

**SITE PLAN REVIEW REGULATIONS
FOR
ALBANY, NEW HAMPSHIRE**

**(Adopted October 13, 1987: Revised October 8, 1996, Revised 5/12/10, Revised
3/13/12, Revised 3/14/16)**

**SITE PLAN REVIEW
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SITE PLAN REVIEW REGULATIONS

I. AUTHORITY and TITLE

A. Pursuant to the authority vested in the Albany Planning Board by the voters of the Town of Albany on March 8 1983 in accordance with the provisions of NH RSA 674:43 and 674:44, New Hampshire Revised Statutes Annotated (NH RSA), as amended, the Albany Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multi-family dwelling units (more than two units), whether or not such development includes a subdivision or re-subdivision of the site.

B. These regulations shall be entitled "Site Plan Review Regulations, Town of Albany, New Hampshire".

II. LEGISLATIVE INTENT

The purpose of the Site Plan Review Regulations is to protect the public health, safety and welfare of the citizens; to promote balanced growth, to protect property values, and to protect the natural beauty and environment which provides the primary basis for the Town's economy and unique character of the area; to encourage uses that are in harmony with rural living and a recreation economy based on our natural resources; to ensure sound site utilization; to avoid unnecessary and adverse impacts on neighboring property and uses; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; and to guide the character of development.

III. SCOPE OF REVIEW

Whenever any development or change or expansion of use of a site is proposed or whenever any changes are proposed that differ from an existing site plan as previously approved by the Planning Board; before any construction, land clearing, building development or change is begun and before any permit for the erection of any building or authorization for development on such site shall be granted, the owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. Where there is any doubt as to whether or not a project requires Site Plan Review, the affected party should request a determination from the Board. In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

1. If the proposal involves new construction of non-residential or multi-family development.

2. If the proposal involves a change of use category, e.g., from residential to commercial, or from single family to multi-family.
3. If the proposal involves external modifications or construction, including parking lots (except for single family or duplex housing).
4. If the proposal involves expansion of a building or intensification of use that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc.
5. If the proposal involves a property that has never received Site Plan Review from the Planning Board for previous non-residential or multi-family use.

Activities Not Subject to Site Plan Review:

1. Proposals that involve no change in use or level of activity.
2. Internal building modifications to a nonresidential use that do not affect the scale or impact of the existing use.
3. A re-use of a premise for which a Site Plan Review has already been conducted, provided the new use is not different in type or impact.

IV. DEFINITIONS -

- A. **CHANGE OF USE** – For the purpose of these regulations, “change of use” occurs when the use of any land or building (or portion of) is changed from one land use classification to another or from one category to another category within a land use classification as specified in the Town of Albany Ordinances.
- B. **DEVELOPMENT** - A development means the construction or improvements on a tract or tracts of land for non-residential use or for multi-family units other than one or two family dwellings.

The definitions contained in the Zoning Ordinances and the Subdivision Regulations shall apply to the Site Plan Review Regulations, where applicable.

V. COMPLIANCE WITH OTHER PROVISIONS; EXEMPTIONS

- A. The Site Plan Review Regulations in no way relieve a developer, his/her agent, or an individual from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations. All site plans shall conform to the Town of Albany Subdivision Regulation requirements, depending upon their applicability, to be determined by the Albany Planning Board.
- B. A development shall be considered exempt from these Site Plan Review regulations if there is no change of use, or if any expansion of an existing use does not exceed

1200 square feet of additional- building area in any five year period, and the development meets all other requirements of the Zoning Ordinance.

- C. All Site Plan Review approvals are granted subject to the issuance of a written or electronic letter of approval of occupancy upon completion of construction and prior to any use of the approved project. The approval of occupancy shall be issued by the Selectmen of Albany or their designated agent after final inspection affirms the subject project, as completed, to be in conformity with all permits theretofore issued by the Town of Albany and other governmental agencies and all plans and information on which permits were issued. A request for final inspection shall be made to the office of the Board of Selectmen ten (10) days prior to the anticipated final completion of construction per Site Plan Review approval.

VI. REVIEW PROCEDURE

A. GENERAL PROCEDURE

Whenever any development of a site regulated by these regulations is proposed; before any construction, land clearing or building development is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; and before any Site Plan may be filed with the Town Clerk, the developer or their authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedures.

B. PRELIMINARY CONSULTATION AND REVIEW

An applicant may request a preliminary consultation and review to discuss a proposal in conceptual form and in general form. This Preliminary Review should be granted for the next regularly scheduled meeting, or within thirty (30) days of the request. Such preliminary review shall be informal and directed toward:

- a) Reviewing the basic concepts of the proposal;
 - b) Reviewing the proposal with regard to the Town Master Plan, Zoning Ordinance, and Subdivision Regulations; and
 - c) Guiding the applicant relative to necessary state and local requirements.
1. Preliminary consultation and review shall not bind the applicant or the Board. Such discussion may occur without formal public notice as provided in Article VI, Section I and J. However, no discussions beyond the conceptual proposal and a general review shall take place without identification of and notice to abutters and the general public as described in Article VI, Section J.
 2. Preliminary consultation and review the applicant be separate and apart from formal consideration under Article VI, Sections E and F, and the time limits for acting under Article VI, Section H shall not apply until a formal completed application is submitted.

C. SUBMISSION REQUIREMENTS

Plot Plan with the following characteristics:

- a. Scale: Not less than 1" = 40'
- b. Submit three (3) copies of blue or black line prints
- c. Date, title, north point, scale
- d. Name and address of developer and applicant
- e. Name and address of the New Hampshire Registered Engineer and/or Licensed Land Surveyor who certifies the plan.

D. SITE PLAN REQUIREMENTS

- a. An accurate plan of the site showing existing natural features including watercourses and water bodies, various types of vegetation, topographical features and any other features which should be considered in the site design process.
- b. The type, extent, and location of existing and proposed landscaping, and open space areas indicating what existing landscaping and open space areas will be retained. An acceptable, separate detailed landscaping plan shall be submitted where the new or expanded construction area exceeds 5000 square feet. Please refer to Article VIII, Section B.
- c. Existing and proposed topography of the site at two-foot contour intervals.
- d. Soil mapping units and unit boundaries.
- e. The location of all buildings within 50 feet the site and the location of all intersecting roads or driveways within 200 feet of the site.
- f. The location of all building setbacks required by the Zoning Ordinance.
- g. Location of zoning district boundaries, including wetlands and flood plain.
- h. The lot area, street frontage, and the zoning requirements for minimum lot size and frontage.
- i. Location of off-street parking and loading spaces with a layout of the parking indicated.
- j. The location, width, curbing and type of access ways and egress ways.
- k. The location of all existing and proposed deed restrictions, covenants, etc.
- l. Surveyed property lines showing their deflection angles, distances, radii, lengths of arcs, control angles along property lines, monument locations, tax map and parcel numbers with the identification of all abutters.

- m. If the development is a subdivision, then lines and names of all proposed streets, lands, ways of easements intended to be dedicated for public use; all subdivision regulations shall apply.
- n. Plan views of all buildings, either existing or proposed, with their use, size, location, and floor elevations indicated.
- o. A typical elevation view of all existing and proposed buildings indicating their height and signage.
- p. The type and location of solid waste disposal facilities.
- q. The location, size, and design of proposed signage and other advertising or instructional devices.
- r. A storm water drainage plan showing:
 - 1. The existing and proposed methods of handling storm water runoff.
 - 2. The direction of flow of the runoff through the use of arrows.
 - 3. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - 4. Engineering calculations used to determine drainage requirements.
- s. The size and proposed location of water supply and sewage facilities and provisions for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet.
- t. The size and location of existing and proposed public and private utility connections, including provisions for fire protection.
- u. The location and type of all existing and proposed lighting for all outdoor facilities conforming to the Albany Lighting Ordinance.
- v. Copies of all applicable State and Town approvals and permits.
- w. All applicants shall submit one set of plans to the Albany Fire Chief for review, or such as designated by the Board of Selectmen, to discuss the provisions of the Life Safety Code as they relate to the proposed application.

E. COMPLETED APPLICATIONS

- 1. A completed application sufficient to invoke jurisdiction of the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.
- 2. The following shall be required for and shall constitute a completed application:

An application for Site Plan Approval properly filled out and executed by the applicant and filed with the Board in accordance with Article VI Section D together with the following:

- a. A list of the names and addresses of the applicant and all abutters as indicated in Town records along with three sets of pre-addressed adhesive labels shall be submitted with the application.
- b. A check payable to the Town of Albany to cover filing fees, mailings, advertising, recording, and other costs, provided in Article VI, Section G.

F. FILING AND SUBMISSION OF COMPLETED APPLICATION

1. The completed application shall be filed with the Board or its agent at least twenty (20) days prior to a scheduled public meeting of the Board, per NH RSA 676:4, I (b).
2. Any associated documentation shall be submitted electronically as a pdf file in addition to the original documents.
3. Once due notification has been made, the completed application shall be submitted to the Board for review at the next regularly scheduled public meeting.
4. An incomplete application filed by the applicant will not be formally accepted by the Board.
5. Applications may be disapproved by the Board without public hearing on grounds of failure of the applicant to supply information required by these regulations, to include:
 - a. Abutters' identification and information required for Preliminary Layout;
 - b. Failure to pay costs of notice or other costs and fees required by these regulations; or
 - c. Failure to meet any reasonable deadline established by these regulations.
6. When a completed application is accepted by the Board, a receipt shall be provided to the applicant indicating the date of formal acceptance.

G. FEES:

1. A completed application shall be accompanied by a filing fee. (See Appendix A)
2. All incurred costs of notices, whether mailed, posted or published, shall be paid by the applicant upon request. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

3. The Board may require special investigative studies, environmental assessments, a legal review of documents, administrative expenses, and/or other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Site Plan.
4. A Site Plan Review fee is required when the Site Plan application is carried out in conjunction with a Subdivision application.

H. BOARD ACTION ON COMPLETED APPLICATIONS

1. The Board shall consider the completed application within thirty (30) days of its submission. After review of the completed application, and after a duly noticed public hearing as provided in Article VI, Section I, the Board may grant a conditional approval or final approval of the completed application. The Board shall act to approve or disapprove the completed application within sixty-five (65) days, subject to extension or waiver as provided by NH RSA 676:4, as amended.
2. Approval of a Site Plan shall be certified by written endorsement on the Site Plan and signed by the Chairman and Secretary of the Planning Board. The Board or its agent shall transmit a copy of an approved Site Plan, with such approval endorsed in writing thereon, to the Town Clerk. The developer shall be responsible for the payment of the recording fees. In case of disapproval of any plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.
3. If the Planning Board has not obtained an extension as provided for in Article VI Section H-1, and has not taken action to approve or disapprove the completed application within sixty-five (65) days of its acceptance, the applicant may obtain from the Board of Selectmen an order directing the Planning Board to act within fifteen (15) days. Failure of the Planning Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4, as amended.

I. PUBLIC HEARING

Prior to approval of a site plan; a public hearing must be held in accordance with NH RSA 676:4 and notice to the applicant, agent, and abutters and the general public shall be given in accordance with NH RSA 676:4. The public hearing shall be held within sixty-five (65) days after submission of the completed application. 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 the project by the Board of Adjustment, as provided in NH RSA 676:2.

J. NOTICES

1. Notice of the submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the meeting at which the application is to be submitted, and to the public at the same time by posting in at least two public places in the Town, the US Post Office in Conway Village, and publication in a newspaper of general circulation. The notice shall give the date, time, and place of the Board meeting at which the application or other item(s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application or the item to be considered and shall identify the applicant and the location of the proposed site development.
2. For any public hearing on a completed application, the same notices as required for notice of submission of a completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of any adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing.

VII. PERFORMANCE GUARANTY

A. PERFORMANCE GUARANTY OR BOND

As a condition precedent to approval of any Site Plan, the developer shall file with the Board before approval of the Site Plan, a certified check, payable to The Town of Albany or a faithful performance bond running to the Town and issued by a surety company acceptable to the Selectmen in an amount of money equal to the total of the cost of construction of all streets, utilities and improvements, as specified in the Site Plan or such other surety acceptable to the Selectmen.

B. WAIVER

The Board may waive the requirement to post bond or other surety and grant approval of the Site Plan on condition(s) acceptable to the Board and the developer.

VIII. GENERAL STANDARDS

In the review of any Site Plan conducted under these regulations, the Planning Board shall ascertain that adequate provisions have been made by the owner or their authorized agent for the following:

- A. Improvement to existing streets, traffic access to the site from town streets, on-site vehicular and pedestrian circulation, parking, loading facilities, emergency vehicle access, shall all be designed to ensure the safety of vehicles and pedestrians.

1. Parking Space Requirements

Off-street parking spaces shall be provided in any district in accordance with the specifications set forth in this section whenever any new use is established or any existing use enlarged. Parking by public lots in lieu of on-site parking may be utilized to fulfill some or all of the parking requirements when provided within a distance appropriate to the proposed use but not exceeding 400 feet, upon approval of the Planning Board. Existing parking or potential parking may not be eliminated. Minimum standards for parking lot construction are outlined in the following tables:

USE	PARKING SPACES REQUIRED
Lodging house, hotel/motel	1 for each lodging unit
Church and school	1 per 3 seats in principal assembly room
Private club or lodge	1 per 4 members
Theater	1 per 3 seats
Hospital, nursing & convalescent home	1 per 3 beds & 1 for each employee/shift
Professional office, business service and medical clinic	1 for every 250 square feet of gross area
Retail business and personal service establishment	1 for every 200 square feet of gross area
Shopping center including basements, attics and storage areas	1 for every 200 square feet of gross area
Eating and drinking establishments	1 for every 2 seats
Industrial	1 for every 1 employee, based on the highest expected employee occupancy
PARKING LOT FEATURES	REQUIRED DIMENSION (FEET)
Paved and striped lots	9 by 18
Gravel parking lots and handicapped spaces*	Must meet ADA requirements
Minimum aisle width	
One-way	18 feet
Two-way	24 feet

* NOTE: For all parking lots greater than twenty (20) spaces, one (1) handicapped space is required for every twenty (20) spaces. The handicapped spaces should be closest to the building.

2. Off-street loading facilities shall be provided for all institutional, commercial, and industrial uses. These facilities shall be located so that delivery vehicles are parked outside of the street right-of-way.

B. Landscaping and screening shall be provided with regard to the impact on the adjacent properties, the public highway and the site itself.

1. Large parking areas shall be landscaped. Signs shall be properly placed.
 2. Buffer zones are required for all commercial and light industrial uses, and multi-family structures to the extent they are necessary to reduce noise and visual considerations. A minimum buffer zone of 25 feet on the side and back boundaries and 100 feet from the centerline of a main road right-of-way shall be maintained. A dense evergreen visual screen either natural or planted shall be required in the road right-of-way buffer zone. To be an effective visual screen the planted trees must be of appropriate species and height. A screen may also be required where impact of development is not compatible with abutters' use(s).
 3. Green space shall be provided as a percentage of the total lot area. In no case shall the green space occupy less than ten percent (10%) of the total lot area. The Planning Board shall review all plans accordingly, and request changes where warranted, to comply with this section.
- C. Provisions shall be made for winter snow storage and/or removal, positioning of outdoor lighting, protection of natural features and for the site to be serviced by necessary utilities.
- D. Storm drainage of the site shall be designed with provisions for retention and gradual release of storm water if the existing drainage system is inadequate. On-site waste and sewage disposal systems shall be designed to avoid polluting water supply systems, wetlands, river frontage and flood plains.
- E. For sites within the floodplain, provisions shall be made to minimize flood damage and exposure to flood hazards on and off site in accordance with the Zoning Ordinance.
- F. Construction requirements for roads, parking, streets, drainage, and bridges shall be in accordance with the road standards established by the Town of Albany; or when applicable, according to the "Standard Specifications for Road and Bridge Construction" published by the New Hampshire Department of Transportation (NHDOT).
- G. Where expert services are required by the Planning Board in areas of fire protection, water supply, sewerage, environmental impact or other areas of technical concern to enable the Board to make an informed decision, an expert or experts may be selected and consulted at the sole discretion of the Board and shall be paid for by the applicant.
- H. Any commercial business or combined businesses on the same lot, which exceed 5,000 square feet and are open to the public must provide restrooms for the guests, invitees, and customers. Multiple commercial businesses on the same lot may have common restrooms reasonably located so long as adequately designed to serve all guests, invitees, and customers for all such commercial businesses on said lot.
- I. Special Flood Hazard Areas (SFHA) by the National Flood Insurance Program (NFIP)

1. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental 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.
2. 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).
3. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

IX. WAIVER OF REQUIREMENTS

- A. Upon written request by the applicant, or upon the motion of any regular member, the Board may vote to waive, in whole or in part, any provision(s) of Article VI-D, when in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question.
- B. Upon written request by the applicant, the Board may vote, to waive, in whole or in part, any provision(s) of Article VIII, when in the majority opinion of the Board:
 1. Literal enforcement of the regulation would create unnecessary hardship due to unique characteristics of the site in question, and
 2. Such waiver would not adversely compromise the purpose and intent of these regulations.
- C. Votes shall be taken in accordance with the formal procedure for accepting or rejecting an application, including a formal motion, a second on that motion, and a record vote.

X. OTHER ORDINANCES

The Site Plan Review Regulations in no way relieves any owner or his agent or individual from compliance with the Zoning Ordinance, Subdivision Regulations or any other Ordinances.

XI. AMENDMENTS

These regulations may be amended or rescinded by the Planning Board following a public hearing, (NH RSA 675:7) or hearings as necessary, on the proposed changes. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the Town Clerk.

A copy of any amendments to these regulations shall also be filed with the NH Office of Energy and Planning (OEP) per NH RSA 675:9.

XII. SEPARABILITY

If any provisions 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.

XIII. APPEALS

Any person aggrieved by an official action of the Board(s) may appeal therefrom to the Superior Court as provided by NH RSA 677.

XIV. EFFECTIVE DATE

This Ordinance shall take effect upon a vote by the Planning Board and filing of the Regulations with the Town Clerk and NH OEP.

**Appendix A
Site Plan Review Rules and Regulations**

**TOWN OF ALBANY, NEW HAMPSHIRE
OFFICE OF THE PLANNING BOARD**

APPLICATION FEES

In accordance with RSA 676:4,1(g), the applicant shall pay the following fees to compensate the Town for its expenses in processing, noticing and reviewing each application. One or more fees may apply. In some applications a separate check payable to the Carroll County Registry of Deeds may be required for LCHIP fees.

PRELIMINARY CONSULTATION REVIEW

Administration \$35 _____

MAJOR AND MINOR SUBDIVISION OF LAND

Administration:

- 1) Boundary Line Adjustment \$100 _____
- 2) Subdivision of Land \$100 Residual Lot _____
\$50 per New Lot #Lots_____ x \$50 _____
- 3) LCHIP Fee \$25 (Check payable to Carroll County Registry of Deeds) _____

Public Notices:

- 1) Public Notice/Conway Daily Sun Ad \$40, Plus _____
- 2) Certified Mail \$7 Per Abutter or Other Party Notice, Plus #_____ x \$7 _____

SITE PLAN REVIEW

Administration: Review/Filing Fee \$200 _____

LCHIP Fee \$25 (Check payable to Carroll County Registry of Deeds) _____

Public Notices:

- 3) Public Notice/Conway Daily Sun Ad \$40, Plus _____
- 4) Certified Mail \$7 Per Abutter or Other Party Notice, Plus #_____ x \$7 _____

RECORDING FEE

\$30 per Sheet, Plus _____

OTHER COSTS

Other costs incurred by the Board in reviewing the application (such as engineering, legal and planner review), as limited in RSA 676:4 and the Albany Subdivision and Site Plan Regulations, shall be passed through to the applicant by the Board unless specifically waived.

TOTAL FEES SUBMITTED WITH APPLICATION _____

PLEASE MAKE CHECK PAYABLE TO: THE TOWN OF ALBANY

The above fees must be received by the Secretary of the Albany planning Board a minimum of twenty (20) days prior to the date of a regularly scheduled Planning Board monthly meeting.

***Please ask about rates when submitting your application.