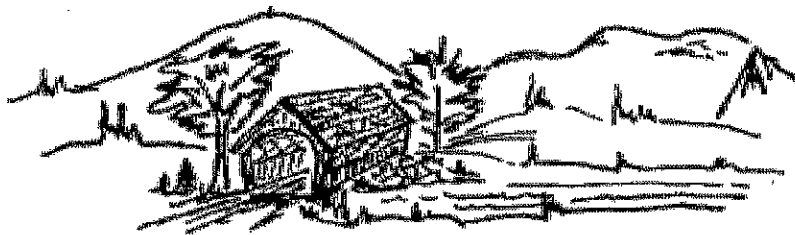


**TOWN of  
ANDOVER**

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Incorporated 1779



**SITE PLAN REVIEW REGULATIONS**

**Town of Andover Planning Board**

**SECTION 1: AUTHORITY AND PURPOSE OF PLANNING BOARD SITE PLAN REVIEW**

Planning Boards are authorized by specific statutes of the State of New Hampshire and are given specific Site Plan Review powers under these statutes (NH RSA 672:1 and 674:43,44). The Andover Planning Board was also given Site Plan Review responsibilities by the voters of the Town of Andover in accordance with State statutes.

The Andover Planning Board hereby adopts the following rules and regulations that shall be entitled: "Andover, NH Planning Board Site Plan Review Regulations."

The Andover Planning Board may require Site plan Review where any one or more of the following four actions by a land owner (or tenant) could probably cause a harmful or detrimental impact upon community health, safety, and welfare; upon groundwater quality (including drainage or flooding conditions; upon air quality; upon fire safety; upon safety of vehicular, pedestrian, or other traffic; upon the orderly development and preservation of the Andover community as contemplated by the Master Plan; and upon such other matters as authorized by NH RSA 674:44:

- 1.1 New construction for non-residential use:
- 1.2 New construction or modification of a structure resulting in three or more living units on a single lot of record;
- 1.3 A significant modification of land or structures for non-residential use, and/or
- 1.4 A significant change in the use of the land or structure.

In its Site Plan Review the Andover Planning Board shall attempt to balance a landowner's right to use their land with the corresponding rights of abutting landowners and the Andover community to be protected from undue hazards, disturbances, nuisances, pollution, noise, and diminution of Andover property values.

The Andover Site Plan Review procedures in no way relieve the applicant from compliance with other applicable local, State, and Federal rules, regulations, or statutes. If any other local, State, and/or Federal rule, regulation, or statute also relates to any matter covered herein, the provision which imposes the greater restriction, or higher standard, shall govern.

It is suggested that the applicant arrange to be on the Planning Board meeting agenda to discuss in preliminary fashion the project requiring a proposed Site Plan Review. The Preliminary Site Plan Review Consultation shall not bind the applicant or the Andover Planning Board. The Preliminary Consultation may include the following:

- A. Review of the basic concepts of the proposal;
- B. Review of the proposal in light of other possible local, State, and/or Federal rules, regulations, or statutes;
- C. Review of the proposal in light of possible Site Plan Review compliance problems, and/or
- D. Review of the Site Plan Review Checklist and Application.

The appropriate Site Plan Review fees must first be paid before any formal review will commence.

Planning Board approval of a Site Plan Review is required before a Building Permit can be issued.

## **SECTION 2: SUBMISSION ITEMS: SITE DEVELOPMENT PLAN AND SUPPORTING DATA**

On the formal submission of the site development plan, the owner or his/her authorized agent shall submit three (3) sets of site plan maps and supporting data to the Planning Board which shall include the following information:

### **2.1 EXISTING DATA AND INFORMATION**

- A. Location of site, names and addresses of owners of record and abutting landowners within 200 feet.
- B. Names and address of persons or firm preparing the map, the scale of the map (suggested scale: 1 inch equals 40 feet), north arrow and date. Such map shall be prepared by a registered land surveyor or registered professional engineer. Name and address of persons or firm preparing other data and information if different from the preparer of the map.
- C. The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions, and the lot area.
- D. The existing grades, drainage systems, structures, and topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5 percent, otherwise not exceeding 5-foot contour intervals.
- E. The shape, size, height, and location of existing structures located on the site and within 200 feet of the site.
- F. Natural features such as streams, marshes, lakes, or ponds. Man-made features such as, but not limited to, existing roads and other structures. Such map shall

indicate which of such features are to be retained and which are to be removed or altered.

- G. Use of abutting properties shall be identified with approximate location of the structures thereon, including access roads.
- H. The size and location of all existing public and private utilities and all existing landscaping. This shall include the location and size of existing public utilities that are located off-site with which connection is planned or located within 100 feet of the site.
- I. A vicinity sketch (suggested scale: 1 inch equals 200 feet) showing the location of the site in relation to the surrounding public street system. The zoning districts and boundaries for the site and within 1,000 feet of the site shall be shown. One-hundred-year flood elevation line shall be included where applicable.

## 2.2 PROPOSED PLAN AND INFORMATION

- A. The proposed grades, drainage systems, structures, and topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5 percent, otherwise not exceeding a 5-foot contour interval.
- B. The shape, size, height, and location of the proposed structures, including expansion of existing buildings.
- C. Proposed streets, driveways, parking spaces, sidewalks, with indication of direction of travel for one-way streets and drives and inside radius of all curves. The width of streets driveways and sidewalks and the total number of parking spaces shall be shown. In addition, loading spaces and facilities associated with the structures shall be shown.
- D. The size and location of all proposed public and private utilities.
- E. The location type and size of all proposed landscaping and screening.
- F. Exterior lighting plan and proposed signs to be located on the site.
- G. A storm drainage plan including plans for retention and slow release of storm water where necessary and plans for snow removal and storage.
- H. A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets including any traffic control devices necessary in conjunction with the site development plan.
- I. Construction drawings including but not limited to pavements, walks, steps, curbing and drainage structures.

## **2.3 ADDITIONAL INFORMATION**

The Planning Board may require such additional other information as it deems necessary in order to apply the regulations contained herein. In particular:

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

- A. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by Federal or State Law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow 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 and constructed to minimize or eliminate flood damage and/or
  - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. Applicant shall expressly state in its signed application whether or not any part of the area proposed for development is included in any Special Flood Hazard Area as previously defined.

## **SECTION 3: DESIGN AND CONSTRUCTION REQUIREMENTS**

All design and construction standards shall refer to the items shown and presented on the proposed plan and information.

- 3.1 Traffic access to the site from the Town streets shall ensure the safety of the vehicles and pedestrians.
- 3.2 Improvement to existing streets shall include signal devices if necessary because of increased traffic generated by the development.
- 3.3 Circulation (vehicular and pedestrian) and parking including loading facilities shall be designed to ensure the safety of vehicles and pedestrians on the site.
- 3.4 Landscaping and screening shall be provided with regard to adjacent properties, the public highway, and within the site including interior landscaping of large parking area where deemed necessary.

- 3.5 Storm drainage of the site shall be designated for a 25-year flood and, if the existing drainage system to which the site drainage system will be connected is inadequate, provisions shall be made for retention and gradual release of storm water in order to meet the 25-year flood demand.
- 3.6 Provisions shall be made for snow storage during the winter months.
- 3.7 Provisions shall be made for the site to be serviced by necessary utilities which may include water for fire and domestic use, sanitary sewer, electrical and gas (underground wherever possible).
- 3.8 Provisions shall be made for outdoor lighting.
- 3.9 Provisions shall be made for protection of natural features.
- 3.10 All developments shall meet the standards and requirements included in the Town zoning ordinance and subdivision regulations including but not limited to parking, off-street loading, landscaping, signs, location of driveways, erosion, screened service area and exterior lighting.
- 3.11 Construction requirements shall be in accordance with Standard Specifications for Road and Bridge Construction as published by the State of New Hampshire Department of Public Works and Highways, provided that alternative provisions may be considered by the Planning Board if submitted by the developer.
- 3.12 Provisions shall be made to assure that the proposal is consistent with the need to minimize flood damage, that all public utilities and facilities, such as sewer, gas, electrical, and water systems are constructed and that adequate drainage is provided so as to reduce exposure to flood hazards. Design provisions shall also be made to minimize or eliminate infiltration of floodwater into new or replacement water supply systems and/or sanitary sewage systems and discharges from these systems into floodwaters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

#### **SECTION 4: OCCUPANCY AND BONDING**

The Planning Board may require a performance bond before any work commences on a development for that portion of the development that, if not properly completed will have an adverse effect on adjoining property or has a potential for erosion. The steps for issuing and releasing a performance bond shall be the same as required in the Subdivision Regulations including but not limited to determining the amount, the sufficiency, term, and form of the bond.

No development may be occupied or used unless a Certificate of Occupancy has been issued by the Zoning Administrator. The Zoning Administrator shall not issue such Certificate of Occupancy until these regulations have been complied with and the improvements made of a performance bond provided to the Town for unfinished improvements.

## **SECTION 5: DEFINITIONS**

- 5.1 DEVELOPMENT: a development means the construction of improvements on a tract or tracts of land for non-residential use or for multi-family dwelling units.
- 5.2 ZONING AND SUBDIVISION REGULATIONS: the definitions contained in the Andover Zoning Ordinance and the Andover Subdivision Regulations shall, where applicable, apply to the non-residential Site Plan Review Regulations.
- 5.3 TRACT: tract means any lot or parcel of land.

## **SECTION 6: PROCEEDURE FOR PLANNING BOARD REVIEW**

- 6.1 A completed application shall fulfill all requirements of Sections 2 and 3 of these Regulations. Provided an application is received at least five (5) days before a Planning Board meeting determination of its completeness shall be made at that meeting. A receipt for the application shall be provided by the Planning Board. Within 30 days after it has been determined that the Application for Site Plan Review meets the requirements of these Regulations, the Planning Board shall place consideration of such proposed site plan on its agenda and shall act to approve or disapprove it within 90 days of accepting the completed application, provided that the Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove. Otherwise such proposed site plan shall be deemed to have been approved and the certificate of the Town as to the date of submission of the site plan for approval and the failure to take action thereon within such time shall be issued on demand and shall be sufficient in lieu of the written endorsement or other evidence of approval herein required provided however that the applicant for the Board's approval may waive this requirement and consent to an extension of such period. When necessary, the Zoning Administrator for the Town shall issue on behalf of the Town the certificate of failure on the part of the Planning Board to take action as provided herein.
- 6.2 The Planning Board may approve or disapprove of the plan. In case of disapproval of any proposed site plan submitted, the grounds for such disapproval shall be adequately stated on the records of the Planning Board and the applicant notified by certified mail.
- 6.3 Public Hearing and Notice: Before taking action on a Site Plan Review, 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 5 days before the date fixed for the hearing. In addition, notice of the Public Hearing shall be by advertisement in a newspaper of general circulation in the Town of Andover stating the time and place of such hearing and a brief description of the location of the proposed site plan. The publication of such notice shall be not less than 5

days before the date fixed for the hearing. The costs of any such required publication and posting of notice and the cost of mailing notices for the hearing shall be paid by the applicant prior to the hearing; this latter cost shall be covered by a standard application and notice fees.

#### 6.4 Qualified Approval or Disapproval

##### A. Qualified Approval

Any approval under these Regulations may be made subject to one or more express conditions. The Board in its sole discretion may deem it appropriate to take measure to record any such decision at the applicant's expense in the county registry of deeds so that future owners of the property have reasonable constructive or actual notice of the existence of those conditions. Such conditions may include:

1. Any limitation on duration of the use permitted by the decision, including, but not limited to the life of a particular person or period in which such person needs such use (often applicable, for example, to special permissions for second homes on the same lot or two-family conversions, to accommodate family members.
2. Any limitations on intensity of use of the site, including but not limited to:
  - a. Specific seasons or stated times of the year;
  - b. Square footage or equivalent devoted to the permitted use;
  - c. Hours of operation;
  - d. Increases in operational characteristics which could affect neighboring properties, including:
    - i. Amounts or duration of lighting;
    - ii. Creation of noise, fumes, and/or particulate matter;
    - iii. Customer traffic
  - e. Numbers of tenants allowed in rental residential buildings;
  - f. Number of vehicles which may be on the site and/or
  - g. Physical changes in the actual building on the site
3. Any identification or limitation on the exact nature of the permitted use, such as:
  - a. Designation of the exact activity or class of activities being approved;
  - b. Designation of activities on the site related to the permitted use such as disposition of toxic waste and/or
  - c. Certain uses prohibited in the absence of specified changes to the buildings or site, such as installation of approved access, lighting, or fire extinguishing apparatus.

4. Any promise to install and/or maintain certain lot or use characteristics including plant screenings, fencing, and size and placement of buildings or portions of buildings.

Applicant's acceptance of any approval under these regulations constitutes agreement on behalf of Applicant and Applicant's heirs, successors, and assigns to faithfully observe the stated conditions of approval and to reimburse any and all costs of enforcement incurred by the Town of Andover.

B. Disapproval

In case of disapproval of any application, the grounds for such disapproval including disapproval based upon application being deemed to be in violation of the goals of the Master Plan shall be adequately stated upon the records of the Board and a copy thereof shall be mailed to the applicant within seventy-two (72) hours after the decision is made.

**SECTION 7: CONCURRENT AND JOINT HEARINGS**

The Planning Board may hold a hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a project. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that a hearing for a special exception is held for a project by the Zoning Board of Adjustment.

**SECTION 8: WAIVER PROCEDURE**

The applicant may submit as part of his proposed site plan, a request for a waiver of various requirements specific in the Site Plan Application.

The Planning Board will consider, in its decision whether or not to grant a requested waiver:

- A. The nature of the intended or expanded use;
- B. The physical characteristics of the lot;
- C. The location of the proposed use in a particular land use zone and with reference to abutting lots and others which could be negatively affected and/or
- D. The negative effect on abutting and nearby lots relative to that created by the most recent one.

The Planning Board may agree to such waiver requests provided that the Board has determined that the applicant has demonstrated in writing, or the Board has determined on its own motion, that such waiver of any requirements will not affect the purpose or intent of these regulations or of the Master Plan.

No request for waiver shall be considered by the Planning Board that requests an exception to the established Design and Construction standards.



**SECTION 9: EXCLUSIONS**

This ordinance shall not apply to home occupation and accessory uses as defined in the Andover Zoning Ordinance.

**SECTION 10: AMENDMENTS**

Amendments to these Site Plan Review Regulations shall be made in the same manner in which amendments to subdivision regulations are made.

**SECTION 11: SEPARABILITY**

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.

**SECTION 12: EFFECTIVE DATE**

Adopted: September 12, 1978

Revised as adopted: December 10, 1985

Revised as adopted: January 11, 2000  
(revised only as to Section 1 and first sentence of Section 2)

Revised as adopted: June 7, 2005  
(New Section 6.4 added)

Revised as adopted: January 22, 2008  
(revised section 2.3)