

**TOWN OF RINDGE
NEW HAMPSHIRE**

**SITE PLAN REVIEW
REGULATIONS**

2004

ADOPTED MAY 13, 1987

BY:

RINDGE PLANNING BOARD

AMENDED

MARCH 9, 1993

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SITE PLAN REVIEW REGULATIONS

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SECTION I. AUTHORITY

Pursuant to the authority vested in the Rindge Planning Board by the voters of the Town of Rindge in accordance with the provisions of RSA 674:43, *Power to Review Site Plans*, and RSA 674.44, *Site Plan Review Regulations*, the Rindge Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development of tracts for nonresidential uses or for multi-family dwelling units other than one and two-family dwellings, whether or not such development includes a subdivision or re-subdivision of the site. These regulations also apply to any additions or alterations that change the outward appearance of a nonresidential or multi-family residential building.

SECTION II. PURPOSE

The purpose of the Site Plan Review process shall be to assure the orderly, safe, attractive and proper design, use and layout of sites within the scope of the granted authority consistent with the public health, safety, comfort, and welfare of the Town of Rindge.

The Site Plan review procedure in no way relieves the developer or his/her agent from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No Site Plan will be accepted until it complies in all respects with any and all pertinent ordinances and regulations

SECTION III. DEFINITIONS

1. As used in this chapter, the following terms shall have the meaning indicated:

Development: The construction or improvements on a tract or tracts of land for nonresidential use or use for multi-family units other than one and two family dwellings.

Land Clearing: Any activity involving the cutting or removal of trees and alteration of the land in preparation for building or road construction.

Forestry: As defined in Chapter 227-G of the State Statutes; limited to forest operations other than land conversion activities.

Nodal Development: A grouping or cluster of non-residential buildings on a single site.

Site: The spatial location of an actual or planned structure or set of structures.

2. The definitions contained in the Zoning Ordinance and the Subdivision Regulation shall apply to the site plan review regulations, where applicable.

SECTION IV. SCOPE OF REVIEW

Uses requiring Site Plan Approval. All non-residential uses of land, multi-family structures, condominiums or Planned Unit Residential Developments shall require site plan approval prior to any construction, demolition or removal, land clearing, building development, or change is begun; before any permit for the erection of any building or authorization for development on such site shall be granted whether or not such development includes a subdivision or re-subdivision of land. Specific developments that require site plan approval shall include, but are not limited to, the following:

Construction or placement of any new non-residential structure, including accessory structures, of a total floor area of one thousand (1000) square feet or more. Projects of less than 1000 sq ft of building may require Site Plan Review if, in the judgment of the Planning Director or Planning Board, there are potential significant impacts.

If the proposal involves external modifications or construction (greater than 1000 sq ft), including parking lots (greater than 2,500sq ft).

The conversion of an existing building, in whole or in part, from a residential use to a non-residential use or a mixed use.

If the proposal involves a change of use category, e.g., from a residential to commercial, or from single family to multifamily.

The establishment of a new non-residential use even if no structures are proposed, including uses such as gravel pits, cemeteries, golf courses and other non-structural nonresidential uses.

The conversion of an existing nonresidential use, in whole or in part, to another nonresidential use if the new use changes the basic nature of the use such that it increases the intensity of on-or off-site impacts. If the proposal involves the expansion of a building or the intensification of use that would result in change of traffic volume or patterns in the area, noise, parking, lighting, etc.

The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives and parking lots involving an area of more than two thousand five hundred (2,500) square feet. Projects of less than 2,500 sq ft of paving or development of impervious area may require Site Plan Review if, in the judgment of the Planning Director or Planning Board, there are potential significant impacts.

Uses not requiring Site Plan Approval

Proposals that involve no change in use or level of activity.

Internal building modifications to a non-residential use that do not affect the scale or impact of an existing use.

SECTION V. PROCEDURE

Whenever any development of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as approved by the Planning Board; before any construction, demolition or removal, land clearing, building development or change is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure:

- 1 . An applicant shall submit a Site Plan Review application to the Office of the Planning Board, Town Office Building, Rindge, NH on the form provided by the Planning Board. The application shall be made by the owner of the property or his duly authorized agent. A complete application includes conformance to the specifications contained in the Site Plan Regulations, the presentation of all required drawings, layout, reports or other technical data, the payment of all fees that may be imposed by the Board in accordance with their fee schedule and the names and addresses of abutters as indicated in town records. Completed applications must be filed at least fifteen (15) days prior to a regularly scheduled meeting of the Board. An incomplete application will not be accepted by the Board.

Applications may be disapproved by the Board or the Director of Planning without public hearing on grounds of failure of an applicant to supply information required by these regulations, including but not limited to:

- (a) Abutters' identification and information required for the Site Plan.
 - (b) Failure to pay costs of notices or other costs and fees required by these regulations.
 - (c) Failure to meet any reasonable deadline established by these regulations.
2. The applicant and abutters shall be notified of said hearing by certified or registered mail at the applicant's expense, stating the time and place of such hearing, not less than ten (10) days before the date fixed therefor.
 3. If the Board shall vote to disapprove, the owner or his duly authorized agent shall be notified in writing and the specific reason for disapproval shall be noted.
 4. The Board shall consider and take action on site plans within the same time periods and under the same procedures as provided by Section 4 F of the Subdivision Regulations.
 5. The Planning Board shall require the applicant to pay all costs for notification of abutters and shall provide for the assessment of reasonable fees to cover the Board's administrative expenses and cost of special investigation and the review of documents and other matters which may be required by particular applications.

6. The Board recognizes the desirability of being able to meet with a potential applicant prior to the submission of a formal application to discuss the concepts of a proposal. An owner, or his duly authorized agent, may request an informal review of the Site Plan by the Director of Planning or the Planning Board. This preliminary consultation may also occur at public meetings of the Board. In either case, the preliminary review and consultation will be nonbinding and will discuss the proposal in conceptual form only.

7. The Board may provide for an expedited review of Minor Site Plans. Criteria the Board will use to determine whether an application qualifies as a minor site plan include, but are not limited to, the following:
 - √ When there is no new construction.

 - √ When new construction is no greater than 2,500 square feet in area. (i.e. buildings 1000-2500sq ft)

 - √ When site impacts are not expected to be significant, in terms of traffic, noise, parking, lighting, etc.

 - √ Any development which results in the construction of between 1,000 sq ft and 9,999 sq. ft. of gross floor area and impervious surface. Minor Site Plan Review criteria and submission requirements may be less comprehensive. See Site Plan Review Checklist

8. The Planning Board may undertake or require the applicant to undertake any study that it reasonably deems essential to ensure that the development can satisfy the review standards of these regulations. The applicant shall pay the reasonable cost of any such study.

Note: To avoid unnecessary delay or added expense, the applicant is urged not to undertake technical studies which may subsequently not be acceptable to the Board or which may require additional technical review

SECTION VI. SUBMISSION REQUIREMENTS

A. GENERAL INFORMATION

A Site Plan submitted for Site Plan Review shall be submitted in triplicate and shall be in full compliance with the requirements listed herein. All plans submitted shall include:

1. Location of site, name and addresses of owners of record and abutting land owners. Name of project or identifying title; and tax map and lot number.
2. Name and address of the applicant, of persons or firm preparing the map, the scale of the map (1 inch equals 40 feet suggested), north arrow and date. Such map shall be prepared and stamped by a licensed land surveyor or licensed professional engineer. Name and address of persons or firm preparing other data and information if different from the preparer of the map. The maximum size of each drawing submitted shall be 22 X 34 inches.
Note: A scaled plan may be acceptable for a minor site plan review.
3. The surveyed boundary lines of the area included in the site, including angles or bearings of the lines, dimensions, street frontage, and the lot area. Similar data for internal lots, if any, in the site are required. All easements shall be shown.
4. The existing grades, drainage systems, structures and topographic contours at intervals not exceeding five (5) feet with spot elevations where grade is less than five (5) percent.
5. The shape, size height, and location of existing structures located on the site and within 200 feet of the site.
6. Natural features including watercourses and waterbodies, various types of vegetation and topographical features. Man-made features such as, but not limited to, existing roads and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered.
7. Location, name and widths of any existing and proposed roads on the property and those existing within 200' of the site. In order to meet minimum safety standards, new roads shall be constructed in accordance with the provisions contained in the Rindge Subdivision Regulations.
8. Final road profiles, center line stationing and cross sections.
9. Use of abutting properties shall be identified with approximate location of the structures thereon including access roads.
10. The size and location of all existing public and private utilities and all existing landscaping. This shall include the location and size of existing utilities that are located off-site, with which connection is planned or located within 100 feet of the site.

11. A vicinity sketch (suggested scale of 1-inch equals 500 feet) showing the location of the site in relation to the surrounding public street system. The zoning districts and boundaries for the site and within 1,000 feet of the site shall be shown. One hundred year flood elevation line shall be included where applicable together with wetlands.
12. Soils data (types and boundaries) as certified by the Cheshire County Conservation District.

B. PROPOSED DEVELOPMENT

All plans for site development including land clearing and grading, buildings, structures and appurtenances shall include the following:

1. The proposed grades, drainage systems, structures and topographical contours at intervals not exceeding five (5) feet with spot elevations where grade is less than five (5) percent.
2. The shape, size, height and location of the proposed structures including expansion of existing buildings, with typical elevations and floor plans.
3. Proposed streets, driveways, parking spaces, sidewalks, with indications of direction of travel for one-way streets and drives and inside radii of all curves. The width of all streets, driveways and sidewalks and the total number of parking spaces shall be shown. In addition, loading spaces and facilities associated with the structures on the site shall be shown.
4. Identification of access to the site, site distance at the access point(s) curb cuts and proposed changes (if any) to existing street.
5. The design and location of all proposed utilities including but not limited to water supply, waste disposal facilities, septic tanks and leachfield systems, or methods of waste water disposal, and provision for future expansion of sewage and water facilities.
6. The location, type and size of all proposed landscaping and screening including fences and walls.
7. Construction drawings or samples depicting in full color and detail all exterior façades and including typical elevations, including but not limited to shape, size, height and location of the proposed structures, pavements, walks, steps, curbing and drainage.
8. Exterior lighting plan and proposed signs or instructional devices to be located on the site, including sign orientation, size, height, and elevation view.
9. Plans for snow removal and storage. Location to be consistent with the Rindge Wetlands Zoning Ordinance.

10. A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets including any traffic control devices necessary in conjunction with the site development plan.
11. Construction drawings including but not limited to pavements, walks, steps, curbing and drainage.
12. Provisions for control of erosion and sedimentation both permanent and temporary (for construction phase). The recommended guidance document is the "Best Management Practices to Control Non-Point Source Pollution" Citizen's Guide, NH DES, January, 2004.
13. Location of any common land and /or dedication of land for public or common ownership.
14. The phasing of the projects' construction, if staged.
15. Provisions for fire safety, prevention and control.
16. Stormwater management plan showing:
 - a The existing and proposed methods of handling stormwater runoff.
 - b The direction of flow of the runoff through the use of arrows.
 - c The location, elevation and size of all catch basins, dry wells, swales, and any other stormwater management structures.
 - d For Major Site Plans (affecting more than 40,000 sq ft) Engineering calculation used to determine the post development peak discharge rate is equal to or less than the pre-development peak discharge rate (based on a 2 year, 24 hour, 10, 25 and 50 year storms). The stormwater system shall be sized to treat and store the 2 year storm and infiltrate the 1-inch storm. Projects affecting between 10,000 sq ft and 39,999 sq ft of gross floor area and impervious surface may require a stormwater plan if, in the judgment of the Planning Director or Planning Board, there are potential significant impacts such as proximity to wetlands, surface waters, water supply, floodplain or aquifer protection areas.
 - e The stormwater management system design shall follow the "Best Management Practices Manual for Innovative Stormwater Treatment Technologies", NH Department of Environmental Services, May 2002 and "Design Guidelines and Criteria for Stormwater Management", Comprehensive Environmental Inc., November 2003, including any future amendments to these documents.
17. The location of all existing and proposed deed restrictions, covenants, etc.
18. The location of all building setbacks required by the Zoning Ordinance.

- 19 a. The applicant may be required to submit a soil erosion and sediment control plan in keeping with the provisions of the " Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire", August 1992, as amended; and the best Management Practices to Control Nonpoint Source Pollution: A guide for Citizens and Town Officials, NHDES, January 2004.
- b. The applicant may be required to submit maps and information and otherwise comply with the provisions of the "Soil Based Lot Sizing, Environmental Planning for On-Site Wastewater Treatment in New Hampshire", Society of Soil Scientists of Northern New England, Special Publication Number 4, Version 1, September 2003.

SECTION VII. GENERAL STANDARDS AND REQUIREMENTS

The following factors will be included in the evaluation of new building designs:

- I. Building orientation and location on the site
 - II. Scale, proportion, height and area of building
 - III. Type, shape, and pitch of roof, size and spacing of windows, doors, and other openings
 - IV. Exterior materials and colors
 - V. Styling of façades
 - VI. Architectural details and features
 - VII. Screening of mechanical equipment from view, both ground level and rooftop
 - VIII. Amount of exposed foundation
 - IX. Exterior Lighting
1. The proposed use, building design and layout shall meet the provisions of the zoning ordinance and other regulations and ordinances of the Town and shall meet the intent of the Master Plan
 2. The land indicated on the plan shall be of such character that it can be used for building purposes without danger to health.
 3. The proposed use, building design and layout shall adhere to the principles of good design and, as such, contribute to the economic, aesthetic, well balanced and orderly growth of the Town.
 4. The proposed use, building design and layout will be of such a location and in size and character that it will be proportionate with the appropriate and orderly development of the surrounding area.
 5. The proposed development shall be related harmoniously with the terrain and to the use, scale and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.
 6. The proposed buildings shall be related in context to each other with adequate light, air, circulation, privacy and separation between buildings.

7. The proposed use shall fall within the constraints of the existing limited access points on State Highways and shall facilitate the promotion of nodal or clustered development on site, maximizing the opportunities for shared drives and parking areas. In addition, pedestrian access shall be provided when possible as an interconnection between developments on a site through the use of pathways, sidewalks and shared rights of way.
8. The proposed use and layout will be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the neighborhood involved. Factors for the Planning Board to consider in this determination are the turning movements in relation to traffic flow and volume, proximity to and relationship to intersection, adequacy of sight distances, location and access of off-street parking, street width, emergency vehicle access, and provisions for pedestrian traffic. To satisfy these requirements the applicant may be required to improve existing connecting roads at no expense to the Town.
9. The proposed use, building and layout shall be so located and shall be of such a size, intensity and layout so that possible nuisances emanating therefrom are eliminated.
10. The proposed use, building design and layout shall avoid long unbroken expanses of walls and create a sense of entry into the site and all structures. Use of façade divisions, such as building jogs, pilasters, architectural detailing, and changes in surface materials, colors, textures and roof lines shall be encouraged. Ground floor façades that face public streets should have arcades, display windows, entry areas, awnings, or other such features. All façades of a building should feature characteristics similar to the front façade.
11. The area of impervious cover shall be limited to 50% of the entire site including building footprint, parking and ancillary structures, except in the Aquifer Protection District which limits total impervious area to 20% of the site. Site design shall be consistent with Low Impact Design practices.
12. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roof, canopies and paved areas, and treated directly on site. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.
13. Every effort shall be made to use pervious parking surfaces for overflow parking which will facilitate groundwater recharge and reduce the need for curbs, gutters, and drainage systems.
14. The proposed use shall provide for adequate protection for the quality of groundwater and all underground storage tanks shall comply with the state and town regulations and the Aquifer Protection District.
15. Where feasible, parking areas shall be screened or located so as to be hidden from view of roadways. Parking areas and access roads shall not be used for display or storage.

16. The proposed use shall provide for open spaces and green spaces of adequate proportions. Consideration shall be given to providing for a pedestrian friendly development.
17. All open spaces shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
18. The proposed location and height of buildings or structures, location, nature and height of walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value since these factors should be a positive influence on surrounding properties. The Planning Board in its discretion may require appropriate screening in order to protect and shield adjacent property.
19. A Landscaping Plan shall be submitted with each application for major Site Plan review showing existing and proposed features, and the locations of all plant materials. Existing trees, shrubs and plant beds to be retained shall be described. A Minor Site plan may require a landscaping plan at the discretion of the Planning Board. The Landscaping Plan shall incorporate the following:
 - a. All setbacks and areas of open space as required by the Zoning Ordinance shall retain existing natural features or be landscaped.
 - b. Existing healthy mature native trees (6" caliper or greater) shall be retained as practical and incorporated into the landscape plan.
20. Screening consisting of a solid fence, wall or evergreen planting, in all cases not less than six (6) feet in height or as specified by the Planning Board shall be provided, erected and maintained to shield the business and light industrial uses of land from any adjoining residential property.
21. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
22. Outdoor lighting shall not glare on abutting properties or on public highways, streets and walkways. Outdoor lighting is restricted to that which is necessary for advertising and security of the building. Lighting shall be directed downward to shield the night sky.
23. Signs shall be in accordance with the regulations of the Zoning Ordinance and in addition shall be so designed and located as not to present a hazard, glare or unattractive appearance to either adjacent property or to motorists. When applicant's property serves multiple uses the Planning Board may require that signs for such uses be combined so as to preserve the natural attractive appearance of the site.

24. The Site Plan shall provide adequate safeguards against undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to person, structures, or adjacent properties.

SECTION VIII COMMUNITY FACILITIES IMPACT ANALYSIS

The applicant may be required, at his expense, to conduct a community facilities impact analysis which takes into consideration the following information to the extent the Planning Board deems applicable:

- a. Demographic Description. The analysis must identify the demographic market the project intends to serve, including:
- I. Type of family;
 - II. Average family size;
 - III. Number and ages of children;
 - IV. Anticipated time period to fill all units or lots.

Associated data, such as anticipated income levels, type of employment, and projected housing costs may also be presented to support projections associated with the above demographic description. If transfers from existing Town families and homes expected, the impact on the secondary market must be provided.

- b. Community Facilities Impact Analysis. The applicant shall conduct analyses of the following:
1. Estimated impact on sewage disposal system, including flow estimates and assessment of capacity;
 2. Estimated impact on the water system, including flow estimates, capacity and assessment of existing or potential water pressure;
 3. Estimated impact on traffic systems, including the impact of projected trips on flow characteristics and the impact of traffic on the immediate road structures;
 4. Estimated impact on the school system;
 5. Estimated impact on public safety providers including police, fire and ambulance;
 6. Estimated impact on the public works department, including solid waste disposal;
 7. Estimated impact on existing storm water management systems, including flow and water quality;
 8. Estimated impact on the recreation resources and provisions of methods to meet proposed needs;
 9. Estimated impact on Town library facilities;
 10. Any other study deemed appropriate by the Planning Board.

Once these analyses have been completed, the applicant shall present appropriate projections and impact assessments to the appropriate Town departments for review and comment.

SECTION IX DEVELOPMENTS HAVING REGIONAL IMPACT

Determination of Regional Impact (from Subdivision Regulations) Impact Criteria shall include, but not be limited to the following items; these shall in no way be considered exhaustive, but rather guidelines for the Board to follow in determining developments of regional impact.

1. Residential Development

Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25 units, cumulative, on site.

2. Commercial Development

Total cumulative site impacts of 45,000 square feet or greater located anywhere in town.

3. Industrial Development-

- a. Total cumulative site impacts of 45,000 square feet or greater anywhere in town.
- b. Any industry that deals in hazardous materials and/or that has the potential for accidents which would require evacuation of a large area.

4. Other Factors to be Considered-

- a. Traffic impacts on a regional road network, as well as on a neighboring local road network.
- b. Proximity to groundwater, surface water and wetlands which transcend municipal boundaries.
- c. The potential to destroy or disturb a significant or important natural environment or habitat.
- d. Emissions such as light, noise, smoke, odors, or particles.
- e. Necessity for shared public facilities, such as schools, police and fire protection, water or sewage systems, and solid waste disposal.

Once these analyses have been completed, the applicant shall present appropriate projections and impact assessments to the appropriate Town departments for review and comment.

SECTION X. SUPPORTING DOCUMENTS

All necessary support documents shall be submitted with the plat including draft contracts for public improvements, draft deeds of dedication, common ownership or maintenance organizational and contractual drafts, drafts party wall agreements, draft condominium documents and other documents necessary to the review of this plat.

SECTION XI. SPECIAL FLOOD HAZARD AREAS

- A. 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.
- B. The Board shall require that all subdivision and site plan proposals and other proposed developments greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
- 1) all such proposals are consistent with the need to minimize flood damage;
 - 2) all 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 XII. PERFORMANCE BONDS

Where any plat provides for construction of improvements, installations for facilities, including but not limited to streets, water, sewer or utility mains, pipes or connections, which may be subject to provisions of these regulations governing the manner in which they shall be laid out, installed or constructed, the Planning Board may make final approval of a plat otherwise found to be in conformance with these regulations contingent upon the applicant filing with the Board security for the performance of such work, as follows:

The applicant shall provide a bond or other security in an amount and with surety and conditions satisfactory to the Planning Board and Selectmen providing for and securing to the Town of Rindge the actual construction and installation of such improvements and utilities within a period specified by the Planning Board and expressed in the bond or other security; and, further, the Town of Rindge shall have the power to enforce said security by all appropriate legal and equitable remedies.

SECTION XIII. INSPECTION, APPROVAL AND ACCEPTANCE OF IMPROVEMENTS, INSTALLATIONS OR FACILITIES.

Site Plan Review approvals are granted subject to a certificate of occupancy upon completion of construction and prior to any use of the approved project. The certificate of occupancy shall be issued by the Selectmen or their designated agent after final inspection affirms the project, as completed, to be in conformity with all permits theretofore issued by the Town and other governmental agencies and all plans and information on which the permits were issued. All

construction procedures under Site Plan Review Regulations shall be observed, inspected, and certified to the Selectmen by a registered professional engineer. Minor necessary changes may be required by the Selectmen or their designated representative. A request for inspection, forty-eight (48) hours prior to the anticipated backfilling of drainage structures, shall be made to the office of the Board of Selectmen. A request for final inspection shall be made to the office of the Board of Selectmen thirty (30) days prior to the anticipated final completion of construction per the site plan review approval. A performance bond or other acceptable security for the completion of minor unfinished work may be accepted by the Selectmen, as they shall determine appropriate in their discretion, in lieu of the total completion of the project at that time, and thereupon a certificate of compliance may be issue.

SECTION XIV. REVOCATION OF PLANNING APPROVAL

In accordance with RSA 676:4-a *Revocation of Recorded Approval*, a subdivision, plat, street plat, site plan or other approval which has been filed with the appropriate recording official, under RSA 674:37, *Recording of Plats*, may not be revoked by the Planning Board in whole or in part except as detailed in the statute. Failure to conform to the statements, plans or specifications upon which an approval was based; failure to provide adequate security; failure to meet conditions of approval within the time period set forth in the approval, are grounds for revocation.

SECTION XV EXPIRATION OF APPROVED PLANS (Vesting)

In accordance with RSA 674:39, *Four Year Exemption*, site plan approvals shall become vested from subsequent changes to zoning ordinances and regulations for a period of four (4) years, provided active and substantial development as determined by the Planning Board at the time of approval, has commenced within twelve (12) months of the date of final approval. If site development and/or construction have not been substantially commenced within twelve (12) months, the plan shall not be vested and is subject to changes in zoning and regulations subject to the provisions of RSA 674:39. Further, if site development or construction has not been substantially completed within 4 years from the date of approval, the plan shall not be vested. The exception being impact fees adopted pursuant to RSA 674:21 and 675:2-4, and those ordinances and regulations which expressly protect public health standards.

SECTION XVI. ADMINISTRATION AND ENFORCEMENT

WAIVER

Upon request by the applicant or upon the motion of any regular member, the Board may vote to waive, in whole or in part, the requirements of Section VI and VII when the proposed Site Plan involves either no structural changes or only minor structural expansion, or when, in the majority opinion of the Board, the literal enforcement of the regulation would create an unnecessary hardship due to the unique characteristics of the site in question, and such waiver would not adversely compromise the purpose or intent of the Regulation.

BUILDING PERMITS

For any plat approved hereunder, a building permit must be obtained within twelve (12) months of the date of said approval and failure to do so shall render approval null and void and no building permit shall be issued except, however, when a construction schedule has been previously approved by the Planning Board.

ENFORCEMENT

The Board of Selectmen are charged with the responsibility to enforce the provisions of these regulations.

PENALTIES

A violation of any provision contained in these regulations may be punishable by a civil fine of up to \$275.00 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator received written notice from the Town of Rindge that he is in violation of these regulations, whichever date is earlier. In addition, nothing herein shall prohibit the Town of Rindge from seeking injunction or equitable remedies as provided by law.

FILING

Upon enactment, these regulations, or any amendments thereto, shall be signed by the Chairman or Secretary of the Board, endorsed by a majority of the Board and will be recorded with the Register of Deeds for Cheshire County and filed with the Rindge Town Clerk and the Rindge Board of Selectmen.

SECTION XVII. SEPARABILITY

The invalidity of any provision of these regulations shall not affect the validity of any other provisions.

SECTION XVIII. AMENDMENTS

These regulations may be amended by the Board from time to time but only following a public hearing on the proposed amendment.