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Site Plan Review Regulations

Marlow N. H.

INDEX

Marlow Site Plan Review

Regulations

Authority	Page
Purpose and General Standards	1
Procedure	2
Performance Standards	3
Drainage	6
Sedimentation and Erosion	7
Snow Storage and Removal	7
Landscaping	8
Noise	8
Fumes, Smoke Dust and Odor	9
Lighting	9
Utilities	9
Traffic	10
Parking	10
Soils	10
Hazardous or Toxic Materials	11
Solid Waste	11
Filing	11
Penalties	11

PREAMBLE

Marlow

Site Plan Review

Regulations

The Town of Marlow authorized the Marlow Planning Board to regulate Site Plans for development at the Annual Town Meeting on March 5, 1975. This has been recorded in the Chesire County Register of Deeds Volume 1142, page 204.

The Planning Board has developed Site Plan Review Regulations and they were adopted on September 3, 1987.

Site Plan Review Regulations
Marlow, New Hampshire

Section 1. Authority

Pursuant to the authority vested in the Marlow Planning Board by the voters of the Town of Marlow, New Hampshire in accordance with the provisions of RSA:674:43, the Marlow Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development of tracts for nonresidential use or for multi-family dwelling units other than one and two family dwellings, whether or not such development includes a subdivision or resubdivision of the site. These regulations also apply to any additions or alterations that change the outward appearance of a nonresidential or multifamily building.

Section 2. Purpose and General Standards

The Site Plan Review Process is adopted to provide for the development of sites to insure:

- A. Safe and attractive development that would guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
 1. Inadequate drainage or conditions conducive to the flooding of the property or that of another;
 2. Inadequate protection for the quality of groundwater;
 3. Undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
 4. Inadequate provision for fire safety, prevention and control.
- B. Harmonious and aesthetically pleasing development of the town and its environs.
- C. Open spaces and green spaces of adequate proportions.
 1. Open space shall be so designed to add to the visual amenities of the vicinity by maximizing its visibility for persons passing by the site or overlooking it from nearby properties.
- D. Streets are arranged and coordinated within the site in relation to other existing or planned streets or with

Site Plan Review Regulations
Marlow, New Hampshire

features of the official map of the town and to maintain nonhazardous and convenient flow of pedestrian and vehicular traffic.

1. Streets should be of sufficient width to accommodate existing and prospective traffic and afford adequate light, air, and access for firefighting apparatus and equipment to buildings.
2. Turning movements, adequacy of sight distances, location and access to off-street parking, proximity to and relationship to intersections shall be considered.
5. The proposed use, building design and layout meets the provisions of the Zoning Ordinance, Subdivision Regulations, or any other ordinance or regulation of the Town and meets the intent of the Master Plan.

F. That any possible nuisances emanating therefrom are eliminated.

G. The proposed location and height of buildings or structures; location, nature and height of walls and fences, parking, loading areas, and landscaping shall be such that it will not interfere or discourage the development in the use of the land adjacent to the proposed site or unreasonably effect the value of the adjacent land.

Section 3. Procedure

Whenever any development of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as approved by the Planning Board, before any construction, land clearing, building development or change is begun, before any permit for the erection of any building or authorization for development on such site be granted, and before any site plan may be filed in the Register of Deeds of Cheshire County, the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure:

A. An applicant may submit a plat for Site Plan Review to the Marlow Planning Board on the form provided by the Board. The completed application must be received by the Board at least fifteen (15) days prior to a regularly scheduled meeting of the Board. The Planning Board will review the application for completeness at the next regular scheduled meeting. An application will not be considered complete until all required drawings, layouts, reports, or other technical data requested by the Board and all fees that may be imposed by the Board are received.

1. Once accepted as a complete application by the Board

Site Plan Review Regulations
Marlow, New Hampshire

- at a regular meeting, the Board shall have ninety (90) days within which to consider and act upon the application. A receipt for the application shall be provided by the Planning Board or its authorized representative. The ninety (90) day period shall begin upon the date of the regular meeting of the Board on which the application is formally accepted as complete.
2. Even though an application is complete in the sense of meeting submittal requirements, the Board may, during its review, request additional information from the applicant to assist the Board in reviewing the project.
 3. If the Board and the applicant mutually agree that more than ninety (90) days is required for adequate site plan review, the review period may be extended for an additional ninety (90) day period.
 4. Before taking action on a site plan, the Planning Board shall hold a public hearing thereon. The applicant and abutters shall be notified of the public hearing and the time and place of such hearing by certified or registered mail, return receipt requested, not less than ten (10) days before the date fixed for the hearing. In addition, notice of the public hearing shall be made by advertisement in a newspaper of general circulation in the Town of Marlow and posted at two (2) public places in the town stating the time and place of such hearing with a brief description of the location of the proposed site plan. The publication of such notice shall be not less than ten (10) days before the date fixed for the hearing. The costs of any such required publication or posting of notice and the cost of mailing notice of the hearing shall be paid by the applicant prior to the hearing.
 5. The Planning Board may in any particular case where such action is in the public interest and not inconsistent with the Master Plan, Zoning Ordinance, or other Town or State regulations, and consistent with the purpose and intent of these site plan regulations, waive any requirements of these regulations. The exact nature and reason(s) for such waiver shall be recorded as part of the official record of the Board.
 6. When, in the opinion of the Planning Board, the alteration or reconstruction of a structure does not substantially change the relationship of the structure to the site and to abutting properties and structures, the Board may determine, without a public hearing, that the full site plan review requirements can be waived. However, potentially affected abutters must be notified and Town records of site plans must be updated to reflect the proposed changes.

7. A request for a waiver must be submitted to the Planning Board at least fifteen (15) days prior to a

Site Plan Review Regulations
Marlow, New Hampshire

regular scheduled meeting of the Planning Board.

2. The request for waiver must include a site plan previously approved by the Board or a plan determined by the Board to be equal to a site plan which clearly identifies existing conditions and the location and nature of all proposed changes.

3. All abutters must be notified by certified mail, at applicant's expense, of the request for waiver including a brief description of the proposed action. This mailing must be accomplished at least seven (7) days prior to the meeting of the Board at which consideration of the waiver request is scheduled.

E. A security deposit shall be required for proposed site improvements, in a form acceptable to the Board of Selectmen and for an amount approved by the Planning Board, sufficient to allow the Town to assure completion of proposed site improvements should the applicant fail to do so. The Board shall specify at the time of approval which site improvements shall be secured. No building permits shall be issued until adequate security has been received, or unless this provision has been waived by the Board. No certificate of occupancy shall be issued unless all site improvements have been completed or until conditions have been met as specified by the Board in its condition of approval.

1. A phased security agreement may be approved by the Board for large projects anticipated to extend beyond twelve (12) months.

2. Requests for release or partial release of security deposit shall be considered by the Board at a regularly scheduled meeting. Security Deposit(s) shall be released when the Board is provided with sufficient evidence that secured conditions have been met.

F. The Board may require that an independent review of materials submitted by the applicant be undertaken for the Board, at the applicant's expense. When such review takes place, the applicant shall be provided with a copy of all materials produced through the independent review, and shall be given the opportunity to comment upon that review prior to the Board taking any final action on the application.

G. The Board recognizes that in some instances required Federal or State permits cannot be obtained until the applicant has first received local approval. However, the Board also recognizes that the Federal and State permitting process may reveal conditions which should be included in Board deliberations.

1. Each site plan application shall include an

Site Plan Review Regulations
Marlow, New Hampshire

identification of any and all permits required from any governmental agency, as well as an estimated timeframe for applying for those permits.

2. If the Board determines that issues associated with one or more of the required permits are essential to the Board's determination as to whether or not to approve the site plan, the applicant must agree to an extension of the time frame the Board has to act on the application until the necessary permits are secured.

3. If the Board concludes that action can be taken on the application prior to other required permits having been issued, the Board may stipulate as a condition of approval that the Board be provided with copies of permit applications and permit approvals, and may further stipulate that a public hearing shall be held by the Board to review the permit applications and approvals prior to the issuance of any building permits.

6. In any case, all necessary permits must be obtained and physical work on site commenced in accordance with a finally approved site plan within one (1) year of the meeting at which the Board grants approval unless the Board shall designate a longer period, not to exceed two (2) years. Failure to do so shall render approval of the site plan null and void.

H. The Board of Selectmen are charged with the responsibility to enforce the provisions of these regulations.

I. These regulations may be amended by the Board from time to time but only following a public hearing on the proposed amendment.

J. The invalidity of any provisions of these regulations shall not affect the validity of any other provisions.

K. The Board recognizes that a site plan may need to be modified as a result of conditions arising during construction or as required by other regulatory agencies during subsequent review process. In the event such modification becomes necessary after Site Plan Approval by the Board, the applicant shall submit for the Board's review a written description of the proposed modification(s) and the reasons therefore. The Board shall review the proposed modification at the next regularly scheduled meeting. If the Board determines that the proposed modification entails a significant deviation from the approved site plan, the applicant will be notified he/she is required to resubmit a revised site plan for reconsideration as a new site plan. If the Board determines the proposed modification does not alter the original intent and scope of the approved site

Site Plan Review Regulations
Marlow, New Hampshire

plan, the modification will be recorded with the original approval and the applicant so notified.

Section 4. Performance Standards to be met in Site Plan Design

A. Drainage

1. The development of the site shall not result in increased volume or velocity of surface runoff onto adjacent properties unless specifically approved by the Board and agreed to in some formal, legally binding manner by the affected property owner(s).
2. Drainage systems which direct runoff into rivers, streams, brooks, or wetlands shall utilize detention or settlement basins or similar techniques to avoid sediment loading of the receiving area(s). Special oil traps may be required, and all discharge to surface waters must comply with all Federal, State and local requirements.
3. The applicant shall correct existing site drainage problems.
4. Within floodplain areas or where otherwise specified by the Board, drainage systems shall be designed to retain on site all storm water generated by a twentyfive (25) year severest one hour storm.
5. Drainage systems shall be designed so as to avoid elevating the groundwater level on adjacent properties, unless specifically approved by the Board and agreed to in some formal, legally binding manner by the affected property owner(s).
6. Drainage systems shall be maintained so as to function at all times in conformance with these standards. To assure that drainage systems function properly, the Board may require a performance bond or other security to be held for up to (12) twelve months after completion of construction. A maintenance plan, maintenance contracts, or associated information may be required by the Board to assure compliance with this standard.
7. The Board may require that a drainage plan be designed by a qualified professional.
8. There shall be a ten (10) foot wide maintenance path on one side of each drainage ditch system included as part of the drainage right-of-way. Slopes on drainage

Site Plan Review Regulations
Marlow, New Hampshire

ditches shall be 3:1 or less, and all banks must be properly stabilized.

B. Sedimentation and Erosion

1. Each project shall be designed so as to prevent or limit sedimentation and erosion during and subsequent to construction.
2. Sediment should be retained on site, through the use of sediment basins and traps, straw bale dikes, silt fences, or other similar techniques.
3. Existing vegetation shall be retained whenever possible, and denuded areas should be revegetated so as to avoid erosion.
4. For sites with existing grades of 10% or more, or within 100 feet of surface waters or wetlands, both interim (during construction) and final (post construction) sediment and erosion control plans shall be required.
5. Sediment and erosion control plans will be reviewed by the U.S.D.A. Soil Conservation Service and/or the Cheshire County Conservation District. Applicants are encouraged to consult with the Cheshire County Conservation District prior to submitting a site plan to the Board.
6. To assure that sediment and erosion controls function properly, a security deposit shall be required for up to twelve (12) months after the completion of the project.

C. Snow Storage and Removal.

1. If snow is to be stored on site, storage locations must be shown on the site plan. Drainage systems must not be blocked by snow storage. Retention or detention systems shall be utilized as necessary to avoid rapid spring runoff from snowmelt, and to prevent sediment loading of drainage systems, surface waters, or wetlands.
2. Snow storage is not permitted within parking spaces which are required to fulfill the minimal parking requirements of the Zoning Ordinance. Snow shall be stored and/or removed so as to allow the continued safe passage of vehicles into, out of, and through all travel lanes and parking areas.
3. Snow shall not be stored so as to accumulate on adjacent properties or so as to result in spring

Site Plan Review Regulations
Marlow, New Hampshire

flooding of adjacent properties.

D. Landscaping

1. Commercial, industrial and multi-family sites vary considerably in their scope and impact on their surroundings. Landscaping should be considered and/or required by the Board to accommodate the following:

- a. to screen loading areas,
 - b. to enclose areas likely to generate noise, dust, or other potentially disruptive conditions,
 - c. to form a buffer between nonresidential and residential uses, and between single-family and multi-family projects,
 - d. to establish and/or maintain an attractive streetscape adjacent to roadways,
 - e. to allow for screening of vehicular headlights in parking areas,
 - f. to minimize erosion and sedimentation.
2. For projects having ten or more parking spaces, trees at least three (3) inches in diameter as measured 24 inches from the ground when installed shall be required at the ration of one tree per ten parking spaces.
3. Landscaping shall be maintained so that it continues to provide its designed function(s).
4. A full landscaping and maintenance program prepared by an arborist, landscape architect, or other qualified individual may be required by the Board at the applicant's expense. Security to ensure proper installation may be required to extend up to twelve (12) months subsequent to final construction.

E. Noise

1. The decibel level dB(A) resulting from the use of a site shall not exceed 78 dB(A) at the property line unless it was existing prior to change in use of the site.
2. Each site plan shall include the location of any noise emitting devise and include a plan to control that noise that is expected to be measured higher than 78 dB(A)'s.

Site Plan Review Regulations
Marlow, New Hampshire

F. Fumes, Smoke, Dust and Odor.

1. Fumes, smoke, dust, or odors must comply with all Federal, State, and local standards. See the Procedure Section about submitting the permits. Noxious emissions which would diminish the use of adjacent properties or pose a potential health threat shall not escape the premises on which they originate. Smoke stacks, exhaust fans, and vents shall be located so as to avoid disruption of adjacent properties.
2. The Board may require air sampling, computer modeling, and/or other technical studies to demonstrate that the proposed project complies with the above standards.

G. Lighting.

1. Lighting should be of sufficient intensity and located so as to provide safe passage of pedestrians and vehicles on and to and from the site. However, excessive lighting is to be avoided and energy conservation is encouraged.
2. Lighting fixtures should be of a scale, height, style, and color as to be in harmonious balance with structures and site features.
3. Fixtures must be installed and maintained in a safe condition and so as to prevent light from shining directly onto adjacent properties (unless the abutter gives his or her permission) or into the eyes of vehicle operators on adjacent public ways.
4. The Board may require a plan showing the light cone or footprint of some or all light fixtures to ensure that lighting will not have a disruptive or intrusive impact on adjacent properties or public ways. Recommendations of a lighting engineer or similarly qualified professional may be required by the Board at the applicant's expense.

H. Utilities.

1. A layout indicating how the site will be served by electric, telephone, and any other public utilities must be provided. If the utility company(s) require an easement to provide service, no final approval shall be granted by the Board until such easements are secured. If no easements are required, a letter of intent to provide service from the utility company(s) must accompany the application.

Site Plan Review Regulations
Marlow, New Hampshire

I. Traffic.

1. A layout should be presented to show that the site will continue to provide safe and free-flowing passage for vehicles and pedestrians along the existing public ways. Traffic access to and from the site shall have the approval of the selectmen, or their appointed representative(s), for all town roads and from the Department of Transportation, State of New Hampshire for all State highways.

a. The Board may require a traffic study be prepared by a qualified individual or firm, at the applicant's expense. If an applicant submits a traffic study with the application and the Board considers it inadequate, the Board may require a separate review at the applicant's expense.

b. In no case, shall a site plan be approved that would reduce the level of service at public intersections impacted by the proposed project to a Level of Service E or worse at peak hour as defined by the Trip Generation Manual (Third Edition), Institute of Transportation Engineers or Highway Capacity Manual (1985), Institute of Transportation Engineers.

2. The use of common driveways and service roads is encouraged, and in some instances may be required.

a. All curb cuts shall comply with RSA 236:13.

J. Parking.

1. The parking requirements contained in the Marlow Zoning Ordinance are minimum standards. The Board may require additional parking spaces if it considers it to be in the public good.

2. Parking lots shall be designed so as to assure safe flow of vehicles and pedestrians, to allow unobstructed access for emergency vehicles, and so as to be visually attractive.

K. Soils.

1. The applicant must demonstrate to the Board that the site soils are suitable and adequate for the proposed project. The Board may require a soil survey to be prepared by a qualified individual at the applicant's expense to verify the suitability.

a. The impact of the proposed project on groundwater recharge, slope stability and erosion potential shall be addressed by the applicant.

Site Plan Review Regulations
Marlow, New Hampshire

L. Hazardous or Toxic Materials.

1. The Board may require, at the applicant's expense, a hazardous/toxic materials evaluation of the site be prepared by a qualified firm or individual, when in the Board's judgment there is reason to believe that such conditions exist on the site.

M. Solid Waste

1. Storage of solid waste outside the building should be screened so as to blend in with the surroundings and not be offensive to the abutters. Materials stored, whether in a container or not, shall not be located within any of the setback limits; front, rear or sides; for any zone that the project is located in.

Section 5. Filing

Upon enactment, these regulations or any amendments thereto shall be signed by the Chairman and Secretary of the Board, endorsed by a majority of the Board and will be filed with the Marlow Town Clerk and the Office of State Planning.

Section 6. Penalties

A violation of any provision in these regulations may be punishable by a civil fine of one hundred dollars (\$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 Town of Marlow that he or she is in violation of these regulations, whichever date is earlier. In addition, nothing herein shall prohibit the Town of Marlow from seeking injunctive or equitable remedies as provided by law.