(c) Silt fence for snow storage w/sensitive areas



~ NOTES ~

