

Town of Washington
Planning Board
Site Plan Review Regulations

November 25, 1997

Town of Washington Planning Board Site Plan Review Regulations

Section I. Authority

Pursuant to the authority vested in the Planning Board by the voters of the Town of Washington on March 11, 1997, and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Washington Planning Board hereby adopts the following regulations governing the development or change or expansion of use of tracts for non-residential uses or multi-family dwelling units (more than two units), whether or not such development includes a subdivision or resubdivision of the site.

Section II. Purpose.

The purpose of the Site Plan Review process is to protect the public health, safety and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development. The Site Plan Review Procedure in no way relieves the developer or his/her agent from compliance with the Washington Land Use Ordinance (zoning regulations), Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects with any pertinent ordinances and regulations, except as waived in accordance with Section XIII.

Section III. Scope of Review

Whenever any development, change or expansion of use of a non-residential use of property or multi-family dwelling units is proposed, or whenever any changes are proposed which 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 site development in accordance with procedures outlined in these regulations.

Each of the following requires Planning Board review :

1. All new principal buildings and accessory buildings for non-residential and multi-family use.

2. A change of use, e.g., from residential to commercial, from single family to multi-family, or one type of commercial or industrial to another.
3. Additions of more than 500 square feet of floor area to such existing principal and accessory buildings or 10% whichever is less.
4. External modifications or change in layout of non-residential or multi-family property or building(s) which involves changes in traffic flow, parking, drainage, landscaping, water, sewer, lighting or signage.
5. Home Occupations (Cottage Industry) are specifically excluded from the application of these regulations once the Planning Board reviews the information through an informal discussion at a regular meeting and agrees and so votes that each of the following conditions is met:
 - a. The home occupation is clearly an accessory use to the residential use of the property.
 - b. The home occupation is carried on only by family member(s) residing at the principal residence.
 - c. The home occupation will not routinely involve customer on-site sales or service.
 - d. There will be no outdoor displays or on-site advertising associated with the occupation.
 - e. The occupational use of the home will not result in a significant increase in traffic, parking requirements, noise, odor, waste disposal, lighting, outside vehicle or material storage, or other negative influence on the community.
 - f. The owner of the property files a "statement of property usage" with the Planning Board which documents the current use of the property and proposed use of the property; and the owner of the property certifies that the home occupation meets the conditions of Section III, Paragraph 5 of these regulations.

Home Occupations which are not excluded from these Site Plan Review Regulations should use the application procedures in Section XII.

Section IV. Definitions

The definitions contained in the Washington Land Use Ordinance (zoning regulations) and in the Washington Subdivision Regulations shall apply to the Site Plan Review Regulations.

Section V. Application, Review, Approval and Public Hearing Procedures

- A. Non-binding Consultation and Review procedures outlined in the Washington Subdivision Regulations Section 3.02 shall apply.
- B. Regional Impact: Pursuant to NH RSA 36:57, upon determination that a proposed development has a potential regional impact, the Planning Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purposes of providing notice and giving testimony. At least fourteen days prior to the public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time, and place of the hearing and the right to testify concerning the development. Within 72 hours of reaching a decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. A determination of regional impact shall be made in accordance with Section VIII of these regulations.
- C. Preliminary (Design) Review procedures outlined in the Washington Subdivision Regulations Section 3.04 shall apply.
- D. Final Application and Review procedures outlined in the Washington Subdivision Regulations Section 3.05 shall apply.
- E. Notice of Application and Hearing procedures outlined in the Washington Subdivision Regulations Section 3.06 shall apply.
- F. Cost and Fees procedures outlined in the Washington Subdivision Regulations Section 3.07 shall apply.
- G. Formal Consideration; Time Limits procedures outlined in the Washington Subdivision Regulations Section 3.08 shall apply.
- H. Final Review Public Hearing procedures outlined in the Washington Subdivision Regulations Section 3.09 shall apply.
- I. Decision of the Board procedures outlined in the Washington Subdivision Regulations Section 3.10 shall apply.

Section VI. Submission Requirements

Every application shall be accompanied by a site plan showing information relevant to the proposal. All site plans shall, at a minimum, show the submission items listed below, unless a waiver from any of these is granted by the Board. All existing conditions and proposed conditions shall be shown and distinguished from each other. Three copies of the site plan shall be submitted with the application.

A. An Abstract to include:

1. A statement of proposed hours and days of operation;
2. An estimate of the normal customer/business traffic including truck deliveries;
3. A description of the proposed uses of associated building areas including type of occupancy for each;
4. The number of employees;
5. The demand for utility service by type;
6. Any other descriptive information which will clarify the proposal for the Board.

B. Site Plan Map Submission Items

I. Site Plan Map General

1. A title block that shows:
 - a. Name of the development or project.
 - b. Tax Map and Lot Numbers
 - c. Name, address, and telephone number of owner of record and of developer.
 - d. Name, address, and telephone number of owner of record and of designated agent.
 - e. Name and address of the person preparing the site plan.
 - f. E-911 Address (if known).
2. Name and address of abutter(s) within 200 feet.
3. North arrow and date of the plat and any revisions.
4. Drawn to 1" = 20 ft. or a scale appropriate to the development.

5. Site location map at an appropriate scale showing the location of the site in relation to the existing public streets.
6. Planning Board approval signature and date block.
7. Prepared, signed, stamped, and certified by a NH licensed professional engineer and/or surveyor showing license number.

II. Impact Statements

1. Regional Impact: Provide Regional Impact Statement for developments deemed to have regional impact.
2. Local Impact:
 - a. Provide statement of impact on municipal services;
 - b. Environmental impact analysis;
 - c. Location of both the storage and use of any fuels or hazardous materials, with the type of fuels or hazardous materials stored or used.

III. Zoning

1. Boundaries and designations of any zoning district.
2. Any land use designation from the Master Plan.

IV. Property Boundaries

1. Property boundary lines, angles and dimensions (including lot frontage) and bearings.
2. Lot area in acres and square feet.
3. If this is an old survey, show the plans referenced including page and book number at the Sullivan County Registry of Deeds.
4. All present or proposed easements, covenants, reservations or restrictions benefitting or burdening the property. The location of all areas affected or to be affected thereby shall be clearly identified by appropriate reference to the plat.

V. Physical and Natural Features

1. Natural physical features such as streams, marshes, wetlands, lakes and ponds on the site and on land within 200 feet of the site. Wetlands as defined by the New Hampshire Wetlands Bureau.
2. Soil survey data from Sullivan County Soil Survey.
3. Existing and proposed grades and topographic contours in two foot intervals for the developed portion of the lot, and contours based on USGS data for the balance of the lot, with spot elevations and base flood elevations where appropriate.

VI. Buildings

1. Shape, size, height, location and use of existing and proposed structures located on the site and those existing within 200 feet of the site, and typical architectural building elevations for new structures.
2. Dimensions and total area of each existing and proposed structure.
3. Building set-back lines from the Land Use Ordinance.

VII. Access Points

1. Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets.
2. Locations, names and dimensions including inside radii of curves of any existing and proposed roads and driveways on the property and within 200 feet of the site.
3. Application to or approval from either the NH Department of Transportation or from the Town of Washington Planning Board for a driveway or access.

VIII. Parking and Pedestrian Safety

1. Location, dimensions, and total number of parking areas, loading spaces and other similar facilities associated with the use.
2. Location of existing and proposed sidewalks.

IX. Internal Traffic Pattern

1. Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the provisions contained in the Washington Subdivision Regulations.
2. Location and dimensions of existing and proposed sidewalks and driveways, including inside radii of curves and indication of travel for any which are one-way. Both vehicular and pedestrian circulation shall be shown.
3. Areas provided for snow removal or storage without impeding traffic circulation or affecting safety.
4. Areas provided for emergency vehicles to have easy, unimpeded access to all buildings with adequate turn-around space.

X. Utilities and Drainage

1. Locations and sizes for all existing and proposed electric and telephone lines, water mains, sewer and culverts.
2. Distances to existing and proposed fire hydrants and/or fire ponds.
3. Location and type of proposed waste water disposal system with an outline of the reserve area for any new system.
4. Location and data of test pits and percolation tests.
5. Septic plans filed with and approval by NH Water Supply and Pollution Control; or certification by a licensed septic designer that the existing system has been certified as to sufficiency for the proposed development.
6. Location of existing and/or proposed on-site well (indicating a 75-foot radius on the property).
7. Existing and proposed methods of handling stormwater run-off and the direction of the flow indicated by arrows.
8. Sizes and locations of all stormwater drainage lines, catch basins, drywells, drainage ditches and retention basins.

XI. Landscaping, Signs, Lighting

1. Landscaping plan, describing the number, location, types, and sizes of all existing and proposed landscaping and screening.
2. Location and type of all existing and proposed signs.
3. Location, type, and nature of all existing and proposed exterior lighting.

XII. Performance and Maintenance Bond

1. Developer's engineer shall furnish to the Board an estimate of the full cost of all improvements.
2. Any proposed bond or surety and security providing for and securing to the Town the completion of the actual construction and installation of all improvements and utilities and their maintenance for one year following issuance of certificate of performance by Planning Board.
3. The Planning Board may endorse acceptance of the bond or surety and security in the form endorsed by the legal counsel to the Town. Documents establishing the bond or surety and security to be prepared and reviewed at developer's expense and approved by Town Counsel.

XIII. Title Matters

1. Names and addresses of all persons having a beneficial interest in the property.
2. Most recent deed to the property.
3. Form of any proposed conveyances to the Town subject to review by Town Counsel at developer's expense.

XIV. Agency Approvals

The application shall be accompanied by any necessary Federal, State or local permits and approvals, including but not limited to Board of Adjustment, Department of Transportation, New Hampshire Wetlands Bureau, or Water Supply and Pollution Control Commission. State and Federal applications and supporting information will be accepted for site plan review applications. Site plan conditional approval may be granted pending receipt of State and Federal permit approvals, however site plans will not be signed and filed until all

necessary permits are obtained. Agencies having jurisdiction over any aspect of the proposed development may include the following:

NH Water Supply and Pollution Control Division

- Dredge and Fill Permit
- Septic Systems
- Water Supply Systems
- Significant Alteration of Terrain
- Erosion Control permit per RSA 149:8-A

NH Department of Resources and Economic Development Natural Heritage Inventory Section, Notice of Review (NH RSA 485-A)

NH Department of Transportation

- Driveway Permit

NH Fish & Game Department

NH Water Resources Board

NH Wetlands Bureau

Washington Fire Chief

Washington Road Agent

Washington Police Chief

Washington School Board

Washington Board of Adjustment

XV. Additional Information and Waivers

Submit any requests for waivers or exceptions in writing with reference to specific section of these regulations.

The Board reserves the right to call upon the applicant for additional information in the course of reviewing the proposed development. All such calls will be in writing addressed to the applicant or his agent.

The Board may waive the requirements of a survey of the entire parcel. Whenever the Board waives the requirement for a survey of the entire parcel, there shall be submitted instead a scaled map which shall indicate the size and shape of the entire parcel, the location of any structures thereon, the names of all abutters, the location of the proposed and nature of important topographical features and other such information as will assist the Planning Board in reviewing the development requests.

C. Other

1. Erosion Control Plan which meets the design standard and specification 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 conditions are proposed:
 - a) a cumulative disturbed area exceeding 20,000 square feet;
 - b) construction of a road or street;
 - c) construction of three or more dwelling units.
2. An adequate stormwater drainage system developed by a certified engineer.
3. An local impact analysis may be required, which takes into account the following items to the extent the Board deems applicable:
 - a) Demographic Description
 - b) Community Facilities Impacts (sewage disposal, water system, traffic, schools, public safety, recreation).
 - c) Environmental Impact Analysis.
4. Such other information as deemed necessary by the Board in order to apply the regulations contained herein.

Should the Board determine that some or all of the above-described information is to be required, the applicant will be notified in writing within ten days of the meeting at which the determination was made.

Section VII. Changes and Amendments

It shall be the landowner's responsibility to ensure that construction or site development does not deviate from the approved site plan. Any proposed changes to the approved Site Plan shall be presented for review. Minor changes may be approved upon presentation. Major changes shall require the submission of an amended final site plan review application and approval by the Planning Board before construction can proceed.

Major changes, by way of illustration, may include, but are not limited to major building or site adjustments which would render the site plan in non-conformance with one or more requirements of the Town, which result in either the movement of utility line(s) or access(es), which create the potential of adversely affecting an abutting property as a result of the change, or which otherwise may be contrary to the Purpose and Scope of these regulations.

Failure of the property owner to obtain the Board's review of changes in the approved site plan shall cause the Board of Selectmen to issue a "cease and desist" order on their own motion or at the request of the Planning Board detailing their reasons and such other enforcement measures deemed appropriate and necessary to ensure compliance with these regulations. A cease and desist order shall include a provision giving the property owner ten business days to request in writing a hearing before the Board of Selectmen on the term and conditions of said order. Said hearing shall occur within ten business days of receipt of said requests. Dates of notice and/or hearing shall not be counted in the above time periods. This provision does not alter or amend either party's rights of enforcement or appeal pursuant to RSA 676:15-19.

Supplemental information may be required by the Planning Board to update the final site plan to reflect "as built" conditions and details. The plan shall show any easements and dedicated roadways. A security bond may be required to guarantee performance of the applicant's obligations as described herein.

Section VIII. Developments Having Regional Impact

All applications shall be reviewed for potential regional impacts. Developments of regional impact may include:

- A. Residential Development: Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25% .
- B. Commercial Development: Proposals for new or expanded space of 50,000 square feet or greater.
- C. Industrial Development: Proposals for new or expanded space of 100,000 square feet or more.

Regional impact could also result from a number of factors such as, but not limited to, the following:

1. Relative size or number of lots or units compared with existing stock.
2. Transportation networks.
3. Proximity to the borders of a neighboring community.
4. Anticipated emissions such as light, noise, smoke, odors, or particulates.
5. Proximity to aquifers or surface waters which transcend municipal boundaries.

6. Shared facilities such as schools and solid waste disposal facilities.
7. The potential to disturb or destroy a significant or important natural environment or habitat.
8. The potential for accidents that would require evacuation of a large area.
9. The generation and/or use of any hazardous materials.

Section IX. Flood Hazard Areas

The Board shall require that all proposed new developments include sufficient evidence (construction drawings, grading and land treatment plans) so as to allow determination that:

- 1) Such proposals are consistent with the need to minimize flood damage;
- 2) Public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- 3) Adequate drainage is provided so as to reduce exposure to flood hazards.

Section X. Security Bond and Performance Guarantee

- A. Performance Guarantee: As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray the costs of improvements which, if not properly completed, may have an adverse effect on adjoining property, including the public right-of-way, and/or to return the site to a safe condition and stabilize the site to prevent erosion.

The amount of the security shall be based on an estimate of costs provided by the applicant. At the discretion of the Planning Board, the amount of the proposed security shall be reviewed by a licensed engineer or other appropriate professional. All costs of such review shall be paid by the applicant. The security may be in the form of a performance bond, irrevocable letter of credit or other form approved by the Board and by the town counsel.

Each approved site plan shall contain a time limit for the completion of improvements as required by the Site Plan approval. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the

Site Plan approved by the Board.

- B. Inspection: The Planning Board may require inspection services for site plan improvements. The cost of the inspection services shall be borne by the applicant. The Planning Board, in consultation with the Selectmen, shall determine whether inspection services are to be provided by Town employees or by an outside consulting or engineering firm of the Town's choice. If inspection services are required as a condition of final approval, then prior to the start of construction the applicant shall establish an account for the cost of inspection services and shall maintain a positive balance in the account at all times during construction to cover the expenses for inspection services or be subject to a "stop work" order or such other enforcement measures deemed appropriate by the Selectmen.

Section XI. General Standards

- A. Zoning and Other Requirements: The proposed use, building design and layout shall meet the provisions of the Washington Land Use Ordinance (zoning regulations), the Subdivision Regulations, and other regulations and ordinances of the Town, and shall be consistent with the goals, policies, and recommendations of the Master Plan and shall be in such size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
- B. Harmonious Development: The site shall provide for the harmonious and aesthetically pleasing development of the site and the neighboring properties. The proposed location and height of building or structures, walls and fences, parking, loading, landscaping and snow removal shall be such that it will not interfere with or discourage the appropriate development and the use of land adjacent to the proposed site.
- C. Site Characteristics: The development shall conform to the extent appropriate to the natural topography of the site. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety, the need for light and air, the need for views, and the goal of minimizing the adverse visual impact of the project. Natural cover shall be retained to supplement required landscaping to the extent possible and reasonable.
1. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site. The site shall be adequately landscaped, as delineated in a landscape plan.
 2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or newly-installed ground cover, shrubs, or trees where appropriate.

3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless a drainage easement from the abutting landowner is obtained.

D. Screening and Buffers: Screening and buffers are to be installed and maintained in order to enhance the visual appearance of the Town; to maintain and protect property values, to provide buffer strips and to provide a better transition and improve the compatibility of abutting and nearby land uses, particularly as concerns residential neighborhoods and adjacent or nearby commercial or business uses; to provide within and on the perimeter of parking areas, landscaping that facilitates safe movement of pedestrians and vehicles; to assure throughout the town appropriate barriers to and relief from visual impacts, traffic, noise, dust, heat, glare, and odor; to improve air quality; and to promote energy efficiency and conservation in site design, building construction, and landscaping.

Special consideration will be given to:

1. buffering neighboring land uses from each other;
2. screening rubbish and other outside storage areas;
3. screening parking areas from neighboring properties; and
4. maintaining the visual appearance of the Town from the public right-of-way.

Screening and buffering can be accomplished through the use of fencing, earth berms, hedges, vegetated buffer strips, or other design judged by the Planning Board to accomplish the objectives set forth in this section.

Hedges must contain vegetation which will screen during winter months.

E. Illumination:

1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
2. Indirect lighting should be used on signs advertising goods or services offered on the premises. Blinking or flashing lights or signs are not permitted.
3. Outdoor lighting is restricted to that which is necessary for advertising and security of the property.

F. Off-street Parking and Loading Requirements:

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

2. Access, parking and loading areas are to be constructed so as to eliminate dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties.
 3. Access, parking and loading areas are to be constructed so emergency vehicles have easy, unimpeded access to all buildings, with adequate turn-around space.
- G. Street Access/Traffic Pattern: Access to public streets will meet the requirements of the NH Department of Transportation or the Town of Washington whichever has jurisdiction. Any new road construction shall conform to the road standards as specified in the Washington Subdivision Regulations. The internal traffic pattern will accommodate the proposed use, as well as providing easy, unimpeded access for emergency vehicles. All street frontage other than access points are curbed or otherwise blocked to vehicular traffic.
- H. Water Supply and Sewage Disposal Systems must be sized to adequately meet the needs of the proposed use under the regulations of the NH Water Supply and Pollution Control Commission and Town of Washington regulations. It shall be the responsibility of the applicant 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.
- I. Underground fuel storage tanks shall comply with the standards of the NH Water Supply and Pollution control Division, as set forth in Part Env-WS 411 , NH Code of Administrative Rules.
- J. Stormwater Drainage: No increase in the peak flow of surface runoff shall 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.
- K. Pollution Control: The site development shall not generate or create undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties, or be in violation of State or Federal laws.
- L. Snow Removal and Storage: The Site Plan needs to provide adequate areas for snow storage and/or removal. Snow storage areas shall not adversely affect neighboring properties as a result of snow melt and subsequent runoff, the landscaping on-site or on neighboring properties, or traffic safety of access to and from the site or within the site.

- M. Natural Resources: Provisions shall be made for the protection of natural features. No stream, brook, river, wetland, lake, pond, reservoir, or aquifer shall be adversely affected.
- N. Fire Protection: The development shall provide adequate fire protection measures to ensure safe access to and around building and sites and to provide an adequate supply of water for fire fighting purposes.
- O. Utilities: Where appropriate as determined by the Planning Board, installation of any new utilities and/or transmission lines shall be buried underground.
- P. Multi-Family Structures, Recreational Areas: A site plan for multi-family structures shall make adequate provision for on-site recreational uses of the residents of the proposed development to minimize the likelihood that public safety will be endangered by the extensive use of roads and parking areas for recreation.

Section XII. Site Plan Review for Home Occupations

The Board will accept as complete an abbreviated application which consists of the materials outlined below for most Site Plan reviews for Home Occupations. The Board at its discretion may require the full set of application requirements outlined in Section VI.

- A. Abstract: A summary of the proposed home occupation which describes the proposed business, area in square feet allocated to the occupation, the days and hours of operation, the number of employees, the extent of normal customer/business traffic including truck deliveries, any change in demand for service for any utility including water, sewer, electric, and phone, the provision of fire protection, and any other descriptive information on the proposed occupation which will be helpful to the Board in evaluating any impact of the proposed site development.
- B. Site Plan Requirements: A Site Plan drawn to the scale of 1" = 20' or a scale appropriate to the development to include:
 - 1. Site location map at an appropriate scale which shall show the proposed development in relation to major roads;
 - 2. Name(s) and address(es) of owner(s) of record and of applicant if different from owner(s);
 - 3. Name(s) and address(es) of all abutting land owners within 200 feet;

4. Boundary lines of the area included in the site. (Typically a boundary survey by a licensed land surveyor is not required. However, the Board may require one as they deem it necessary.)
 5. North point, graphic scale, date of preparation, dates of revisions, zoning district, name of person preparing the site plan, and signature block for Planning Board approval;
 6. The location and dimensions of existing and proposed structures, parking areas, driveways, and landscaping/open space areas on the property;
 7. The location of water and sewer lines serving the property or on-site systems;
 8. The location of all existing and proposed on-site parking and any landscape buffering;
 9. The location of existing and proposed outside vehicle and material storage.
 10. The location and elevation showing dimensions of any proposed signage and lighting;
 11. Any and all necessary State permits approved by the appropriate agency for new or proposed access drives, sewage disposal systems, storm drainage systems, etc.
- C. Additional Information: The Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.

Section XIII. Waiver of Requirements

Upon written request of the applicant, and for good cause, the Board may waive any of the requirements contained herein, except that no relaxation may be granted which is in conflict with the Washington Land Use Ordinance (zoning regulations) or other applicable regulations. All such waivers shall be set forth in the decision of the Board as reflected in its minutes.

Section XIV. Revocation, Enforcement, Fines and Penalties

- A. Revocation: An approved and recorded site plan may be revoked by the Board in whole or in part, under the following circumstances:

- (1) at the request of or by agreement with the applicant;
- (2) when any requirement or condition of approval has been violated;
- (3) when the applicant has failed to perform any condition of approval within the time specified or within four years;
- (4) when four years have elapsed without any vesting of rights and the plan no longer conforms to the applicable regulations; or
- (5) when the applicant has failed to provide for the continuation of adequate security.

- B. Enforcement: These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen. The Selectmen shall not issue any building permit for construction which requires site plan approval until or unless such planned construction has received site plan approval by the Board.
- C. Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.
- D. 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 upon an interpretation of non-compliance with the Washington Land Use Ordinance (zoning regulations). In such instances, the appeal of this administrative decision by the Planning Board in interpreting the land use ordinance is first with the Board of Adjustment. Subsequent appeal of the BOA's decision is to the Superior Court.

Section XV. Validity

If any provision of these regulations shall be held invalid for any reason by a court, such holding shall not invalidate in any manner any other provision contained herein.

Section XVI. Amendments

These regulations may be amended by a majority vote of the Planning Board after at least one public hearing.

Section XVII. Effective Date

These regulations, and any amendments thereto shall take effect upon their adoption, and all other site plan review regulations, or part thereof inconsistent therewith, are hereby repealed.

Section XVIII. Certification

Certified to be a true copy, attest:

Lindsay Collins, Chairman

Thomas Talpey, Secretary

Charles Fields

John Sheehy

Guy Eaton, Ex-Officio

Marvin Jager, Alternate

ADOPTED: November 25, 1997