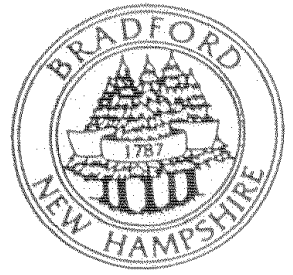


TOWN OF BRADFORD

NEW HAMPSHIRE 03221



BRADFORD PLANNING BOARD

SITE PLAN REVIEW REGULATIONS

**Adopted June 13, 1989
Amended March 1994
Amended March 1996
Amended January 11, 2000
Amended December 26, 2000
Amended September 25, 2001
Amended November 25, 2008
Amended September 27, 2011
Amended March 26, 2013
Amended March 2014**

Fee Schedule: Full & Modified Site Plan - Minimum \$110.00 + \$1.00 per \$1,000
of est. cost over \$50,000
Site Plan Revision - \$50.00
Certified mail fee per abutter (Check to Postmaster)
Published meeting notification (Check to Intertown Record) - \$40.00
Escrow: \$400.00 to Town of Bradford

Notice Required: A complete application must be filed at least 21 days prior to the
Planning Board meeting at which it is to be considered.

10 days required notice for public hearings

TABLE OF CONTENTS

SECTION I	AUTHORITY	page 1
SECTION II	PURPOSE	1
SECTION III	PROCEDURES	1
SECTION IV	SUBMISSION REQUIREMENTS	5
SECTION V	REQUIRED EXHIBITS and DATA	6
SECTION VI	GENERAL STANDARDS	7
SECTION VII	TOWN ENGINEER	11
SECTION VIII	ACTIVE and SUBSTANTIAL DEVELOPMENT	11
SECTION IX	PERFORMANCE GUARANTEES	12
SECTION X	REVOCATION	13
SECTION XI	RECORDATION	13
SECTION XII	JOINT HEARINGS	14
SECTION XIII	PENALTIES	14
SECTION XIV	ADMINISTRATION and ENFORCEMENT	14
SECTION XV	APPEALS	14
SECTION XVI	VALIDITY	15
SECTION XVII	AMENDMENTS	15
SECTION XVIII	EFFECTIVE DATE	15
SECTION XIX	DEFINITIONS	15
APPENDIX A	LAND APPLICATION OF SEWAGE SLUDGE	17

SECTION I AUTHORITY

Pursuant to the authority vested in the Town of Bradford Planning Board voted on at the March 14, 1989 Town Meeting in accordance with the provisions of RSA 674:44 as from time to time amended, the Town of Bradford Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the development of change or expansion of use of lots for non-residential uses or for multi-dwelling units, or the land application of sewage sludge, whether or not such development includes a site plan or re-site plan of the site. These regulations shall be entitled "Site Plan Review Regulations, Town of Bradford, New Hampshire".

SECTION II PURPOSE

The purpose of the Site Plan Review Regulations and the site review procedure is to provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of inadequate drainage or conditions conducive to flooding of the property or that of another, inadequate preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties, and inadequate provision for fire safety, prevention, and control; provide for the harmonious and aesthetically pleasing developments of the municipality and its environs; provide for open spaces and green spaces of adequate proportions; require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of the official map of the municipality; require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system; require, in proper cases, that plats be submitted to the Planning Board for approval; require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be suited for the proposed purposes without danger to health; and include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

SECTION III PROCEDURES

Site Plan Review shall be required for the development or change or expansion of use of lots for non-residential uses or for multi-dwelling units, or the land application of sludge, whether or not such development includes a subdivision or re-subdivision of the site. Home businesses shall be exempt from this requirement.

Site Plans must meet all applicable requirements of the Bradford Zoning Ordinance.

Preliminary Conceptual Consultation

Prior to filing a site plan application, the applicant must request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such a pre-application proposal 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 state and local regulations that may apply to the proposal.
4. Determination of the proposal as a full, modified, or revised site plan and of the submission items that would be required.

Preliminary conceptual consultation shall not bind the applicant or the Board. Such discussion may occur without formal public notice, but shall occur only at a posted meeting of the Board.

A. APPLICATION

1. A complete application must be filed at least 21 days prior to the Planning Board meeting at which it is to be considered. A complete application shall consist of all data required in *Sections III & IV* of these regulations.
The Planning Board shall forward the application to the Fire Department, Police Department, Road Agent, and/or Town Conservation Commission and professional services as required as part of the completeness review.
2. The applicant shall pay all fees and charges, plus the costs of any required publications, posted notices, and mailing notices of hearings. The Board will determine the need for review and special investigative studies, and advise the applicant of additional financial support required. Failure to pay these costs will be grounds for termination of consideration of the application.
3. At the first meeting for which notice can be posted, or 30 days from the date of filing, the Planning Board will review the application for completeness and determine its acceptability for further processing. If the application is incomplete, the Board may continue the public hearing for two additional meetings to allow for completeness.
4. The Board may grant conditional approval of an application but the plat shall not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within 180 days, the approval is considered null and void and the applicant must submit a new application. The applicant may request in writing an extension of this time limit. The Planning Board may determine whether conditions of approval have been met and grant final approval without additional public hearing only when such conditions:
 - a. Are administrative in nature.
 - b. Involve no discretionary judgment on the part of the Board.
 - c. Involve the applicant'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; however, any subsequent change to the plan required by such approvals would constitute grounds for a new public hearing.

Approvals based on all other conditions require that the Planning Board hold a public hearing prior to determining whether the conditions of approval have been complied with. Notice for said hearing shall be in compliance with RSA 676:4 I (d) and are at the expense of the applicant.

5. All applications shall be reviewed for potential regional impacts as defined in RSA 36:54-58. Upon such a finding, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made and send a copy of the initial set of plans to the regional planning commission; the cost to be paid by the applicant. The copies shall be sent by certified mail within 72 hours of the meeting.

At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission(s) and the affected municipalities of the date, time and place of the hearing and of their right to appear as abutters to offer testimony concerning the proposal.

B. NOTIFICATION

1. Notice of submission of an application for acceptance, or a Public Hearing shall be given by the Board to the abutters, the applicant, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plan.
2. Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Town Hall and the Post Office (at a minimum), and publication in the *Intertown Record* or *Concord Monitor*. The applicant is responsible for the costs of such notice.
3. The notice shall give the date, time, and place of the Planning Board meeting at which the application will be considered and shall include a general description of the proposal which is to be considered, and shall identify the applicant and the location of the proposal.
4. If the notice for the public hearing was included in the notice of submission or any other prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a public hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

C. FEES

1. The applicant shall be responsible for all fees incurred by the processing of applications. Failure to pay such costs shall constitute valid grounds for the Board to not accept the application as complete.
2. It shall be the responsibility of the applicant to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters that may be required to make an informed decision on a particular application. Upon filing of the application, an escrow account shall be established to cover the initial costs of required reviews.

D. SITE INSPECTIONS

1. Whenever the Board deems it necessary to visit the site for the consideration of an application, the Board shall arrange a time that is reasonable for the applicant.
2. Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
3. All applications are conditional upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

E. SITE PLAN TERMINOLOGY

1. Development - the creation of commercial, nonresidential or multi- dwelling units.
2. Change - a change is a use which is substantially different in character or operation from the former use. Vacancy of over 2 years duration shall be considered a change in use.
3. Additional Business - a business not normally associated with the existing businesses or a business owned or operated by another person and which:

- a) requires physical expansion by 300 or more square feet of floor space; and/or
- b) requires substantial expansion in the use of the grounds, including parking; and/or
- c) requires substantial expansion of water supply, septic system, waste disposal or drainage; and/or
- d) results in increased pollution, such as noise, air, fumes or water; and/or
- e) results in substantially increased traffic; and/or
- f) results in increased demand for municipal services including, but not limited to, fire protection, police services, road maintenance, etc.; and/or
- g) has a substantial effect on the aesthetics or character of the town or the neighborhood, or differs with the Master Plan.

4. Expansion of Use (a use which)

- a) requires physical--expansion by 300 or more square feet of the buildings) floor space; and/or
- b) requires substantial expansion in the use of the grounds, including parking; and/or
- c) requires substantial expansion of water supply, septic system, waste disposal or drainage; and/or
- d) results in increased pollution, such as noise, air, fumes or water; and/or
- e) results in substantially increased traffic; and/or
- f) results in increased demand for municipal services including, but not limited to, fire protection, police services, road maintenance, etc.; and/or
- g) has a substantial effect on the aesthetics or character of the town or the neighborhood, or differs with the Master Plan.

5. Home Business - means any business use conducted entirely within a dwelling unit or an accessory unit which is clearly incidental and secondary to the use of the dwelling unit for dwelling purposes and does not change the character thereof, and in connection with which there is no outside display or storage, nor emission of dust, noise, fumes, vibration or smoke, or additional street parking or traffic or other adverse impact to the town. Use of an accessory building for a home business in the Residential Rural District requires site plan approval. (See Article III, O. of the Zoning Ordinance)

6. Land Application - the application of septage or sewage sludge directly to the soil and/or incorporation into the surface soil.

F. There are three levels of site plan review:

1. Full Site Plan

- a. If there is no Site Plan for the proposed project, any development, change or expansion (as defined above) shall require a full Site Plan review for all businesses on the site. (see Section III)
- b. Land Application of sewage sludge shall require a full site plan according to the application procedures and conditions set forth in Appendix A of the Town of Bradford Site Plan Review Regulations.

2. Modified Site Plan

- a. If a full Site Plan is on file for the location, a Modified Site Plan shall be used for an additional business or expansion of use on the same site. Only those elements of the original Site Plan which have changed as determined by the Board must be presented.
- b. Both submissions and approval may occur at one or more meetings of the Board, but a public hearing with full notices shall be held if requested by the applicant or abutters at any time prior to approval or disapproval, or if the Board determines to hold a hearing.
- c. The requirement of obtaining a special exception may still exist.

3. Site Plan Revision

- a. If an approved Site Plan exists and none of the requirements of a Full or Modified Site Plan are applicable, a site plan revision may be allowed, using an approved form. A hearing will not be required, but the form must be submitted to the Planning Board for approval and filing.

SECTION IV SUBMISSION REQUIREMENTS

- A. Projects not requiring additional buildings or changes to the exterior dimensions of existing buildings shall submit the following:
1. Five (5) copies of the completed application
 2. Five (5) paper copies of the preliminary plan
- At least one full size paper copy must be color coded for clarification:
- | | |
|------------------------|-------------|
| Lot boundary | red |
| Trees | green |
| Roads | brown |
| Septic a & well radius | orange |
| Open Space | yellow |
| Surface water | blue |
| Wetlands | blue stripe |
3. Completed Checklist
 4. Sufficient legible copies of the first page of the preliminary plan reduced to no more than 11 x 17 inches. ~~Eighteen~~ Ten (10) copies plus 1 for each abutter.
 5. Three (3) copies of any construction plans (if applicable)
 6. ~~Three copies of mailing labels containing~~ Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing, names and addresses of all persons whose name and seal appears on the plat, and names and addresses of all holders of conservation, preservation or agricultural preservation restrictions.
 7. Site Plan
 - a) Sheet size: 22" x 34" maximum
 - b) Scale: not less than 1" = 100'
 - c) Match lines when needed
 - d) Three (3) prints of each plan sheet (blue or black line)
 - e) Date, Title, Scale, North Arrow, location map
 - f) Name and address of developer, designer/engineer, and owner of record
 - g) Show all easements
 - h) Signature block for Planning Board approval.
 8. Fees as set by the Planning Board. Application Fee increased to \$110.
 9. Required exhibits and data
 10. One (1) Mylar copy of the final approved plan, if deemed necessary by the Planning Board, that meets all Merrimack County Register of Deeds (MCRD) requirements plus check in the amount of \$26.00 to MCRD.
- B. In addition to items required in Section III-A (above), projects requiring additional buildings or changes to the exterior dimensions of existing buildings may be required to submit the following:
1. Reproducible mylar if required by the Board
 2. Topographical plan with contour lines at two (2) foot vertical intervals
 3. Certified plot plan if required by the Board.
- C. In addition to the physical copies required, one copy of all required submittals shall be submitted in an electronic format (pdf or image file). Submission may be via email or physical media (dvd, USB drive, etc)

SECTION V REQUIRED EXHIBITS AND DATA

- A. Projects not requiring additional buildings or changes to the existing dimensions of existing buildings;
 - 1. Sketch of site showing boundaries, existing natural features within 100' of the site including, but not limited to water courses and water bodies, trees and other vegetation, topographical features, wetlands buffers, limit of jurisdiction of Comprehensive Shoreland Protection Act (CSPA), floodplain, and any other features of a similar nature which should be considered in the site design process;
 - 2. Plan of all buildings with their type, size, location, lighting, landscaping and setbacks (ref. zoning ordinance);
 - 3. An elevation view or photograph of all buildings indicating their height, bulk and surface treatment;
 - 4. Location of off-street parking and loading spaces with a layout of the parking indicated (ref. zoning ordinance);
 - 5. The location, width, curbing and type of access ways and egress ways (driveways), plus streets within and around the site;
 - 6. The type and location of solid waste disposal facilities;
 - 7. The location, size and design of proposed signs and other advertising or instructional devices (ref. zoning ordinance);
 - 8. The location and type of lighting for all outdoor facilities, including direction and area of illumination,
 - 9. Lines of all existing adjoining streets (ref. zoning ordinance);
 - 10. Water supply and sewage disposal facilities;
 - 11. Stormwater management and control plan
 - 12. Any other exhibits or data that the Planning Board may require in order to adequately evaluate the proposed development for Site Review.
- B. In addition to the items required in Section IV-A (above), the following are required for projects requiring additional buildings or changes to the existing dimensions of existing buildings;
 - 1. Plan of all buildings with their type, size, location, and setbacks and elevation of first floor indicated: (assume permanent on site elevation);
 - 2. The size and proposed location of water supply and sewage facilities and provisions for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet;
 - 3. The location, elevation and layout of catch basins and other surface drainage features;

4. Existing and proposed contours and finished grade elevations - all contours shall be at 2-foot intervals;
5. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
6. The size and location of all public service connections (gas, power, telephone, fire alarm, overhead or underground);
7. Surveyed property lines showing their deflection angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters;
8. If a site plan, lines and names of all proposed streets, lanes, ways, or easements intended to be dedicated for public use shall be indicated and all Site plan Regulations shall apply.

SECTION VI GENERAL STANDARDS

- A. Design of development should fit the existing natural and man-made environments with the least stress:
 1. 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 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately landscaped.
 2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover, shrubs, or trees as appropriate.
 3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting owner is obtained.
- B. Appropriate buffers are to be maintained or installed to provide privacy and noise reduction to residential areas abutting nonresidential sites:
 1. Buffer Zones between non-residential and residential zones must contain vegetation or appropriate screening which will screen non-residential uses from sight from residential areas throughout the year. These buffer zones must be maintained as required and approved.
 2. Landscaping must be maintained according to the approved plan.
- C. Screening must be provided to maintain aesthetics:
 1. Storage areas must be fenced or screened throughout the year from on-site or adjoining parking and neighboring properties.
 2. Litter (garbage) storage areas must be screened throughout the year.
 3. The use of either fencing or hedges is permitted.
- D. Parking and Loading and Pedestrian Safety:

1. Sufficient off-street parking must be provided for the anticipated use to accommodate both employees and customers so that no parking is forced onto public streets or nearby properties.
2. Sufficient off-street loading and/or unloading space must be provided including off street areas for maneuvering of anticipated trucks or other vehicles which shall be designed to ensure the safety of vehicles and pedestrians on the site. Maneuvers for parking and/or loading or unloading spaces must not take place from a public street.
3. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties public rights-of-way and shall be designed to ensure the safety of vehicles and pedestrians.
 - a) Permeable pavement is strongly encouraged to reduce the need for installation of drainage facilities to accommodate run-off; however,
 - b) The Board may require that access, parking, and loading areas be conventionally paved if appropriate and necessary.
 - c) Where one or more businesses are involved, the Board will encourage the use of shared access to the property.

E. EROSION AND SEDIMENTATION PLAN SHALL:

1. Make provisions to accommodate the increased run-off caused by changed soil and surface conditions during and after development. There shall be no net increase in off-site drainage. Any additional run-off shall be treated on-site. Sediment basins or other acceptable techniques may be required. Diversions, sediment retention basins, and other such devices, shall be constructed prior to any on-site grading or disturbance of existing surface material.
2. Show control measures both during construction and any permanent controls to remain after construction.
3. Identify, locate and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
4. Identify, and relatively locate, proposed erosion and sediment control measures and structures during and after development.
5. Include drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with the town and the Merrimack County Conservation District standards.
6. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed storm water retention basins.
7. Ensure that stripping of vegetation, regrading or other development will be done in such a way that will minimize soil erosion. Temporary seedlings and/or mulching may be required by the Board to protect exposed critical areas during vegetation shall be retained, protected and supplemented.

F. SIGNS

All signs must conform to Article VI of the Town of Bradford Zoning Ordinance.

G. ILLUMINATION

1. All outdoor lighting fixtures shall be installed in conformance with this Regulation and with the provisions of the Building Code, the Electrical Code, and the Sign Ordinance, as applicable and under permit and inspection, if such is required.

- a. Use the lowest wattage of lamp that is feasible. The maximum wattage for commercial applications will be 200 watts of high intensity discharge lighting, but less is usually sufficient.
- b. Exterior lighting shall be either time or motion sensor controlled.
- c. Turn lights off automatically after a certain hour when businesses close or traffic is minimal.
- d. Signs are regulated by the Sign Ordinance. In addition, lighting of all signs must be fully shielded.

2. All lighting installations shall be designed and installed to be fully shielded (full cutoff), be illuminated only by downward facing external continuous lighting, and shall have a maximum lamp wattage of 200 watts for commercial lighting; 100 watts incandescent, and 26 watts compact fluorescent for residential lighting. Light must be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

Lighting that is exempt from these regulations:

- a. Lighting in swimming pools and other water features governed by Article 680 of the National Electrical Code.
- b. Exit signs and other illumination required by building codes.
- c. Lighting for stairs and ramps, as required by the building code.
- d. Holiday and temporary lighting (less than thirty days use in any one year).
- e. Football, baseball, and softball field lighting, but only with permit from the authority recognizing that steps have been taken to minimize glare and light trespass, and utilize sensible curfews.
- f. Low intensity landscape lighting, but such lighting must be shielded in such a way as to eliminate glare and light trespass.

H. STORMWATER MANAGEMENT AND CONTROL

1. The applicant shall submit a stormwater management and erosion control plan when one or more of the following conditions are proposed:

- a. A cumulative disturbed area exceeding 20,000 square feet
- b. The disturbance of critical areas, such as steep slopes, wetlands, floodplains

2. Standard agricultural and silvicultural practices are exempt from this regulation.

3. Off-site Drainage - In the course of designing the on-site drainage systems, there shall be no net increase in runoff to off-site areas. If increased runoff is not preventable, the subdivider shall obtain an easement in the impacted areas, and make drainage improvements there to contain the increased runoff. The easement document shall contain a section holding the Town of Bradford harmless for any claims for damage in the easement area and in any down-slope areas potentially impacted.

I. Fire Protection Standards

Applications for site plans shall be required to address water supply needs for fire protection and conform to any required Fire Department standards. The Fire Department shall review all proposals to determine whether or not water supply should be addressed for that particular proposal; if so, the following requirements apply:

1. The Fire Department shall complete an inspection of the proposed site to evaluate the availability of existing water supply in the area.
2. The Fire Department shall ensure that all applicable provisions of the National Fire Prevention Association are met.
3. The Fire Department shall determine the type, location and spacing of any water supply (such as fire ponds, cisterns, etc.)
4. Following the inspection and evaluation, the Fire Department will submit his findings in writing to the Planning Board.
5. All proposed developments, whether including the provision of hydrants or other water supply facilities, shall be accessible to firefighting and other emergency equipment.
6. The Board may require the installation of fire protection where it deems necessary. The Board may also require a development study, the fee to be borne by the subdivider.
7. Where underground utilities are to be furnished, all necessary mains, branch offsets to each lot, and fire hydrants shall be installed by the subdivider, as approved by the corporation or municipal department having jurisdiction, to the satisfaction of the governing body, and without expense to the Town.

J. Access to Public Streets

1. Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and/or the town, as adopted and amended.

K. Water Supply and Sewage Disposal Systems

1. Must be sized to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control and/or the Town Site plan Regulations. In areas not currently served by public sewers, it shall be the responsibility of the developer or his agent 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. The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

L. Flood Hazard Areas

1. Site plans for both non-residential development and multi-family unites will be reviewed to determine whether such proposals involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP) on the Bradford Flood Hazard Boundary Map. If such proposal is so located:
 - 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 Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

- c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:
 - (i) all such proposals are consistent with the need to minimize flood damage;
 - (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
 - (iii) adequate drainage is provided so as to reduce exposure to flood hazards.
 - (iv) Septic systems, if required, shall be designed to minimize infiltration of floodwaters into the systems and discharges from the systems into flood waters.
 - (v) The lowest floor (including basement) is elevated or flood proofed to or above the base flood level;
 - (vi) Refuse disposal areas shall be located outside the flood prone area.
 - (vii) Such plan complies with the Town of Bradford Floodplain Development Ordinance.

SECTION VII TOWN ENGINEER

The town engineer, or in the absence of a town engineer, a registered engineer may be hired by the Planning Board to inspect all site improvements. The developer shall pay the costs of the Board's employment of said engineer and the cost of any inspections and test(s) deemed necessary by the Board of the engineer. A letter certifying to the developer's concurrence to the employment of said engineer shall be filed with the Board as part of the site plan review. Engineer is defined as the duly designated engineer of the Town of Bradford, or other official, who shall be a duly registered engineer.

SECTION VIII ACTIVE AND SUBSTANTIAL DEVELOPMENT

1. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans, as applicable; and
2. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.) in accordance with the approved plans as applicable; and
3. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
4. Items 1, 2, and 3 shall be reviewed and approved by the Town.

Movement of earth, excavation, or logging of a site without completion of items 1, 2, 3, and 4 above shall not be considered "active and substantial development." The Planning Board may, for good cause, extend the 12-month period.

To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the Town, substantial completion of the improvements in the subdivision shall be deemed to have occurred.

Failure to have substantially completed improvements of a project as shown on the approved plan within four (4) years shall constitute grounds for revocation of plan approval pursuant to RSA 676:4-a, as amended.

SECTION IX PERFORMANCE GUARANTEE

A. Performance Guarantee

1. The Board, under advice from the Town Engineer or designee, shall set the amount and type of the performance guarantee prior the final approval of the site plan. The developer shall post such guarantee with the town prior to the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all site improvements and temporary mitigation mechanisms, including, but not limited to: street work (both public and private roads); drainage facilities; erosion and sedimentation control mechanisms; other transportation-related facilities; landscaping, fire protection; and other utilities.
2. The basis for determining the performance shall be 110% (one hundred and ten percent) of the costs of all required site improvement, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval. The proposed cost shall be submitted by the applicant; however, the amount shall be reviewed and approved by the Town's designated agent and the Board of Selectmen. Time limitations shall be imposed upon completion of the improvements of the site in accordance with the approval. Bonding shall not be considered a vesting of rights, nor shall posting of a bond be considered "active and substantial development or building." Failure to commence work on site improvements within the specified time limits may result in one of the following situations:
 - a. A forfeiture of the performance guarantee in favor of the town in order to complete the required improvements
 - b. The need to post a new guarantee prior to construction
 - c. Revocation of the approved plan pursuant to RSA 676:4-a.
3. Performance Guarantees must be presented in a written agreement with, and acceptable to, the Board and Town Counsel. This provision insures proper and legally binding agreements and appropriate economic assurance for the protection of the Town and its citizens. The Board may accept the following methods of posting a performance guarantee:
 - a. Cash or a savings passbook held in the name of the town and deposited with the town treasurer
 - b. A bond issued by a guarantee company located within and authorized to do business within the State of New Hampshire, in an amount and manner acceptable to the Board, after consultation and approval by Town Counsel
 - c. A letter of credit in an amount and manner acceptable to the Board after consultation and approval by Town Counsel

B. Release of Performance Guarantee

1. Upon inspection of a partial completion of required improvements, the Board may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed. The town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by a qualified contractor's bid estimate approved by the Board, plus a retainage of 20% (twenty percent) of the original performance guarantee amount, which shall be kept until all required improvements have been inspected and approved by the town. If the costs for completing the required improvements exceed the amount of performance guarantee held by the town, additional funds shall be required by the Board in order to ensure completion before the

development proceeds any further. In the case of road construction, the Board shall require that the security stay in place until one full year has passed after final verification of the road.

2. Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Board may obtain a completion cost estimate, at the applicant's expense, from the developer's contractor or a qualified contractor of the Board's choice.
3. If the estimated completion costs exceed the amount of the performance guarantee posted with the town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within thirty (30) days of notice thereof.
4. The performance guarantee (or balance thereof) shall not be released until the Board (or its agent) has certified completion of the required site improvements in accordance with the approved final plat, and Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.
5. Installation of all required improvements shall be completed within two (2) years of the date of the final plan's approval, unless the time frame is extended by mutual consent of the applicant and the Board. If the required improvements are not satisfactorily installed within the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.
6. Prior to the return of the balance of the performance guarantee, the Town's Building Inspector, Code Enforcement Officer, or designee, shall certify that all site improvements have been installed as per the approved site plan. Furthermore, the developer shall certify that the "as built" locations of all newly installed utilities are in conformance with the approved site plan. Any change in location of the utilities shall require the submission of "as built" plans indicating the actual location of the newly installed utilities.

SECTION X REVOCATION OF PLANNING BOARD APPROVAL

An approved site plan may be revoked by the Board in whole or in part, in the case of any of 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 applicable regulations
5. When the applicant has failed to provide for the continuation of adequate security

SECTION XI RECORDATION

The Site Plan Mylar, where required, showing, at a minimum, lot lines and proposed construction, roads, and other improvements and Planning Board approval must be recorded documents, with proof thereon of recordation must be filed with the Planning Board. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.

SECTION XII JOINT HEARINGS

In accordance with adopted Rules of Procedure, the Planning Board may hold a hearing on Site Plan Review in conjunction with a site plan hearing if both are required for a proposal. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that a hearing for a special exception is held for the project by the Board of Adjustment.

SECTION XIII PENALTIES

As provided in RSA 676:15 & 17, as from time to time amended, the Town may obtain appropriate action or proceeding to prevent, enjoin, abate, or remove any erection, construction, alteration, or reconstruction which is not in compliance with this Regulation. Any violation of this Regulation may be punishable, as determined by the Selectmen, by either:

- a) A civil fine of not more than \$100 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 receives written notice from the municipality that he or she is in violation of this Regulation, whichever is earlier; or
- b) A criminal penalty, which shall be a misdemeanor if the violation is committed by a natural person, or a felony if committed by any other person.

In any legal action brought to enforce these Regulations, the prevailing party may recover its costs in pursuing or defending itself in such legal actions.

SECTION XIV ADMINISTRATION AND ENFORCEMENT

These regulations shall be administered by the Planning Board. The enforcement of these regulations is vested with the Selectmen.

No site plan regulation or amendment, adopted under RSA 674:35-42, shall be legal or have any force and effect until copies of such are filed with the Town Clerk.

A. Waivers

The requirements of these regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding the site plan, or the condition of the land in such site plan, indicate that such waiver or modifications will properly carry out the purpose and intent of the *Master Plan* and these regulations. Any request for a waiver must be submitted in writing with the application.

B. 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.

SECTION XV APPEALS

Any person aggrieved by a decision of the Planning Board concerning a ~~plat or site plan~~ site plan may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance, in which case an appeal can be taken to the Board of Adjustment pursuant to RSA 676:5, III.

SECTION XVI VALIDITY

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

SECTION XVII AMENDMENTS

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the notification procedure outlined in Section II.

SECTION XVIII EFFECTIVE DATE

These regulations shall take effect upon their adoption, and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

SECTION XIX DEFINITIONS

A. Abutter. (1) Any person whose property adjoins or is directly across the street or stream from the land under consideration by the Planning Board; (2) affected municipalities; and (3) the regional planning commission(s) in the event of developments having regional impact. For purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration and as further defined in RSA 672:3.

B. Active and Substantial Active and Substantial Development. Pursuant to the requirements of RSA 674:39, as amended, every site plan approved by the Planning Board shall be further exempt from any changes in the Site Plan Review Regulations, Subdivision Regulations or Zoning Ordinance for a period of four (4) years, provided that active and substantial development, as defined in Section VII. above, has occurred within 24 months of the date of approval.

C. Applicant. The owner of record of the land or his/her designated agent. All owners whose names appear on the deed of the property shall sign the application form and, if the applicant is not the owner, a written letter signed by the owner(s) must be provided with the application granting the applicant authority to submit the application. Each owner shall sign and print his or her name in a legible manner.

D. Application, Complete. A final plat and all accompanying materials and fees as required by these regulations.

E. Approval. Recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of planning and design.

F. Approval, Conditional. Recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Merrimack County Register of Deeds (MCRD) until such time as certain conditions, set forth by the Board, are met.

G. Board. The Planning Board of Bradford, New Hampshire.

H. Boundary Adjustment. An adjustment to the boundary line between adjoining properties, where no new lots or substandard lots are created, where there is no change to the number of lots in the process, and which involves no construction of new streets, utilities, or other public improvements

I. Buffer Strip. An area of land used to visibly separate one use from another, or which acts as a separation between two land uses of different intensity.

J. Buildable Acre. The area of land needed to calculate a minimum lot size as defined by the *Bradford Zoning Ordinance*.

K. Checklist. The list of information that must appear on the plan and materials submitted with an application. A copy of the completed checklist must be filed at the same time the application is submitted.

L. Cluster Development. See Open Space Development.

M. Conditions of approval. The Planning Board may set conditions that must be met within 180 days before approval is final.

N. Common Open Space. Land within or related to a cluster development, not individually owned, which is designated for the common use or enjoyment of the residents of the development or the public.

O. Development. Any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.

P. Easement. The authorization by a property owner for the use of any designated part of his/her property by another for a specific purpose.

Q. Expedited Review. A process whereby both the "Application ACCEPTANCE FOR completion" and the "Consideration for Approval" may occur at a single meeting.

R. Fees. The monies, checks and other forms of security received with a plan submittal including but not limited to abutter fees, application fees, escrow account fees, town fees, recording fees. Such fee or expenses shall be paid in advance by the applicant.

S. Filing. Delivery of a site plan application to the Planning Board or its designee. It must be received 21 days before the date of the Planning Board meeting at which it is to be submitted and must include all necessary fees and material required in *Section VI*.

T. Floodplain. The area of special flood hazard governed in accordance with Article VIII of the *Bradford Zoning Ordinance*.

U. Frontage. The length of a lot bordering on an accepted public road or on a proposed street on a site plan plat approved by the Planning Board.

V. Lot. A parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required setbacks in the district in which the lot is located.

X. Lot Line Adjustment. See Boundary Adjustment.

Y. Open Space Development. A residential site plan (also referred to as Cluster Development) that permits housing units to be grouped on lots with dimensions, frontages and setbacks reduced from conventional sizes, provided the density of the lots as a whole shall not be greater than the density allowed by the existing regulations, and the remaining land area is devoted to common open space.

Z. Plan or Plat. The map, drawing or chart on which the plan of site plan is presented to the Board for approval, and which, if approved, will be submitted to the Merrimack County Register of Deeds (MCRD) for recording.

AA. Public Hearing. A meeting, notice of which must be given per RSA 675:7 and 676:4, I (d), at which the public is allowed to offer testimony.

BB. Public Meeting. The regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

CC. Rear Lot. A lot which has no frontage and is serviced by a fifty foot (50') wide deeded right-of-way or common driveway, of a length between one (1) and three (3) times the required frontage for the zoning district in which it is located.

DD. Right-of-Way. The right of one to pass over the property of another, usually conveyed by deed.

EE. RSA. New Hampshire's Revised Statutes Annotated.

FF. Setback. The distance between a building or structure and the nearest property line, wetland, or street.

GG. Street. A Class V or better road maintained for vehicular travel, or a road that appears on a site plan plat approved by the Planning Board.

HH. Street Plat. A modified plat (map) showing the course and width of a right-of-way or easement that provides access to one or more lots and the relationship to those lots affected, drawn in accordance with Section XI.

II. Subdivision. The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose (whether immediate or future) of sale, rent, lease, condominium conveyance or building development. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a site plan.

JJ. Subdivision plan, Major. A site plan of four (4) or more lots, or one which involves the creation of new streets and/or utilities, regardless of the number of lots. Any subsequent Minor Site plan of a previously approved Minor Site plan during ten (10) consecutive years also constitutes a Major Site plan.

KK. Subdivision plan, Minor. A site plan of land into not more than three (3) lots for building development purposes, with no potential for further site plan on an existing street; or one which does not involve the creation of new streets and/or utilities.

LL. Submission. Presentation of the application to the Planning Board. Submission must take place at a public meeting of the board, following required notice to the abutters and the general public.

MM. Voluntary Merger. Shall be as defined in RSA 674:39-a.

NN. Wetlands. Those areas identified and delineated as poorly drained or very poorly drained soils by the National Cooperative Soil survey as shown on a map or maps designated as the Town of Bradford Wetlands Map. Use of wetlands is governed by Article VII of the Bradford Zoning Ordinance.

APPENDIX A LAND APPLICATION OF SEWAGE SLUDGE ORDINANCE

A. PURPOSE

The purpose of this appendix is to provide for the safe and attractive development of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity and all other purposes set out in the Town of Bradford Site Plan Review Regulations.

B. DEFINITIONS

Aquifer: a surficial and/or bedrock geologic formation that is sufficiently permeable to store and transmit significant quantities of groundwater, including but not limited to stratified drift aquifers mapped by the U.S. Geologic Survey.

Aquifer recharge zone: land areas over or adjacent to aquifers which allow precipitation or snowmelt to infiltrate directly into an aquifer formation. Such areas are characterized primarily by moderately-to highly-permeable overlying soils and relatively flat terrain over or higher than the aquifer.

Land application: the application of septage or sewage sludge directly to the soil and/or incorporation into the surface soil.

Primary recharge zone: a recharge zone directly over an aquifer formation.

Priority pollutant scan: an analysis performed in accordance with test method 8240 of "Test Methods for Evaluating Solid Waste", Volume IB, Laboratory Manual, Physical/Chemical Methods, identified as EPA SW846, dated November 1986.

Secondary recharge zone: a recharge zone characterized by permeable soils upgradient from an aquifer formation.

Septage: material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from wastewater treatment works and industrial waste.

Sewage Sludge: solid, semi-solid, or liquid residue generated during the treatment of municipal sewage in a treatment works. Sewage sludge includes, but is not limited to, scum or solids removed in primary secondary, or advanced wastewater processes.

C. SUBMISSION REQUIREMENTS, REQUIRED EXHIBITS AND DATA

Land application of EPA Class B sewage sludge may be permitted in any district of the Town subject to the approval of a Site Plan by the Planning Board. The applicant for such site plan review shall submit the following as part of the application materials at least 90 days in advance of taking receipt of the sewage sludge.

1. A complete copy of an Application for Approval of Suitability of Municipal Sludge for Land Application approved by the N.H. Bureau of Solid Waste Management, Division of Public Health Services, Department of Public Health.
2. A written report containing:
 - a. the name, address, telephone number and permit number of the sewage sludge generating facility,
 - b. the name, address, telephone number and permit number of any and all sewage sludge treatment facilities, if different from the generating facility,
 - c. the name, address, telephone number and permit number of the sewage sludge hauler,
 - d. the name, address, telephone number of the person(s) treating and/or applying the sewage sludge,
 - e. laboratory reports of all test results,
 - f. the planned delivery date or dates,
 - g. a description of any planned treatment,
 - h. a narrative description of the treatment method used to meet Class B sewage sludge requirements,
 - i. the total surface area of the planned applications
 - j. the total sewage sludge to volume to be applied,
 - k. previous land application data, including the cumulative site loading to date and the site loading from the previous two (2) years,
 - l. the number of land applications that can be performed without exceeding the cumulative pollutant loading rate set forth in Table 2 of 40CFR503.13,
 - m. evidence in writing that the landowner consents to the application of sewage sludge to their land.
3. A site map drawn at a scale appropriate to show all required information and illustrating the following with respect to any area in which sewage sludge is to be applied to land:
 - a. a local map showing the site in relation to abutting tax map parcels and surrounding land use within 1000 feet of the property,
 - b. the entire property parcel showing all property lines as determined by a certified boundary survey, or other boundary information as required by the Planning Board,
 - c. public roads, structures on the property and within 500 feet of the application site, and any easements or rights-of-way which exist on the property,
 - d. topography with contours not to exceed 5 foot intervals for the entire site and 100 feet beyond the application site,
 - e. the most current soils delineations available from the Natural Resource Conservation Service,
 - f. all available aquifer mapping on and near the site with well yield designations.
 - g. all wetland areas, streams, and surface water within 250 feet of the land application area,

- h. all adjacent wells, including well locations of all abutters within 500 feet,
 - i. the location and limits of the land application area and any stockpile site,
 - j. all previous land application sites on the property,
 - k. all points of access and on-site haul roads,
 - l. all buffer zones as required in section IV(J).
4. A minimum of one comprehensive soil test shall be conducted for each soil type on the land application site. Soil testing shall determine the following parameters: pH; organic matter content of the A horizon; nitrogen, phosphorous, potassium, calcium, and magnesium availability; presence and amounts of heavy metals, including zinc, copper, nickel, cadmium, cobalt, chromium, lead, arsenic, mercury, selenium, and molybdenum. Additional soil tests and testing parameters may be requested by the Planning Board after a review of initial test results and site conditions by the Board on their designated agent.
 5. A scan shall be conducted for the 125 priority pollutants as designated by the Federal EPA, 40CFR122, Appendix D, Tables II and III, and the results furnished to the Planning Board as a precondition of the Site Plan Review. The priority pollutant scan shall not be more than three (3) months old from the date the results are submitted to the Planning Board. These tests shall be conducted for each source of sewage sludge. For land application projects of three months or longer in duration (starting from the date of application of site plan acceptance by the Planning Board) scans for the 125 priority pollutants shall be updated every three months. Additional testing parameters may be requested by the Planning Board after a review of initial test results by the Board or its designated agent, including but not limited to:
 - a. Polychlorinated biphenyls (PCBS)
 - b. Chlorinated pesticides: DDT, dieldrin, aldrin, endrin, chlordane, heptachlor, lindane, mirex, kepone, 245-T, 24D,
 - c. Chlorinated compounds including dioxin,
 - d. Polynuclear aromatic hydrocarbons,
 - e. Asbestos.

D. GENERAL STANDARDS

In addition to the site plan criteria contained in Article III, land application of sewage sludge shall be granted only with the following conditions, which shall be the minimum conditions applicable to such use:

1. Class B sewage sludge suitable for land application shall be limited to sewage sludge from municipal secondary or advanced wastewater facilities meeting at a minimum both Class B pathogen reduction requirements of 40CFR503.32a and the vector control requirements of 40CFR503.33a before transportation into the Town. Under no circumstances will sewage sludge, grit or screenings from incineration or industrial facilities be deemed suitable for land application, nor sewage sludge containing hazardous waste.
2. Sewage sludge may be spread only on slopes <8% gradient.
3. Sewage sludge may be spread only within the active growing season, generally, May 15th to October 1st and only from 7 am to 5 pm EDT.
4. Sewage sludge may not be spread on frozen or snow-covered ground, on saturated soils, or during excessively wet periods. Soils must be unsaturated to a depth of at least two feet prior to land application.

5. Sewage sludge may not be spread on poorly drained or very poorly drained (hydric) soils.
6. Sewage sludge may not be spread on aquifers or within primary and secondary aquifer recharge zones.
7. Sewage sludge must be lime-stabilized prior to transportation into the Town. The pH of the receiving layer of soil must be raised to 6.0 or greater by lime application prior to spreading of sewage sludge, and increased to 6.5 in the second year after land application. Thereafter the pH of the receiving layer of soil must be maintained at or above 6.5 pH in perpetuity.
8. Sewage sludge may not be stockpiled on site or anywhere in the Town for longer than 24 hours. Sewage sludge may be stockpiled only if it is properly contained and covered to prevent airborne dispersal of sewage sludge from the pile, stormwater transport and infiltration, and nuisance odors off-site.
9. Sewage sludge must be completely incorporated into the soil within thirty-two (32) hours of arrival at the site.
10. The following buffer setbacks shall apply at all land application sites:
 - a. thirty-three (33) feet to all intermittent streams;
 - b. one hundred (100) feet from all surface waters, public roads, or property boundaries;
 - c. one hundred twenty-five (125) feet to any jurisdictional wetland as determined by a professional wetland scientist;
 - d. five hundred (500) feet to any on- or off-site dwelling, any well, or any surface drinking water supply.
11. A long-term site monitoring and management plan shall be filed with the Planning Board and the Board of Selectmen documenting the scope of the land application project. Soil tests at sites to be determined by the Planning Board shall be filed annually with the Board of Selectmen documenting the pH, organic matter (%) and the cation exchange capacity (meq/100g) of the soils. Periodic water quality testing of onsite and adjacent surface waters may also be required by the Planning Board.

E. ADDITIONAL PROVISIONS

Provisions VI-XVIII of the Town of Bradford Site Plan Review Regulations shall apply.