TOWN OF SWANZEY

SITE PLAN REVIEW REGULATIONS & APPLICATION

1. PLEASE READ THE ATTACHED REGULATIONS CAREFULLY BEFORE COMPLETING THE SITE PLAN REVIEW APPLICATION.

2. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

- Approved by the Town of Swanzey Planning Board at a Public Hearing held on May 4, 2000.
- Amended by the Town of Swanzey Planning Board at a Public Hearing held on May 16, 2002.
- Amended by the Town of Swanzey Planning Board at a Public Hearing held on February 17, 2005.
- Amended by the Town of Swanzey Planning Board at a Public Hearing held on September 7, 2006.
- Amended by the Town of Swanzey Planning Board at a Public Hearing held on March 28, 2019.
- Amended by the Town of Swanzey Planning Board at a Public Hearing held on June 22, 2023.
- Amended by the Town of Swanzey Planning Board at a Public Hearing held on March 28, 2024.
- Amended by the Town of Swanzey Planning Board at a Public Hearing held on September 26, 2024.

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SITE PLAN REVIEW FEE SCHEDULE

First 5,000 square feet of building	$250.00
Each additional 1,000 square feet of building including any increments thereof	$25.00
Per 5,000 square feet for parking lot area and open storage	$25.00
Excavation Site Plan Review fee per 5,000 square feet of disturbed area and any increment thereof	$25.00
Multi-tenant Application (building must have had Site Plan Approval previously)	$25.00
Home-Based Business Application	$25.00

* Applicants will be billed at current cost for publication of legal notice in local newspaper and certified mail to each abutter.

* Applicants will be charged current rates for filing mylars with Cheshire County Registry of Deeds, if required by the Planning Board.

SECTION I. AUTHORITY

1. Pursuant to the authority vested in the Planning Board by the voters of the Town of Swanzey, and in accordance with the provisions of RSA 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Swanzey 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(s) (more than two units), whether or not such development includes a subdivision or resubdivision of the site.

SECTION II. PURPOSE

The purpose of these Site Plan Review Regulations is to provide for the safe and attractive development of the Town of Swanzey, and to generally create conditions within the Town of Swanzey favorable for health, safety, convenience and prosperity.

SECTION III. SCOPE OF REVIEW

1. Whenever any development or change or expansion of use of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as previously approved by the Planning Board; and

2. Before any construction, land clearing, building development or change is begun; and

3. 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.

    a. 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, as may be the case with business moving into multi-use buildings that have received previous site plan approval, the affected party should request a determination from the Board at a regularly scheduled meeting. 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:

        i. A change in use category, e.g., from residential to commercial, from single family to multi-family.

        ii. An external modification/construction consisting of 100 square feet or greater to a building.

iii. An expansion of 200 square feet or greater to a parking area or driveway.

iv. A change of use or expansion involving significant impact in terms of traffic and circulation, parking or lighting; for example, a change from an attorney's office to an accountant's office would probably not involve significant impact, but a change from a bed and breakfast to a restaurant would.

SECTION IV. EXEMPT SITE DEVELOPMENTS

1. An exempt site development is:

    a. An addition of less than 100 square feet to a building, and/or

    b. An expansion of less than 200 square feet of a parking area or driveway, and/or

    c. The resurfacing of an existing unsurfaced parking area or driveway.

2. Systematic additional exempt site developments to avoid the provisions of these regulations are prohibited.

SECTION V. GENERAL

1. The Planning Board may waive any portion of these regulations in cases where, in their opinion, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of these regulations.

2. These regulations provide for the assessment of reasonable fees to cover costs of special investigations or the review of documents and other matters which may be required by particular applications.

3. The Site Plan Review procedure in no way relieves the applicant from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.

4. For the Town to properly review submitted applications, members of the Swanzey Planning Board and its designees must have permission from the applicant to enter the property. Submission of a site plan review application shall be deemed to grant permission for members of the Swanzey Planning Board and its designees to enter onto the property for purposes of review. It will be assumed that this

permission is extended until a project is formally denied or until the project is complete.

5. The applicant for site plan review must either own the property in question or must furnish written permission from the owner. The land use office is directed not to accept a site plan review application that does not include written permission from the owner of the property.

6. Site Plan Modifications

    a. Site Plan Modifications may be approved at a regularly scheduled meeting without a public hearing if the Board determines that the proposed modification is:

        i. Minor in nature and conforms to all requirements of these Site Plan Review Regulations, and

        ii. Conforms to all the conditions of the originally approved site plan, and

        iii. Would not alter the general layout and use of the approved site plan

    b. Examples of a Site Plan Modification include, but are not limited to

        i. Minor changes in the location of utilities

        ii. Minor adjustments to the placement of structures

        iii. Minor changes to the landscaping plans to include a change in layout, species of plants, etc.

        iv. Replacement of a structure that is the same footprint and gross square footage of the original structure

    c. Modifications Affecting Abutters

        i. Any modification that affects an abutter (setbacks, screening, traffic, lighting, etc.) shall require a public hearing in accordance with RSA 676:4.I(e)

SECTION VI. DEFINITIONS

1. The definitions contained in the Swanzey Zoning Ordinance and the Subdivision Regulations shall apply to the Site Plan Review Regulations.

SECTION VII. SITE PLAN REVIEW PROCEDURES

1. **Pre-application Phases (old 7.01)**
    a. Preliminary Conceptual Consultation (Optional)
        i. Prior to submission of an application for site plan review, the applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:
            1) Reviewing the basic concepts of the proposal.

            2) Reviewing the proposal with regard to the master plan and zoning ordinance.

            3) Explaining the local regulations that may apply to the proposal. (Copies of any pertinent regulations should be available.)

            4) Guiding the applicant relative to state and local requirements.

    b. Preliminary conceptual consultation shall not bind the applicant or the Board, and statements made by Planning Board members shall not be the basis of disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.

    c. Design Review Phase (Optional)

        i. Prior to submission of an application for site plan review, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general,

involving more specific design and engineering details of the potential application.

ii. The Design Review Phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I(d).

iii. Persons wishing to engage in pre-application design review shall submit a "Request for Pre-Application Review" and associated fees not less than 21 days before the regularly scheduled meeting of the Board. The request shall include:

1) List of abutters and their addresses from municipal records not more than 5 days before submission, and

2) Check to cover mailing and advertising costs.

iv. Statements made by Board members during Design Review Phase shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

v. The Board may review documents presented by the applicant at the Design Review meeting, but shall not accept any such documents as formal submissions.

NOTE: Neither Preliminary Conceptual Consultation nor Design Review are required. Pre-application review shall be separate and apart from formal consideration of a site plan review application and the time limits for acting upon a formal application do not apply until a completed application is accepted by the Board.

2. Submission Requirements (old Section XII)

a. Every application shall be accompanied by four copies of a site plan which, at a minimum, shall show the submission items listed below unless a waiver is granted from any of these requirements by the Board:

b. Plat Submission Items

i. Owner's name and address and tax map lot and number.

ii. North arrow, scale of 40 feet equals 1 inch and the name and address of the person who prepared the plat.

iii. Vicinity sketch showing the location of the site in relation to existing public streets and the zoning district.

iv. Names and addresses of all abutting landowners, physical features and uses of abutting land within 200 feet of the site.

v. Accurate perimeter boundary lines and the lot area in acres and square feet. The Board may require a perimeter survey by a licensed land surveyor.

vi. The shape, size, height, location and use of existing structures on the site and those proposed.

vii. Location, name and widths of any existing and proposed roads on the property.

viii. Identification of access from the site to public streets, sight distances from the access points, curb cuts and proposed changes (if any) to existing streets. (The plat must be accompanied by copies of any driveway permits.)

ix. Location and number of parking spaces and loading spaces.

x. A landscape plan, describing the number, location, type and size of all existing and proposed landscaping and screening.

xi. The location, type and nature of all existing and proposed exterior lighting.

xii. Natural features such as streams, marshes, lakes, ponds, ledge outcroppings, wetlands, if any.

xiii. Existing and proposed grades and topographic contours at 5 foot intervals unless waived by the Planning Board.

xiv. The size and accurate location of all existing and proposed water mains, sewers, culverts, fire hydrants and fire ponds and the proposed connections or means of providing water supply and disposal of sewage and surface drainage.

xv. Copy of certification by a licensed septic designer that the existing system has sufficient capacity to meet the needs of the existing and proposed use.

xvi. Location and type of proposed sewage disposal system. Plat must be accompanied by an approved sewage disposal design approved by Water Supply and Pollution Control Division.

xvii. Location of existing and proposed on-site well, showing 75 foot radius.

xviii. Soil survey data from the Cheshire/Hillsborough County Soil Survey.

xix. Location of any existing or proposed easements, deed restrictions and covenants.

xx. Architectural plans.

c. Additional Plans and Analyses that may be Required

The Planning Board may engage any professional assistance as is required to adequately evaluate any submitted reports and the cost of any such assistance shall be paid by the applicant.

i. The application should be accompanied by any necessary federal, state, or local permits and approvals, including, but not limited to, the Zoning Board of Adjustment, the New Hampshire Department of Transportation, and the New Hampshire Department of Environmental Services.

ii. An erosion control plan which meets the design standards and specifications set forth in the "Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire" (USDA Soil Conservation Service) shall be submitted where one or more of the following are proposed:

1) Cumulative disturbed area exceeding 20,000 s.f.

2) Construction of a road or street.

3) Construction of three or more dwelling units.

iii. Plans showing a stormwater drainage system may be required by the Planning Board.

iv. An impact analysis may be required by the Planning Board which takes into account the following items to the extent the Board deems applicable:

1) Demographic description.

2) Community facilities impacts (sewage disposal, water system, traffic, schools, public safety, recreation).

3) Environmental impact analysis.

v. If, after review and comment by the Conservation Commission, the Planning Board determines that potential damage to an underlying Aquifer or Wellhead Protection Area would result from the proposed use, then the following additional items may be required by the Planning Board:

1) Data reports prepared by a professional engineer or qualified groundwater consultant to assess any potential damage to underlying Aquifers or Wellhead Protection areas from the proposed use.

2) Storm water management and pollution prevention plans including, but not limited to:

a. Minimum storm water discharge setbacks between water supply wells, wellhead protection areas, and any contaminated soils.

b. A source control plan that would minimize the release of pollutants and would identify pollution prevention measures.

c. Plans to maintain vertical separation between the bottom of a storm water infiltration area and the average seasonal high water table as determined by a licensed hydrologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.

d. Proposed storage areas for animal manures, fertilizers, and compost.

e. Proposed storage areas for hazardous substances to include proposed impervious surfaces designed and maintained to prevent flow to exposed soils, floor drains, and storm water drains.

f. Locations of outdoor storage areas of hazardous substances and associated material and/or waste, including plans to prevent exposure to precipitation, and showing a minimum of 50 feet from surface water and storm drains, a minimum of 75 feet from

private wells, and showing the distance from any wellhead protection area.

g. A plan showing secondary containment for outdoor storage of hazardous substances.

h. An approved plan for blasting activities. All activities related to blasting shall be performed in accordance with current New Hampshire Department of Environmental Services (NHDES) Blasting Best Management Practices (BMPs) to prevent contamination of groundwater. These include preparing, reviewing and following an approved blasting plan; proper drilling, explosive handling and loading procedures; observing the entire procedures; evaluating blasting performance; and handling and storage of blasted rock.

vi. Such other information as may be deemed necessary by the Planning Board in order to apply the regulations contained herein. The applicant may meet with the Planning Board at any regularly scheduled meeting prior to submitting the application to discuss any items that the applicant feels do not apply to his particular Site Plan application.

d. "As Built" Plans. "As Built" plans will be required at the conclusion of the installation of all underground utilities.

3. Completed Application (Required) (Old 7.02)

a. A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least 21 days prior to a regularly scheduled meeting of the Planning Board.

b. The completed application shall also include all required fees for notices and any administrative or other fees assessed by the Board under the provisions of RSA 676:4,I(g).

c. The application shall be submitted to the Planning Board at the next regular meeting for which notice can be given, and the Board shall determine if the submitted application is complete according to these regulations and shall vote on its acceptance (such meeting must occur within 30 days following delivery of a completed application). Acceptance of a completed application by the Board shall occur at a regularly scheduled meeting after notification to abutters has been given as required by RSA 676:4,I(d).

d. If the Board determines that a submitted application is incomplete, the Board shall notify the applicant and shall specify and describe the information, procedure or other requirements necessary for the application to be complete. Applications may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations. The applicant shall be promptly notified in writing of the reasons for disapproval.

e. Acceptance will be by affirmative vote of a majority of the Board members present. If notice of a public hearing was included in the notice under 3.c, a public hearing may follow immediately; if not, a public hearing will be scheduled for a time and date certain.

f. When a completed application has been accepted by the Board, the Board shall provide a receipt to the applicant indicating the date of acceptance which is the start of the 65 day review (95 days in case of developments of regional impact).

4. Board Action on Completed Application

a. The Board shall act to approve, conditionally approve, or disapprove the completed application within 65 days (+30 days for developments of regional impact) of acceptance except as otherwise provided herein. Approval or disapproval shall be by affirmative vote of the majority of members present.

b. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. (RSA 676:4,I(f))

c. If the Board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension pursuant to subparagraph (c), the Board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application.

d. Approval of the site plan shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Board.

e. If any submitted site plan is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant.

f. If the Planning Board has not taken action on the completed application within 65 days of its submission and has not obtained an extension, the

Board of Selectmen shall certify on the applicant's application that the plat is approved pursuant to RSA 676:4,I(c).

5. **Public Hearing** (old 7.05)

   a. After the application is accepted as complete and prior to approval or disapproval, a public hearing shall be held in accordance with RSA 676:4.I(e). Notice of the hearing shall be given to the applicant, abutters, holders of conservation, preservation or agricultural preservation restrictions, the public and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat per RSA 676:4.I(d).

   b. (old 7.06, 1) Notice of the Design Review Phase or submission of an application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least 10 days prior to the meeting.

   c. (old 7.06, 2) In addition, notices shall be posted at least 10 days prior to the meeting at the Swanzey and West Swanzey Post Offices, Town Hall and by publication in the Keene Sentinel.

   d. (old 7.06, 3) The notice shall give the date, time and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the applicant and the location of the site.

   e. (old 7.06, 4) If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of any adjourned session of a hearing provided that the date, time and place of the adjourned session was made known at the prior hearing.

6. **Approval** (Old section X)

   a. The Planning Board may attach such conditions to the approval of the application as it deems reasonable and necessary to ensure that the proposed use will be consistent with the purpose and intent of these regulations. Bonding may be required to ensure the completion of utilities and other amenities.

   b. No substantial deviation from plans as approved shall be permitted without the approval of the Planning Board. "Substantial deviation" will be monitored by the Code Enforcement Officer and/or Planning Board designee and determined by the Planning Board.

c. Site Plan approval will be valid for one year after the date upon which the board voted to approve provided that:

i. Active and substantial development or building shall begin on the site by the owner or the owner's successor in interest in accordance with the approved plan within 12 months after the date of approval, or in accordance with the terms of the approval, and if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted. "Active and substantial development or building" will be monitored by the Code Enforcement Officer and/or Planning Board designee and determined by the Planning Board.

ii. Development remains in full compliance with the public health regulations and ordinances specified in this section.

iii. At the time of approval and recording, the plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the site of such plat.

iv. As part of its approval of a plat or plan, the Planning Board may, with due regard to the scope and details of a particular project, specify the threshold level of work which shall constitute active and substantial development or building for purposes of fulfilling paragraph i of this section, or may for good cause extend the 12-month period set forth in paragraph i.

v. After vote of approval, the approval becomes effective when three (3) copies of the Site Plan are signed by the Chair of the Planning Board. No Site Plan shall be signed until all conditions relative to the approval are placed on the plan, the Board receives final unconditional approval from the Swanzey Fire Department and the plan is signed by a registered engineer or surveyor.

Costs of engineering, legal fees, etc., shall be borne by the applicant. A security bond may be required to guaranty performance of the applicant's application described herein.

7. Conditional Approval (old 7.04)

a. Pursuant to RSA 676:4I(i), the Board may grant conditional approval of a site plan application without further public hearing only when such conditions:

i. are administrative in nature;

ii. involve no discretionary judgment on the part of the Board; or

iii. involve the application's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board or Water Supply and Pollution Control Division.

b. If a conditional approval has been granted pursuant to 7.a in this section, the conditions shall be met within one year after the date upon which the board voted to approve, otherwise the approval is null and void.

c. All other conditions shall require a public (compliance) hearing and notice as provided in RSA 676:4.I(d).

SECTION VIII. GENERAL STANDARDS

1. **Design of development** should conform to the existing natural and manmade environments with as little disturbance as possible.

    a. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of four (4) inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped, in accordance with a landscape plan approved by the Planning Board. The Planning Board may, in its discretion, require a separate landscaping plan.

    b. Grading and filling must be conducted so that there is no net increase in surface and subsurface drainage toward or across abutting properties unless an easement is obtained from the abutting landowner and recorded in the Cheshire County Registry of Deeds.

2. **Off-street parking and loading requirements**.

    a. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvering for parking and/or loading areas must not take place on a public street.

b. Each automobile parking space shall be no less than one hundred sixty-two (162) square feet and not less than nine (9) feet wide. In addition, adequate interior driveways and entrance and exit driveways to connect each public space with a public right of way shall be provided.

c. Access, parking and loading areas shall have a surface of rolled or compacted cinders, gravel, paving or other suitable materials to prevent dust, erosion and runoff conditions that would have detrimental effect(s) on abutting or neighboring properties. Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate runoff; however, the Board may require that access, parking and loading areas be conventionally paved, if deemed appropriate.

d. Access, parking and loading areas shall be graded to prevent drainage across sidewalks, curb cuts, adjacent properties, or onto public streets and shall have a maximum grade of five per cent (5%) and a minimum grade of not less than one-half per cent (0.5%).

e. All parking spaces shall, when deemed necessary by the Planning Board, be safely separated from walkways, sidewalks, streets or alleys by curbing, landscaping, berms, islands or other appropriate means.

f. Each parking space shall be clearly marked, and pavement directional arrows or signs provided whenever necessary. Such markings shall be properly maintained to insure maximum efficiency.

g. Landscaping in Parking Areas:

    i. Parking areas shall be landscaped with trees and shrubs to effectively reduce the visual impact of glare, headlights and parking lot lights from the public right-of-way and from adjacent properties.

    ii. A minimum of one (1) tree 3” in diameter required for every thirty (30) feet along the perimeter of the parking area where parking spaces are provided.

    iii. Planting islands consisting of Linear Divider Islands running parallel to parking rows and Terminal Islands at the ends of parking rows should be used on the interior of the parking area to define vehicular and pedestrian circulation patterns and to break up large expanses of pavement. Islands should include trees and be planted with either grass or evergreen shrubs.
    One linear divider island shall be provided for every six (6) parking rows. They should be at least ten (10) feet wide, and with

trees planted no more than thirty (30) feet apart and at least four (4) feet from the curb in all directions.

Terminal islands should be provided at the ends of parking rows at least every twenty (20) spaces and contain one (1) tree for islands terminating a single row of spaces and two (2) trees for islands terminating a double row of parking spaces.

iv. The total interior green space for a parking lot shall be determined by the total number of parking spaces within the lot. For parking lots with up to forty-nine (49) parking spaces, no interior green space is required; for parking lots with fifty (50) to one-hundred (100) parking spaces, ten (10) square feet of green space shall be required per parking stall; for parking lots with one-hundred one (101) to two-hundred fifty (250) parking spaces, fifteen (15) square feet of interior green space shall be required per parking stall; for parking lots exceeding two-hundred fifty parking spaces, twenty (20) square feet of interior green space shall be required per parking stall.

h. A parking lot entrance or exit shall be twelve (12) feet wide per lane.

i. Internal travel lanes shall not be less than:

i. 22 feet wide for 90° angle parking

ii. 20 feet wide for 60° angle parking

iii. 12 feet wide for 45° angle or less parking

j. The final design of the parking lot shall be subject to approval of the Board, which may require other standards as special circumstances warrant.

3. Street access/traffic patterns. Access to public streets will meet the requirements of the NH Department of Transportation and/or the Town of Swanzey. Any new road construction shall conform to the road standards as specified in the Town of Swanzey Subdivision Regulations. The internal traffic pattern will accommodate the proposed use, as well as providing easy, unimpeded access for emergency vehicles.

4. Illumination/Lighting

a. Lighting shall be installed and arranged so as not to reflect or cause glare upon abutting land or highways and roads.

b. No light shall be used to illuminate any sign except steady white light. Sign lighting shall be installed and arranged so as not to reflect or cause glare upon abutting properties, highways or roads.

c. Moving, fluttering, blinking or flashing lights or signs shall not be permitted.

d. Outdoor lighting shall be restricted to that which is necessary for advertising, safety, and security of the development.

e. Fixtures and locations must be approved by the Board.

5. Landscaping and Screening

a. PURPOSES
   i. To provide for the harmonious and aesthetically pleasing development of the Town of Swanzey and its environs;
   ii. To provide for open spaces and green spaces of adequate proportions;

   iii. To screen neighboring parcels;

   iv. To promote an aesthetically pleasing relationship between buildings and their natural surroundings; and

   v. To promote visual relief from broad expanses of pavement;

   vi. To define areas for pedestrian use and vehicular circulation.

b. GENERAL STANDARDS
   i. A landscaping plan shall be submitted and approved, showing locations and types of vegetation to be retained or established.

   ii. Landscaping and screening shall be provided at the discretion of the Planning Board with proper regard to adjacent properties, the public highway and within the site, including interior landscaping and parking areas.

   iii. The Planning Board may require a full landscaping and maintenance program prepared by an arborist, landscape architect, or other qualified individual.

   iv. The Board may require security to ensure proper installation to extend up to 24 months subsequent to issuance of a building permit.

v. Landscaping must be maintained in good condition, and replaced as necessary to the standards herein. The property owner shall keep landscaping free of refuse and debris.

vi. All trees are to be a minimum of 3" caliper at six inches above the ground at time of planting.

vii. In addition to trees, all landscaped areas shall contain shrub and ground cover plantings. Mulch and other non-living material is not a substitute for trees, shrubs, flowering herbaceous plants and grass.

viii. Landscaping plans shall not incorporate species known to be invasive. For the current list of New Hampshire's prohibited invasive plants, see https://www.agriculture.nh.gov/divisions/plant-industry/trees-shrubs-vines.htm

ix. A significant portion of landscaping should be located so as to be visible from public ways.

x. Landscaped areas shall be used exclusively as landscaping, and not for equipment or product storage, parking, and the like. A revised site plan is required to request the change of a part of a site from landscaping to a different use.

xi. All outdoor storage areas and loading areas shall be located or screened to prevent visibility from public roads, parking areas or neighboring properties.

xii. The manner of waste disposal shall be specified and the site plan. Trash receptacles shall be located or screened to prevent visibility from public roads, parking areas or neighboring properties.

xiii. Parking lots shall be landscaped in accordance with landscaping design standards set forth in Section VIII(2)(g).

xiv. The final design of the landscaping plan shall be subject to the approval of the Board, which may require other standards as special circumstances warrant.

c. SPECIFIC STANDARDS

i. Landscaped buffers between different uses of land

1. Landscaping shall be used to form a buffer between non-residential and residential uses. Landscaping shall be used

to form a buffer between single-family and multi-family projects, especially when multi-family units are different in height, form, and/or material than adjacent single-family units. The Planning Board may specify the appropriate size and nature of the landscaped buffer.

2. A non-residential use shall be screened from the abutting residential dwelling by a fence, hedge, berm, vegetative planting or other screening material. The Planning Board may request a combination of these screening materials.

ii. Landscaped strips between building and street

1. Landscape plans shall include a landscaped strip 20' wide, parallel to the public right-of-way, continuous along the entire length of all street frontage.

2. The landscaped strip should contain a minimum of 1 shade tree (3" caliper), either retained or planted, per 30 feet of frontage.

3. Plans for the landscaped strip must include a combination of deciduous and/or evergreen trees, shrubs, grass, fences, berms, and/or walls. Berms are encouraged to provide screening of cars and paved areas.

4. Trees and shrubs should be positioned to not obstruct the view of on-coming traffic when the strip abuts or contains an entrance/exit.

iii. Landscaping between adjacent buildings

1. Site plans shall provide a landscaped area that is a minimum of 10 feet deep around the sides of buildings with public access or are visible from the public roadway. Such landscaped areas shall contain shrub and ground cover plantings in addition to trees.

2. Any lot bordering a residential zone or an existing residential use shall have a 20 foot deep landscaped buffer between any buildings and the residential zone or use. The landscaped areas shall contain shrub and ground cover plantings in addition to trees. There should be a minimum of one tree, 3" caliper at planting, per 200 square feet of ground area.

d. RECOMMENDED GENERAL APPROACH TO LANDSCAPING

i. Use plants that are suitable for roadside and parking lot conditions, as well as for the specific exposure, soil, and drainage conditions of the site.

ii. Use a variety of species in plant massings: group plants with various textures, sizes, and colors. Wherever possible, use native species. Whenever possible, include flowering and fruiting species for color, interest, and wildlife habitat.

iii. Integrate existing mature trees and vegetation into the landscaping plan.

iv. Use plantings to enhance the relationship of buildings to their surroundings. Plantings soften the edges and reduce the perceived scale of buildings, and set buildings into the landscape.

6. **Water supply and sewage disposal systems**.

a. Water supply and sewage disposal systems must be sized to adequately meet the needs of the proposed use under the regulations of the NH Department of Environmental Services Division of Water, Subsurface Systems Bureau and/or the Town of Swanzey regulations. It shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system, and that existing systems are adequate to serve the needs of the proposed development.

b. On any property where land-disturbing activities are to take place, all inactive wells not in use or properly maintained at the time the site work plan is submitted, shall be considered abandoned and must be sealed by the well owner in accordance with the most current version of the New Hampshire Water Well Board Rules (We 604).

7. **Underground fuel storage tanks**. Underground fuel storage tanks shall comply with the standards set forth by the New Hampshire Department of Environmental Services.

8. **Storm water drainage**. Increase in the peak flow of surface runoff shall not be permitted if such increased runoff passes beyond the property lines of the parcel upon which the development occurs, unless it is within an approved public storm drainage system or by easement per Section VIII.1(b) of these regulations.

9. **Pollution control**. The applicant will employ the best standards and technology economically available at the time to avoid undesirable and preventable elements

of pollution such as noise, smoke, soot, particulate, or any other discharges into the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties.

10. **Handicapped persons**. Where required by law, all buildings shall have access for handicapped persons.

11. **New utilities and/or transmission lines**. Where appropriate, the Board reserves the right to require installation of new utilities and/or transmission lines to be buried underground.

12. **Architectural Plans.** No permit shall be granted for a commercial, industrial or multi-family building unless an architectural plan drawn to scale meets all of the requirements of the Planning Board. Specifications shall have been filed with and approved by the Planning Board.

    a. The Architectural Plans shall, at a minimum, indicate the following:
        i. Floor plan(s);
        ii. Building elevations (all four sides);
        iii. The shape of the building, including rooflines which, in the opinion of the Planning Board, must be in accord with other buildings in the neighborhood;
        iv. The style of windows and doors to be installed on the building;
        v. The type of building material to be used on the exterior of the building, including color renderings; and
        vi. The Board may request details, and other plans (axonometric, details, etc.) should they believe that it is in the best interests of the community in the review of the project.

    b. The evaluation of the following appearance factors will govern the Planning Board's decisions on whether the proposed building designs are acceptable:

        i. Building materials and color considerations;
        ii. Harmony and compatibility of project compared to existing site and neighborhood; neighborhood shall be defined as the area within a one-half mile radius of the proposed site, regardless of the zoning district;
        iii. Lighting design (only lighting visible from the exterior of the building); and
        iv. Retention, alteration, or removal of existing structures and site features.

SECTION IX. TELECOMMUNICATIONS FACILITIES

1. Since the visual impact of telecommunications facilities can transcend town lines, communities that may be visually affected shall be formally notified of applications for such proposed facilities as projects having regional impact.

2. Site Plan Review will include consideration of the following:

    a. intrusion (if any) on scenic and cultural resources;
    b. vegetative buffers at the ground level;
    c. use of each tower by multiple carriers;
    d. economic effect on neighboring properties, and
    e. plans for removal of the structure if it ceases to be in use.

3. The proposed facility will be screened by natural or planted vegetation or suitably camouflaged as much as is deemed necessary and reasonable, based on location and view from other vantage points.

4. The applicant must provide a bond or other security acceptable to the Board of Selectmen that will be posted for the lifetime of the project, or fifteen (15) years, whichever is greater, and will be for the purpose of paying for the demolition of the facility at the end of its useful life and/or when it ceases to be used for its original permitted use.

5. Where possible, dish antennae will be arranged contiguous to or below the abutting tree line.

6. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and building environment.

7. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the Planning Board shall review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

8. Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

9. Setbacks:

    a. Towers must be set back a distance equal to 125% or more of the height of the tower from any off-site residential structure.

    b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.

10. Security fencing. Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

SECTION X. FIVE YEAR EXEMPTION (old XI)

Every plat or site plan approved by the Planning Board and recorded in the Registry of Deeds shall be exempt from all subsequent changes to subdivision regulations, site plan review regulations, and zoning ordinances adopted by the Town of Swanzey as provided in, and subject to the requirements of, RSA 674:39.

SECTION XI. SPECIAL FLOOD HAZARD AREAS (old XIII)

1. All development in the Flood Plain District is prohibited except by Special Exception from the Zoning Board of Adjustment. The term "development" is defined to mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavations or drilling operations.

2. Section IX of the Town of Swanzey Zoning Ordinance, "The Flood Plain Development Ordinance," contains the regulations which apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the County of Cheshire, New Hampshire" dated May 23, 2006 or as amended, together with the associated Flood Insurance Rate Maps (FIRM) dated May 23, 2006 or as amended, on file with the Town Clerk, Planning Board and Building Inspector which are declared to be part of this ordinance.

3. The Code Enforcement Officer shall review building permit applications for new construction or substantial improvements in "special flood hazard areas" for compliance with Section IX of the Town of Swanzey Zoning Ordinance.

SECTION XII. PERFORMANCE GUARANTY (old XIV)

1. As a condition of approval, the Planning Board may require the posting of a performance guaranty in an amount sufficient to defray the costs of construction of the improvements shown on the site plan including, but not limited to, streets and drives, parking area, drainage, landscaping, lighting and public utilities. The amount of the security shall be based on an estimate of costs provided by the applicant, subject to the approval of the Selectmen. The amount of the security shall also include fees to cover the cost of periodic inspection. At the discretion of the Planning Board, the proposed security shall be reviewed by a licensed engineer. All costs of such review shall be paid by the applicant. The security shall be approved as to form and sureties by the Planning Board, the Board of Selectmen and the Town Attorney.

2. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town. Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guaranty shall be released in phases as portions of the secured improvements or installations are completed and approved by the Planning Board or its designee, in accordance with the Site Plan approved by the Board.

SECTION XIII. REVOCATION OF PLANNING BOARD APPROVAL (old XVI)

The Planning Board shall have the authority to revoke approved site plans pursuant to the provisions of RSA 676:4-a.

SECTION XIV. ADMINISTRATION AND ENFORCEMENT (old XVII)

1. Administration and enforcement. These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen. The Board of Selectmen or its designee shall not issue any building permit for construction which requires site plan approval until such planned construction has received site plan approval by the Planning Board.

2. Penalties and Fines. Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:17, as amended.

3. Appeals. Any person aggrieved by a decision of the Planning Board may appeal said decision to the Superior Court pursuant to RSA 677:15, except when a disapproval by the Board is based on noncompliance with the Swanzey Zoning Ordinance, in which case it may be appealed to the Zoning Board of Adjustment. For appeals from housing or housing related development decisions, any aggrieved party may file an appeal with the Housing Appeals Board pursuant to RSA 679:6, or with the superior court.