Town of Allenstown
New Hampshire

SITE PLAN REVIEW REGULATIONS

Adopted
JUNE 20, 2001; Updated
September 4, 2013

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 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

_____, 2013.

Signed: _____
Allenstown Town Clerk

Seal:

TOWN OF ALLENSTOWN
NEW HAMPSHIRE

SITE PLAN REVIEW REGULATIONS
AS AMENDED SEPTEMBER 4, 2013

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 provided 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-A
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 IVand 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.

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 n 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;

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 initialed 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.

6.02 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) Major 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.

ARTICLE VII
General Standards

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

7.01(a) Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.

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 Allenstown 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 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.

7.02(d) 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.

7.02(e) 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.

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

7.03(a) 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;

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

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

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

7.04(c) The use of either fencing or hedges is permitted.

7.05 Parking and loading and pedestrian safety shall incorporate the following:

7.05(a) 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.

7.05(b) 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.

7.05(b)1 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.

7.05(b) 2 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.

7.05(b) 3 Individual parking and loading spaces, entrances and exits shall be suitably identified with directional signs, lines and arrows.

7.05(b) 4 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.

705.(b) 5 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.

7.06 Major site plans shall require an erosion and sedimentation plan.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. The 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;

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) Insure 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.

7.07 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 <u>before</u> 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;

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.

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. The applicant shall pay the cost of the Board's employment of said engineer and the cost of any inspection(s) and test(s) deemed necessary by the Board or 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 wold 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.

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 site plan map, which shows at a minimum, lot lines and proposed construction, roads, and other improvements and Planning Board approval, must be recorded with the Registry of Deeds. A copy of the 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 as well with reference made to such recording 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.

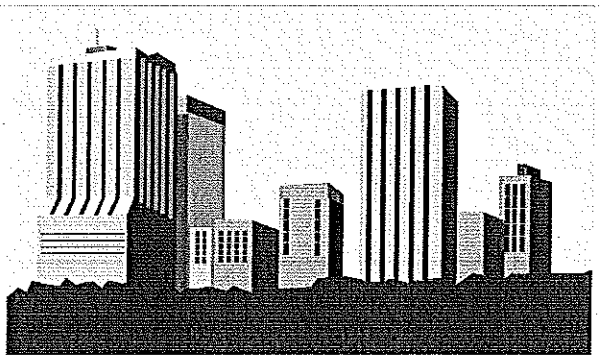
ARTICLE XVI
Penalties

16.01 As provided in RSA 676:15 & 17, as from timer 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:

- February 8, 2012
  - Article III-A, Section A.I and A.II; Section B
- September 4, 2013
  - Article XI, Section 11.01
  - Article XVI, Section 16.02



~ NOTES ~