

PART B
SUBDIVISION AND SITE PLAN REVIEW REGULATIONS
FOR THE TOWN OF GILFORD, NEW HAMPSHIRE

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FOR THE TOWN OF GILFORD, NEW HAMPSHIRE**

Adopted January 16, 1967; revised April 1, 1974; April 19, 1976; August 7, 1978; December 11, 1978; April 16, 1979; December 6, 1980; July 6, 1981; September 28, 1981; January 8, 1990; April 19, 1993; September 8, 1998.

Section I. – Authority

Pursuant to the authority vested in the Gilford Planning Board by the voters of the Town of Gilford at Town Meeting of 1967 in accordance with Chapter 36:19 (a) of the New Hampshire Revised Statutes Annotated, 1965, the Gilford Planning Board adopts the following regulations for submission of site plans for review under non-residential site plan review procedure.

Section II. – Site Plan Requirements

A. General

The establishment, change, modification of any use listed in Article 4, Permitted Uses and Regulations, or the constructing, erecting, or altering of any building, structure, road, parking lot, well, septic system or other permanent improvement shall be subject to submission of a site plan, and obtaining an approval thereof from the Gilford Planning Board. Exceptions: Single Family Residence 4.2.6 and Two Family Residence 4.2.7.

B. Specific Information Required

1. A site plan designed according to the “Gilford Planning Board Guide for Preparation of Site Plan for Non-Residential and Multi-Family Development”, and “Gilford Planning Board Standards for Preparation of Plan for Manufactured Housing Park”.
2. Typical elevation drawings of the buildings, structures, and/or signs and lighting facilities proposed.

Section III. – Definitions

Definitions of terms used in these regulations are contained in Article 3, Definitions, of the Gilford Zoning Ordinance.

Section IV. – Procedure

Pre-application: Previous to the formal submission of a subdivision layout, a subdivider, in order to save himself the cost of needless changes at a later date, may appear by appointment at a regular meeting of the Board and submit a conceptual plan for a discussion with the Board.

Application: Whenever a subdivision is proposed to be made and before any conveyance or lease for a term of more than seven (7) years of such a subdivision of any parcel thereof shall have been delivered and before the application for a permit for the erection 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 on a form provided by the Board.

- A. The applicant shall submit to the Board a preliminary plan for review and said plan shall be placed upon the Board's agenda after abutters have been notified of same by certified mail not less than ten (10) days before said date.
- B. The applicant shall submit to the Board final plans and completed application at least fifteen (15) days prior to application acceptance and public hearing. The Board shall begin formal consideration of said application within thirty (30) days after submission of the completed application. Prior to acceptance of the completed application, the Board shall determine whether an impact statement shall be required in accordance with Section XVII hereof.
- C. A completed application shall consist of the following items:
1. An application form completed which includes the names and addresses of the applicant and all abutters as indicated in town records not more than five (5) days before the day of filing the application to the Board.
 2. Payment of fees to cover review as follows:
 - Subdivision: \$20.00 per lot review fees; \$3.00 per abutter per notification; and any recording fees.
 - Site Plan: \$150.00 Commercial review fee; \$20.00 Site Plan Review; \$20.00 Amended review fee; \$3.00 per abutter per notification.
 - Additional fees for investigative studies, review of documents, and other matters may be required, at the Board's option and shall be paid for by the developer.
 3. Four (4) copies of preliminary plans showing or accompanied by information as specified in Section VI hereof.
 4. Four (4) copies of subdivision and three (3) copies for site plans of final plans completed in accordance with Section VII hereof. All abutters shall also be identified on the final plan.
- D. Upon acceptance of a completed application and receipt of said acceptance given to the applicant, the Planning Board shall schedule a public hearing on same and notify abutters by certified mail not less than ten (10) days prior to same. Planning Board must act on plans within ninety (90) days, request a ninety (90) day extension from the Board of Selectmen, or request the applicant to waive the ninety (90) day requirement; otherwise the applicant may obtain an order from the Board of Selectmen to act within fifteen (15) days. Court action can be involved by applicant if there is no decision. Said public hearing shall not be required for a minor lot line adjustment or boundary line agreement which does not create buildable lots, except notice to abutters shall be given prior to approval of the application in accordance with Section IV A above.

Section V. – General Requirements for Subdivision of Land

All subdivisions must have approval of the Gilford Planning Board, and in such cases where subdivision approval is required, no building permits will be issued by the Selectmen prior to such approval. Subdivisions in existence at the time of adoption of these regulations are also included even though the existing plan may be registered with the Belknap County Registry of Deeds. In

accordance with paragraph 9.1 of the Gilford Zoning Ordinance, a non-conforming lot of record in common ownership with a contiguous (i.e. adjoining) lot is merged with such contiguous lot to become one parcel, and any severance thereof into separate parcels requires subdivision approval per these regulations.

The subdivider shall observe the following general requirements and principals of land subdivision:

- A. The plan shall be compatible with the Town Master Plan, the Official Map, if and when one is adopted, the Town Zoning Ordinance, and any other pertinent Federal, State and Local Laws and Regulations.
- B. Pursuant to R.S.A. 674:36, the Board, when reviewing any subdivision plan, shall consider such plan in relation to the overall growth of the Town and may, under particular circumstances, disapprove a subdivision plan as being scattered or premature, as provided under this Chapter of New Hampshire State Statutes.
- C. These regulations should not be interpreted as discouraging potential developers from using modern land development techniques such as “cluster or planned unit development.” Any subdivider wishing to employ such techniques may make a request in writing to the Board; if the Board concurs with the request, the subdivider may submit a development plan for consideration. The request by the subdivider shall constitute a waiver of the time limits as established elsewhere in these regulations. The proposal shall be considered in accordance with the applicable sections of the Gilford Zoning Ordinance as a special exception, and in accordance with existing professional standards equivalent to those recommended by the American Society of Planning Officials.

In no case shall a plan under this section be approved without a public hearing having at least ten (10) days notice from said date. Notice of hearing shall also be sent to subdivider and abutting landowners by certified mail.

Fees shall be paid by the applicant as part of completing said application as outlined in Section IV C.2.

- D. Due regard shall be given to the preservation and protection of existing features, trees, scenic points, brooks, streams, rock out-croppings, water bodies and other natural resources and historic landmarks.
- E. Land of such character that it cannot be safely used for building purposes because of danger to health, peril from fire, flood or other menace shall not be platted for residential occupancy, nor for such other uses as may increase the danger to health, life, or property, or aggravate the flood hazard, until appropriate measures have been taken by the subdivider to eliminate such hazards. Not natural drainage way shall be obstructed unless adequate means are taken to provide for the run-off.
- F. Reserve strips of land which, in the opinion of the Board, show intent on the part of the subdivider to control access to land dedicated to or to be dedicated to public use shall not be permitted.

- G. The preliminary plan or layout shall show the boundaries of proposed permanent easements for utilities over, under, or on the property. The total width of such easements shall be not less than twenty (20) feet. Such easements shall have satisfactory access to existing and proposed public ways. Water courses proposed for public control shall have a permanent easement of not less than twenty (20) feet.
- H. All utility system installations shall be at the expense of the developer, and shall be underground unless it is found to be unfeasible to install underground utilities. The Board may require street lighting in any subdivision where it deems necessary.
- I. Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catch basins, if available, or otherwise into ditches and shall be piped underground in a pipe of not less than fifteen (15) inches in diameter, or of such size as deemed necessary by the Director of Public Works or his agent.
- J. All subdividers shall make adequate provision for water supply, storm water and sanitary sewage disposal, and required utilities and improvements. The Board may require the extension of public water and sewers to and within the proposed subdivision without cost to the Town where existing lines are, in the sole judgment of the Board, within a reasonable distance of the proposed subdivision.
- K. Any existing street which provides either frontage to new lots or access to new streets shall meet the minimum standards as established by the Town of Gilford Minimum Road Standards. Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen shall certify that funds for the improvements have been assured.
- L. All subdivisions with frontage on bodies of water shall provide easements at suitable intervals for access of fire fighting equipment to said bodies of water which shall be used for no other purpose. The Town shall have the right to remove all growth and other obstructions from said easements and to improve them for the purpose intended.
- M. Open Space
1. Where a proposed park, playground, or other open space shown on the Town Master Plan is located in whole or part in a proposed subdivision, the Board shall require substantial compliance with such Town Master Plan.

As a condition of approval of the final plat, the Board may require that the area shown thereon as open space be offered for dedication to the Town. The Board shall not require such dedication in excess of 15% of the total area of the subdivision without reasonable compensation, and if the Town does not take steps within a period of one (1) year from the date of approval of the subdivision plat to acquire the open space in excess of said 15%, the subdivider may submit to the Board a plan for subdivision of such portion, provided that such additional subdivision does not exceed the total number of family dwelling units permitted by the Zoning Regulations for the applicable district, and meets requirements for these subdivision regulations.

2. Other Open Space – If no such open space, park or playground is shown on the Town Master Plan within the boundaries of a proposed subdivision, the Board may, where it deems essential, require that the plat show one or more sites of character, size, shape, and location suitable to be used as a community open space or park, in area not to exceed 15% of the total area of the subdivision. In the case of cluster subdivision or planned unit development, open space shall be not less in area than as provided in the zoning regulations. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Town land records to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

The subdivider, when a land donation would not be suitable, may be required by the Planning Board to donate a sum of money equal in value to the fifteen percent open space in lieu of the land. The money would, in these cases, be received by the Gilford Conservation Commission under the authority granted that Commission by the New Hampshire RSA 36-A:4 to acquire, maintain, improve, protect, limit the future use of or otherwise conserve the properly utilized open spaces and other land and water areas within the Town.

3. Trees and Planting – Due regard shall be given to preservation of existing features, trees, scenic points, and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped topsoil or surplus materials from the subdivision area shall not be permitted unless in accord with the zoning regulations. Existing trees on the lots and open space land shall be preserved wherever feasible, or unless otherwise directed by the Board.
 4. Development of Open Space – On land to be used as active recreation open space, undesirable growth and debris shall be removed. Wooded and brook areas shall be left natural; active recreation open spaces shall be graded properly to dispose of surface water, and shall be seeded with lawn grass. There shall be no depositing, dumping, or storage of waste, or other natural or man-made materials, supplies, or equipment, on any subdivision land designated as open space. No work, removal, or filling shall be done, nor shall the existing natural characteristics of open space land be altered from the original condition, until a site plan, prepared by a competent person, shall have been approved by the Board.
 5. Cluster and Planned Unit Development – If allowed by the Zoning Ordinance, a subdivision plat may be designated for cluster or planned unit development, provided all requirements are met.
- N. All roads shall conform to the Town of Gilford Minimum Road Standards, and shall be constructed under the supervision of the Director of Public Works.
- O. Where applicable to a specific subdivision, the following are required, in form as approved by the Town Counsel prior to approval of a subdivision plat:

1. Agreement to convey to the Town land to be used for streets and other public purposes, with transfer of such interests to be effective on such date as the Town accepts such land;
 2. Easements and rights-of-way over property to remain in private ownership;
 3. Rights to drain onto or across other property, whether public or private, including a street;
 4. Performance bond.
- P. It shall be the responsibility of the subdivider to provide the Board with adequate information to prove that the area of each lot is adequate to permit the installation and operation of individual sewage disposal systems, except where public sewer systems are available or a central sewage disposal system is to be constructed. All such sewage disposal systems shall conform with the standards set by the State Water Supply and Pollution Control Division, the New Hampshire Sanitary Laws and Regulations, the Gilford Zoning Ordinance, and all other regulations governing the disposal of sewage in the Town of Gilford.
- Q. It shall be the responsibility of the subdivider to provide the Board with adequate information to prove that the area of each lot is adequate to permit the installation and operation of an on-site water source, except where a public water supply system is available. Any development proposing to provide a central water system must submit to the Planning Board a letter from the State Water Supply and Pollution Control Division certifying that the design meets with their approval, and a letter from the Public Utilities Commission stating that the proposal complies with their requirements. All water systems, whether central or on-site, must comply with the New Hampshire Sanitary Laws and Regulations, the Gilford Zoning Ordinance, and all other regulations governing water supply systems in the Town of Gilford. Effective from the date of this regulation, April 1, 1974, all existing developments shall be required to comply with this regulation before any expansion of development can be considered by the Board.
- R. All proposed subdivision shall conform to the Zoning Ordinance of the Town of Gilford. Where strict conformity to the subdivision regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with regulations may be approved by the Board provided the spirit of the regulations, public convenience and welfare may not be adversely affected. In case of a subdivision of land for industrial purposes, the Board may modify the requirements of these regulations, if such modification seems to the Board to be desirable. In any case, all subdividers shall comply with the requirements of all applicable Federal, State and Local Laws.
- S. Before approval of a subdivision by the Board, the necessary improvements such as streets, permanent bounds, storm drainage, and the extension of public water and sewer lines, etc., shall be guaranteed by the subdivider by one of the following alternatives to be determined by the Board.
1. Posting of a passbook savings bond or letter of credit, as approved by Town Counsel, of an amount sufficient to cover the cost of necessary construction, and as further provided in the Minimum Road Standards.

2. In any event the agreement shall be conditioned upon completion of the improvements within such time as may be agreed upon between the Planning Board and the subdivider, but in any event, within four (4) years from the date of the agreement, or within two (2) years from the date of sale of the last lot in the subdivision, whichever is earlier, provided, however, that the subdivider may agree to prepare the improvements necessary to service each lot as sold.
 3. Construction of all the agreed upon improvements prior to final approval of the plat by the Planning Board. No lot shall be sold prior to this final approval.
 4. Construction of all the agreed upon improvements up to the final grade by the subdivider, and posting of a personal bank book of sufficient amount to cover the cost of completing the improvements.
 5. If a bond or letter of credit is provided it shall be approved as to form and sureties by the legal counsel of the Town.
 6. As work is completed, the Selectmen shall partially release the surety in accordance with RSA 674:36III(b), provided that the surety shall not be reduced to an amount insufficient to guarantee the cost of completing all incomplete work and/or correcting defective work.
 7. Forfeiture of sureties shall not be construed as the Town's sole remedy in the event of default by the developer.
- T. Further submission requirements for subdivision having land designated as "special flood hazard area" by the Federal Insurance Administration (HUD):
1. Sufficient evidence shall be submitted so as to allow a Board determination that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - d. Adequate design information shall also be submitted to the Board assuring that new or replacement water supply systems and/or sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters, and that on-site waste disposal systems are located so as to avoid impairment of them or contamination from them during flooding.
(HUD requirement for Federal Flood Insurance)

Section VI. – Preliminary Layouts . . . Information Required

Each subdivider shall file with the Board three (3) copies of a preliminary layout at a scale of not more than 100 feet to the inch (the preferred scale is 50 feet to the inch) and at a vertical scale of not more than 40 feet to the inch. The overall sheet size shall be either 8 ½" x 11", 11" x 17", 17" x 22", or 22" x 34". Separate sheets shall be numbered, showing their relationship to each other. A margin of at least one inch shall be provided outside the ruled border lines on three sides of the plan, and at least two inches along the left side for binding. When sheets are larger than 11" x 17", one additional copy of each sheet shall be submitted on 11" x 17" sheets. The plan shall show, or be accompanied by such of the following information as the Board deems applicable:

- A. Proposed subdivision name, name and address of owner of record, name and address of subdivider, surveyor, and if required, engineer, date, north point, and bar scale.
- B. Names and addresses of owners of record of the abutting properties as determined at the Belknap County Registry of Deeds, abutting subdivision titles, street names, easements, setbacks, parks, and public open spaces and similar facts regarding abutting property.
- C. Location of property lines and their approximate dimensions, including buildable area of each proposed lot calculated in accordance with the zoning ordinance, existing easements, buildings, water courses, ponds of standing water, rock ledges and other essential features. A key map shall be included showing the location of the proposed subdivision in relation to the surrounding neighborhood.
- D. Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage. Location of each percolation test hole and the results, and adequate information with respect to soil conditions to show that with the lot size proposed a water well, if required, and a septic tank, if required, can be placed on the lot without contamination of the water supply on such lot or on other property.
- E. Location, street numbers, names and widths of existing and proposed streets and highways and their grades and profiles and elevations of sufficient points on the property to indicate the general topography.
- F. Where the topography is such as to make difficult the inclusion of any facilities mentioned above within the public area as laid out the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall conform to the requirements as set forth in Section V.
- G. Location and acreage of all parcels of land proposed to be dedicated to public use and the conditions of such dedication; a copy of the proposed deed restrictions as are intended to cover part or all of the tract; proof that the required information has been filed with the Office of Interstate Land Sales, Department of HUD and the State of New Hampshire Land Disclosure Office.
- H. Preliminary design of any bridges and culverts, which may be required.
- I. The following data as deemed necessary by the Board:
 - 1. Temporary stakes driven into the ground along the center line of the proposed roadway to facilitate inspection.
 - 2. Center line road profiles.
 - 3. Cross-sections.
 - 4. Contour lines and/or elevations.

5. Drainage plan and design data.

J. Wherever preliminary layouts submitted cover only a part of the subdivider’s holdings, 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.

Section VII. – Final Plat . . . Information Required

A. Four (4) copies and a wash-off mylar of the final plat shall be submitted for approval and subsequent recording, conforming to the requirement of the NH RSA 478.22, for recording at the Belknap County Registry of Deeds. Adequate space shall be available on the plat for the necessary endorsement by the Gilford Planning Board. One (1) copy of the final plat shall also be submitted which is of the same scale as the official tax maps of the Town of Gilford (1”=200’). Any plan that requires recording is to be delivered to the Department of Planning and Land Use within one year from the date of approval, or the approval becomes invalid.

B. The proposed subdivision name and street numbers or identifying title; the name and address of the owner of record and the subdivider; the name, address, license number, and seal of the surveyor with signature; the date of the last revision, north point, and bar scale.

C. Street lines, building lines, pedestrian ways, lot lines, reservations, easements, and areas to be dedicated to public use, and such areas the title to which is to be reserved by the subdivider.

D. Sufficient data so that the Board may determine readily the location, bearing, and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. All bearings and distances shall be shown in accordance with the following table for various subdivisions therein:

<u>LOT SIZES</u>	<u>ERROR OF CLOSURE</u>	<u>BEARINGS</u>	<u>DISTANCES</u>
over 10 acres	1:500	nearest ½	nearest foot
5 to 10 acres	1:2,000	nearest minute	nearest 0.1 ft.
under 5 acres	1:7,000	nearest 30 seconds	nearest 0.01 ft.

These requirements may be waived or modified at the discretion of the Board by application to said Board in writing by the applicant showing good cause for the waiver or modification provided that new roads in any subdivision must be based on, and laid out and bounded from a traverse having an error of closure of at least 1:5,000.

The final plat shall show the boundaries of the property and the location, material, and size of permanent monuments, including control bounds. After the public hearing, but prior to approval and recordation, monuments shall be set in place. The Director of Public Works shall verify that they have been properly placed.

E. All fees due to the Town shall accompany the final plats.

Section VII-A. – Sedimentation & Erosion Control Plan

A. Applicability

A sedimentation and erosion control plan shall be submitted to the Planning Board for approval under any of the following conditions:

1. Activity involving five (5) or more acres or exposing ten thousand (10,000) or more square feet of soil;
2. Construction of five hundred (500) or more linear feet of either paved or unpaved road;
3. Construction that entails exposing five thousand (5,000) or more square feet of soil, any part of which is within two hundred fifty (250) feet of any water body in the Island Shorefront District.

B. Plan Requirements

A plan of proposed area, with maps drawn to an appropriate scale, shall contain the following information:

1. Location of the area and its relation to its general surroundings and off-site area susceptible to sediment deposits or to erosion caused by accelerated runoff from the project;
2. Existing topography of the development area. Prepare with a contour interval of five (5) feet to show the conformation and drainage patterns of the area;
3. A description of the predominant soil types as identified by the National Soil Survey for Belknap County and their limitations for the proposed use;
4. Location and use of the development area buildings, structures, and impervious surfaces, both existing and proposed;
5. Location of all proposed earth disturbance, kinds of utilities and proposed areas of installation; and proposed kind of cover on areas not covered by structures, or impervious surfaces such as lawn shrubbery, trees, forest cover, etc.;
6. Provisions for temporary and permanent erosion controls;
7. Provisions for the management of storm water, including the control of accelerated runoff, to a stable receiving outlet or to the receiving waters;
8. Provisions for maintenance of control facilities including easements to insure short as well as long term erosion and sedimentation pollution control and storm water management;
9. A proposed construction sequence and time schedule;
10. Regular monitoring of construction to completion to the satisfaction of the Planning Board will be at the expense of the property owners. The Planning Board may either

waive specific requirements for plan detail or require additional information in keeping with the intent of this section.

C. Evaluation Criteria

In reviewing all plans submitted under this section, the Planning Board shall use the following standards:

1. The development plan shall be fitted to the topography and soils so as to create the least erosion potential;
2. Wherever possible, natural vegetation shall be retained, protected, and supplemented;
3. The smallest practical area of land shall be disturbed at any one time, and for the shortest practical period of time;
4. Areas disturbed shall be protected where possible with temporary vegetation and/or mulching;
5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development; and
6. Vegetation and structures shall be installed as soon as practical in the development; and
7. Off-site surface water shall be either diverted around or conducted safely through the project area;
8. Final vegetated slope shall not exceed one (1) vertical to two (2) horizontal;
9. Excavation, handling, process and trucking of such material shall not be allowed between 8:00 p.m. and 7:00 a.m. and no operation shall be conducted on Sundays or Holidays.

D. Conservation Commission Review

Prior to taking final action on a sedimentation plan, the Planning Board shall notify the Gilford Conservation Commission, which may make recommendations concerning the proposed methods of control planned by the applicant and the projected effects of the proposed construction on the environment. The Commission shall follow the standards in Section VII-A and its subsections in reviewing said plan.

E. Maintenance

All approved sedimentation, erosion, and storm water control measures shall be maintained by the land owner in effective working condition to the satisfaction of the Planning Board.

F. Bonding

All control measures approved under this section shall be subject to the surety requirements in Section V.

Section VIII. – Improvement Construction Requirements

The following improvements shall be installed and constructed by the subdivider to the satisfaction of the Selectmen and under the supervision of the Director of Public Works before approval of the final plat, or the subdivider shall file a bond or make other suitable arrangements as contained in Section V. S. prior to approval of the final plat.

- A. For subdivisions with individual lots under ten (10) acres in size, monuments constructed of concrete or stone at least four (4) inches square on the top and at least thirty-six (36) inches long shall be set at all block corners and at other points where necessary so that no two monuments shall be further than five hundred (500) feet apart, and also iron pins at all lot corners.

Two (2) bench marks of the same description as the monuments shall be set at opposite ends of the subdivision, with a permanently defined elevation point which shall be referenced to the U.S.G.S. datum where practical, or to an assumed datum where it has been demonstrated to the Board's satisfaction that it is not feasible to reference to the U.S.G.S.

All bounds and bench marks shall be set under the supervision of the surveyor of record.

- B. All roads shall conform to the Town of Gilford Minimum Road Standards. The roadway shall be graded to the final grade in accordance with the profile and cross section submitted.
- C. All utility lines shall be installed underground unless deemed unfeasible by the Board after consultation with the appropriate authorities.

Section IX. – Site Plan Standards

- A. In evaluating a site plan, the Planning Board shall exercise broadest discretion to assure compatibility with the objectives of the Town, with adjacent land uses, and with the environment.
- B. In evaluating a site plan, the Planning Board shall consider:
1. Protection of adjoining premises against detrimental or offensive uses.
 2. Convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent streets, property, or improvements.
 3. Adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted or permissible on the site, and the methods of drainage for surface water and all other matters concerning public health. A building which may not be presently proposed for occupancy, but may be occupied at a later date must show a New Hampshire Water Supply and Pollution Control Division approved septic system on the site plan. The well or water source must also be shown. The Planning Board shall determine the possibility of future occupancy.
 4. Adequacy of space for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the establishment or use.

5. Environmental impact and projected demands to be placed on the Town facilities and services.
6. See paragraph VII-A for applicability of Sedimentation and Erosion Control Plan requirements.
7. Landscaping:
 - a. Applicability: Land not used for parking, drives, open recreation, impervious coverage, or similar use, and buffers, green space areas, and other required areas shall be landscaped in compliance with the following standards:
 - b. Landscaping Plans: All developments except one (1) and two (2) family dwellings shall submit a landscaping plan with the final site plan drawn to scale, including dimensions, and shall clearly show existing and proposed structures, uses, parking areas, driveways, drainage patterns, and the location, size, description, and common name for all proposed trees and shrubs. Existing trees, shrubs and plant beds that are to be retained can be indicated and described generally. The Planning Board may either waive specific requirements for plan detail or require additional information.
 - c. Criteria: Landscaping shall meet the following minimum standards:
 1. All trees planted shall have a minimum caliper of 2 ½ inches measured at six (6) inches from the ground and shall have a minimum height of twelve (12) feet;
 2. All trees shall be planted at least five (5) feet from adjacent property lines.
 3. No less than one (1) tree or one (1) shrub shall be planted for every three-hundred (300) square feet of area not covered by impervious surface. Areas which are not disturbed by construction activities and which have equivalent natural growth or which are used for agricultural purposes shall not be included in this requirement.
 4. All areas not planted by landscaping materials and not covered by impervious surfaces shall be made to conform to the definition of green space, except for unpaved drives and parking areas, open recreation or similar use;
 5. In all street-side landscaping strips, one (1) tree shall be planted every fifty (50) feet, or closer;
 6. All landscaping activities shall follow the best practices of professional landscape standards in terms of the placement of materials; the dimensions, drainage, saucering, and preparation of tree pits; the planting, guying, wrapping, pruning, mulching, and staking of the trees; planting time and conditions; and watering and fertilizing of the material to ensure their continued health and growth; and
 7. Materials shall be first quality nursery stock or equivalent.
 - d. Evaluation: In reviewing landscaping plans, the Planning Board shall take into consideration the following:
 1. Landscaping shall provide privacy and screening for adjacent land uses, with visual, noise, energy conservation, and air quality factors considered.
 2. Landscaping shall be designed as an integral part of the entire development.
 3. Vegetation shall be compatible with soil conditions on the development site and the regional climate;
 4. Existing natural features and vegetation shall be preserved and incorporated in the landscape area wherever possible;

5. The primary emphasis of the landscaping shall be on trees. Shrubs, hedges, grass, and other vegetation shall be used to complement the use of trees but shall not be the sole contribution to the landscaping treatment; and
 6. Plastic or other types of artificial plantings or vegetation shall not be permitted;
 7. The use of wood chips shall be limited to beneath trees, shrubs, as temporary ground cover during construction, or in areas where the maintenance of other ground cover would be prohibitive as determined by the Planning Board.
 - e. Maintenance: Landscaping shall be maintained according to the approved landscaping. Plants that die shall be replaced within the next planting season.
 - f. Bonding: All landscaping approved under this ordinance shall be subject to the surety provisions in Section V.
8. On-Site Disposal of Stumpage:
- a. Applicability: All on-site disposal of stumpage shall be required to follow the guidelines herein listed.
 - b. Site Plan: All developments/subdivisions shall submit to the Director of Waste Management, Department of Environmental Services, 6 Hazen Drive, Concord, NH 03301-6509 and the Gilford Department of Public Works a detailed plan drawn to scale and showing proposed location of on-site burial of stumpage. Plan must include all other relevant as required for a site plan.
 - c. Criteria: On-site disposal shall meet the following minimum standards:
 1. Burial locations are not to be located within 75 feet of any well as defined in RSA 148:34;
 2. Burial locations are not to be located within 75 feet of Lake Winnepesaukee, Saltmarsh Pond, Lily Pond, Poorfarm Brook, Meadow Brook, Jewett Brook, Gunstock River or any other year-round brook;
 3. No burial will be allowed in or adjacent to proposed roadways/street/driveways;
 4. Burial must be outside of the structural limits of all building construction, subsurface septic, trenches for underground utilities and proposed parking locations;
 5. Burial location must be 15 feet from property lines;
 6. Burial location shall be landscaped.
 - d. Enforcement: The Gilford Planning Board after review by the N.H. State Department of Environmental Services and recommendations from the Department of Public Works, at their discretion may approve the on-site disposal of stumpage as depicted on the site plan, with the following conditions:
 1. Developer shall be responsible for any and all settlement relative to the burial location for a period of three (3) years;
 2. Property owner shall be responsible for any and all stumpage disposed of on their lot after the three (3) year period has expired.
9. Parking Layout and Design:
- a. Arrangement: The arrangement of parking and loading areas and spaces shall be approved by the Planning Board. It is encouraged that no more than thirty (30) spaces per lot be constructed without a landscape buffer. Each parking space shall be at least ten (10) feet by twenty (20) feet in size, plus one hundred eighty (180) square feet of maneuvering room, which may be in common with an opposite parking space.

- b. Screening: Non-residential parking or loading areas shall be effectively screened on each side which faces or adjoins a property line of any residential lot.
 - c. Surfacing: Surface may be impervious paving or appropriate material for percolation of water into the ground, as recommended by the Department of Public Works and approved by the Planning Board.
 - d. Storm Water Drainage: All parking and loading areas shall have an on-lot storm water diversion system. Non-structured storm water diversion systems which allow water to percolate into the ground shall be encouraged in those areas where soil site conditions are proper.
 - e. Curbing: Concrete or stone wheel stops, or guard rails shall border parking areas required for all non-residential or multi-family uses, preventing interference with walks and landscaping.
 - f. Lighting: Illumination fixtures, if any, shall not interfere with driving, or shine into adjoining premises.
 - g. Driveways: The location, number, and width of driveways or entrances and exits serving other than one (1) or two (2) family dwellings shall be approved by the Planning Board.
 - h. Snow storage: Adequate areas shall be provided for the storage of all snow removed from parking lots, driveways, loading areas and walkways.
10. Steep Slopes – Development of slopes greater than 15% may be prohibited, restricted or otherwise limited as provided in section XVI of these regulations.

Section IX-A. – Inspections and Adjustments

All construction subject to site plan approval authority of the Planning Board shall be inspected in accordance with this section. Such inspections shall not relieve the applicant from a continued responsibility of compliance with all applicable laws, ordinances, codes, rules, regulations, and conditions of approval.

- 1. Inspections – The Director of Planning and Land Use or his designee shall inspect all site construction subject to the authority of the Planning Board for compliance with the approved site plan(s) and shall maintain a record of such inspections. Recognizing that actual field conditions may require deviation from the approved plan to accomplish the intended design, the Director may allow minor deviations as defined in this section, provided that:
 - a. The proposed changes do not result in exceeding dimensional requirements allowed in the Zoning Ordinance,
 - b. The proposed changes are consistent with the intent of the Planning Board as reflected in the Board’s minutes, findings, conditions, and approvals.
- 2. Minor Site Plan Deviations Defined – For the purposes of this section, minor deviations from the approved site plan shall include:
 - a. Horizontal shifts in building footprints, not to exceed 20% as measured from setback or buffer zone lines.
 - b. Substitutions of equal or superior materials, equipment, and plantings.
 - c. Changes in utility locations to suit field conditions, subject to approval by the relevant Town department(s).

- d. Change in location, size, type and materials of site drainage elements, subject to written certification by a registered design professional that the change does not adversely affect the design approved by the Planning Board.
- e. Relocation (but not including reconfiguration) of curb cuts, subject to written approval of relevant Town or State public works agency. If the curb cut is an element of a traffic study integrated with the approved site plan, the author shall certify the continued validity of the analysis and recommendations.

Section IX-B. – As Built Site Plans

Upon completion of a site or an approved construction phase thereof, subject to a Planning Board approved site plan, the applicant shall file an As Built Site Plan in accordance with this section. For purposes of this section, the term: “approved site plan” shall mean the final site plan approved by the Planning Board in accordance with RSA 674:43.

As an alternative to completed construction, minor improvements, which are incomplete, may be secured by a bond (such as an irrevocable letter of credit or a cash deposit), in an amount to be determined by the Planning Director or his designee, for the purpose of ensuring the completion of the work in a period of time not to exceed one year. Such bonds shall be administered by the Department of Planning and Land Use, and may be reduced in amount as specific, scheduled items are completed and accepted by the Planning Director. For purposes of this section, “minor improvements” shall mean improvements whose absence, as determined by the Department of Planning and Land Use, does not adversely affect the functional integrity of the site and will not limit pedestrian and vehicular traffic, means of egress, fire suppression and signaling, emergency access and essential utilities.

1. As Built Site Plan Standards – In addition to the information contained on the final, approved site plan, the “as built” plan shall contain the following:
 - a. A title block, containing the text: “AS BUILT SITE PLAN”, name of the project, applicable zoning district, street address, tax lot number and date of issue.
 - b. Original seal and signature of a registered land surveyor.
 - c. The actual location and details of all previously existing and/or approved site improvements and any changes thereto, drawn to the same scale as the final site plan approved by the Planning Board. The inclusion of all required site elements on the same drawing is encouraged (except utility profiles), unless clarity requires separation to different sheets. The following categories of site elements (buildings, structures, utilities, pavement, etc.) shall be distinguished (and keyed to a legend) from one another by the use of different line types and/or area shading: site elements existing prior to grant of site plan approval, site elements comprising final site plan approval and site elements which deviate from the final approved site plan.
 - d. Delineation of all units (such as condominium units, apartments, lease spaces, hotel/motel units, etc.) within the plan and/or phase.
 - e. Delineation of all applicable setbacks, buffers, screening and fences.
 - f. Dimensioning of all structures to each other and to property lines.
 - g. Delineation of all utilities (sewer, storm, water, gas, electrical and signaling lines and equipment, underground and/or overhead), including plan views and utility profiles.
 - h. Actual lot coverage calculations.
 - i. Landscaping as actually installed and/or bonded.

- j. Where the site plan approval is subject to phased construction, demarcation of construction phases(s) approved by the Planning Board shall be shown. Phase(s) submitted for compliance with this section must comprise an entire phase(s). Partial construction of a phase will not be accepted for purposes of compliance with this section.
2. Action On As Built Site Plans – All as built plans submitted for the purpose of complying with this section, shall be subject to the following procedure:
- a. Compliance Report – The as built plan shall be submitted to the Department of Planning and Land Use, where it will be reviewed for compliance with the approved site plan. The Director of Planning or his designee, utilizing the final inspection report of the site construction, shall prepare an overall compliance report of the project.
 - b. Substantial Compliance – Where the as built site plan is in substantial compliance, the Director of Planning and Land Use shall submit the plan, together with the final report to the Planning Board for certification of the plan signifying acceptance of the constructed site as being in compliance with the approved site plan and the attachment of the as built to become part of the approved site plan of record. For purposes of this section, “substantial compliance” shall mean an as built site plan which contains no deviations other than authorized “minor site plan deviations”, (defined elsewhere in this section) and where incomplete minor site improvements have been bonded.
 - c. Not In Compliance – Where the as built site plan is not in compliance with the approved site plan, the Planning Board shall review the matter in a noticed, public hearing (at the applicant’s expense) to determine a course for resolution.

Section IX-C. – Action On Certificates of Occupancy

In addition to compliance with other requirements governing the issuance of certificates of occupancy and use, the Building Official may issue certificates of occupancy and use as follows:

A. Temporary Certificates

May only be issued to structures on sites subject to Planning Board site plan authority, where the Director of Planning has determined “substantial compliance” as provided for in this section.

B. Permanent Certificates

May only be issued to structures on sites subject to Planning Board site plan authority, where the Board has certified an as built site plan as an attachment to the approved site plan of record.

Section X. – Administration

The Selectmen may appoint an agent charged with the responsibility of receiving from the Board: fees, preliminary layouts, and final plats, checking them to determine if they meet the requirements of the subdivision regulations and inspecting improvements for compliance with the Subdivision Regulations and requirements of the Board of Selectmen.

Where the approval of the Planning Board is a necessary prerequisite for recording of any plat not covered under these regulations, the Planning Board chairman and secretary are each hereby empowered to certify that the plat complies with the requirements of these regulations.

Section XI. – Amendments to Regulations

These regulations may be amended or rescinded by the Board, but only after public hearing on the proposed changes. The Board shall transmit a record of changes so authorized to the Belknap County Registry of Deeds.

Section XII. – Modification, Amendment To Plan, and Enforcement

1. The Planning Board shall have the power to modify or amend its approval of a site plan on application from the owner, lessee, or mortgagee of the premises, or upon its motion if such power is reserved by the Board in its original approval. All of these provisions of this section which apply to approval under these regulations shall be applicable to such modification or amendment.
2. No building permit will be granted by the Board of Selectmen until approval of the site plan has been issued by the Planning Board.

Section XIII. – Enforcement and Penalties

- A. The Planning Board, acting through its Chairperson, the Planning Board Engineer, the Building Inspector, the Selectmen or Counsel may take whatever actions are necessary to enforce these regulations. Such actions include injunctive relief as permitted by RSA 676:15, as amended; enjoining transfers of property as permitted by RSA 676:16, as amended; and punishment by civil penalties as permitted by RSA 676:16 or 676:17, as amended.
- B. Penalties for violation of these regulations shall be provided by NH RSA 676:17, as amended. Any person who violates any of these regulations:
 1. Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.
 2. Shall be subject to a civil penalty not to exceed \$100 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation, whichever is earlier.
- C. As permitted by NH RSA 676:17, the Planning Board will seek to recover its costs and reasonable attorney's fees in any legal action necessary to enforce these regulations.

Section XIV. – Adoption

These regulations shall become effective upon adoption by the Board January 16, 1967; revised: April 1, 1974; April 19, 1976; August 7, 1978; December 11, 1978; April 16, 1979; December 6, 1980; July 6, 1981; September 28, 1981; January 8, 1990; April 19, 1993; September 8, 1998.

Section XV. – Separability

If any section, provision, clause, or phrase of these regulations shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provisions, portion, or phrase of this Ordinance.

Section XVI. – Steep Slope and Critical Elevation Conservation Area Regulations

A. Purpose and Intent

The purpose of the Steep Slope and Critical Elevation Conservation Area Regulations is to protect the public health, safety, and general welfare by controlling and guiding the use of land with slopes greater than 15% and elevations greater than 1,300 feet because these areas are especially subject to erosion and excess runoff. It is intended that the provisions of this regulation shall:

1. Promote the general health, safety, and welfare of the community through restrictions on the subdivision of land within the Steep Slope and Critical Elevation Areas.
2. Reduce damage to streams and lakes from erosion, runoff of storm water caused by improper or excessive construction, or effluent from improperly sited sewage disposal systems.
3. Preserve vegetative cover and wildlife habitat, protect unique and unusual natural areas and maintain ecological balance.
4. Permit subdivision and development of land which can be harmoniously, appropriately, and safely located on steep slopes.
5. To prevent unnecessary or excessive expense to the Town to provide and maintain essential services and utilities which arise because of misuse of Steep Slopes and Critical Areas.

B. Definition and Delineation

1. Definition: “Steep Slopes” – A Steep Slope is any area with a slope greater than 15%.
2. Area Delineation – The Steep Slope Conservation Areas include all areas shown as having steep slopes on the Gilford Slopes Map. The Critical Elevation Conservation Areas include all areas whose elevation is 1300 feet above sea level as shown on the Gilford Critical Elevation Map.
3. Area Incorrectly Delineated – Where it is alleged that an area has been incorrectly delineated as a Steep Slope or Critical Elevation area, or that an area not so designated is a Steep Slope or Critical Elevation area, the Planning Board will determine whether the regulations contained herein apply.

C. Special Conditions for Subdivision and Development of Critical Elevation and Steep Slope Areas

1. Lot Size – If the land proposed to be subdivided has Steep Slope areas or Critical Elevation areas, the Planning Board may deny subdivision or require increased lot size so that the purpose and intent of these regulations may be observed.
2. Special Planning – Wherever an applicant proposes to subdivide or develop land which encompasses Steep Slope or Critical Elevation Areas, he shall include in his subdivision plans and/or site plans:
 - a. A plan indicating how the proposed land development will provide adequately for storm water runoff.
 - b. A plan for maintenance and/or reclamation of vegetative cover, and if such maintenance and/or reclamation requires expenditure of funds, a performance bond may be required prior to approval.
3. Development Restrictions – In its review and/or approval of subdivision plans and site plans the Planning Board may prohibit, restrict or otherwise limit the development of steep slopes or Critical Elevation areas unless the applicant demonstrates through his submittals that the drainage and erosion impacts of the development can be accommodated without adverse impact on the natural environment and/or abutting properties. The Planning Board may retain independent experts to assist it in evaluating the impacts of development in such areas and/or determining whether the applicant has met his burden of demonstrating no adverse impacts.
4. Definition of Development – For the purposes of this section the word “development” means all construction on the land, including driveways, streets and roads.

Section XVII. – Impact Statement

At the discretion of the Planning Board, an impact statement may be required of an applicant for subdivision or site plan approval which will include, but not necessarily be limited to:

- A. The impact on the ecological system to be disrupted, if any, and
- B. The immediate, intermediate, and long-term requirements for the town to provide necessary and desirable public facilities and services.