

SITE PLAN REGULATIONS

TOWN OF WESTMORELAND NEW HAMPSHIRE

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February 2024

TOWN OF WESTMORELAND

SITE PLAN REGULATIONS

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Adopted by the Westmoreland Planning Board
After Public Hearing on November 14, 2000
Amended September 2011, Dec 2021, February 2024.

SITE PLAN REGULATIONS

SECTION I Authority

Pursuant to the authority vested in the Westmoreland Planning Board by the voters of the Town of Westmoreland in November of 1982 and in accordance with the provisions of RSA 674:43 and 44, of the New Hampshire Revised Statutes Annotated, and as amended, the Westmoreland Planning Board adopts the following regulations governing the development or change or expansion of use of tracts for nonresidential uses or multi-family dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

SECTION II Purpose

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

SECTION III Scope of Review

Whenever any development or change or expansion of use of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as previously approved by the Planning Board; before any construction, 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 owner of the property or his authorized agent shall apply for and secure from the Planning Board approval of such proposed site development in accordance with procedures outlined in this regulation.

The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan review. Where there is any doubt as to whether or not a project requires Site Plan review, the affected party should request a determination from the Planning Board. The Planning Board will use the following guidelines to determine if Planning Board action is required:

- A. If the proposal involves a change of use category, e.g. from residential to commercial or from single family to multi-family.
- B. If the proposal involves external modifications or construction, including parking lots.
- C. If a change of use or expansion would involve significant impacts in terms of traffic & circulation, parking, or lighting; for example: a change from an attorney's office to an accountant's office would probably not involve significant impact, but a change from a Bed & Breakfast to a restaurant would.

SECTION IV Definitions

In addition to those defined here, the definitions contained in the Westmoreland Zoning Ordinances shall apply to the Site Plan Review Regulations.

- A. Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. 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.
- B. Applicant: The owner of record of the land to be subdivided, or his/her designated agent.
- C. Approval: Recognition by the Planning Board, certified by written endorsement on the plat, that the plat and accompanying application meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.
- D. 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 Registry of Deeds until such time as certain conditions set forth by the Board are met.
- E. Board: The Planning Board of the Town of Westmoreland.
- F. Lot Line/Boundary Adjustment: Adjustments to the boundary between adjoining properties where no new lot(s) are created and the end result is that both conform with existing ordinances.
- G. Plat: The map, drawing or chart on which the site plan is presented to the Planning Board for approval, and which, if approved, will be placed in the Westmoreland property files.
- H. Right-of-Way: A strip of land for which legal right of passage has been granted by the landowner to provide access to a lot.
- I. Street: A Class V or better highway for vehicular traffic as defined in RSA 231 which is laid out and maintained by the Town.
- J. Street Frontage: That continuous portion of a lot, which abuts a public street. A right-of-way does not constitute frontage.

SECTION V Application Procedure

A. Zoning Permit or Referral by Zoning Administrator (required)

All processes related to land use must first be reviewed by the Zoning Administrator, or in his/her absence by the Selectboard, who will inform applicants about regulations and processes that must be followed. A Zoning Permit or referral to the Planning Board by the Zoning Administrator is required.

B. Meeting with Planning Board Clerk (required)

Due to legislative changes making application processes more complicated, a meeting with the Planning Board Clerk prior to starting any application is necessary to know what is required in the application process.

1. Prior to submission of any application, the applicant must meet with the Planning Board Clerk at least 20 days prior to the application submission deadline (which is 21 days prior to the scheduled Planning Board application review).

C. Preliminary Conceptual Consultation (Optional)

1. The applicant may request a meeting with the Planning Board to discuss a proposal in conceptual form and in general terms. Although this phase is optional, the Board strongly suggests that the applicant takes this opportunity to resolve any issues at this early stage that might become a problem later on. Such preapplication consultation shall be informal and directed toward:
 - a) Reviewing the basic concepts of the proposal.
 - b) Reviewing the proposal with regard to the master plan and zoning ordinance.
 - c) Explaining the state and local regulations that may apply to the proposal.

- d) Determining the submission items that would be required.
2. Preliminary conceptual consultation shall not bind the Applicant or the Planning Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Planning Board.

D. Design Review Phase (Optional)

1. Prior to submission of an application for Planning Board action, an applicant may request to meet with the Planning Board or its designee for non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.
2. The design review phase may proceed only after identification of and notice to abutters, engineer or surveyor, applicant or agent, and the general public as required by RSA 676:4,I(d).
3. Persons wishing to engage in preapplication design review shall submit a request to the Planning Board not less than 21 days before a regular meeting of the Board. The request shall include:
 - a) List of abutters, engineer or surveyor, applicant or agent and their mailing addresses taken from municipal records not more than five (5) days before submission.
 - b) Check to cover mailing and advertising costs.
4. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

E. Submission of Application (Required)

1. An application sufficient to invoke jurisdiction of the Planning Board shall be filed with the Planning Board Clerk at least 21 days before a regular meeting of the Planning Board. The application shall consist of all data required in Section VI of these regulations.
2. A preliminary review will be done by the Planning Board Clerk who has been designated to review plans for completeness prior to submission to the Planning Board. **If the plan is considered incomplete by this person, the applicant will need to provide the missing submission items before the application is submitted to the Planning Board for a vote to accept the application.**
3. The Planning Board will review all plans for completeness at the next regular meeting of the Board. If the application is incomplete, the Planning Board shall notify the applicant and shall specify and describe the information, procedure or other requirements that were insufficient. Applications may be disapproved by the Planning Board without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.
4. Submission and acceptance of an application shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4,I(d). Acceptance will be by affirmative vote of a majority of the Planning Board members present.
5. The Planning Board may waive certain plat requirements as allowed under RSA 674:44 III (e). The criteria for a waiver are:
 - a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property,
 - b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property,
 - c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as

- distinguished from a mere inconvenience, if the strict conformity of these regulations are carried out,
- d) the granting of the waiver will not be contrary to the spirit and intent of the regulations; and
 - e) The waiver will not in any manner, vary the provisions of the Zoning Ordinance or Master Plan.
6. When the Planning Board has accepted a Completed Application, the Board shall provide a receipt to the Applicant indicating the date of acceptance, which is the start of the 65-day review.

F. Planning Board Action on Completed Application

1. The Planning Board shall begin consideration of the Completed Application within 30 days of its acceptance. The Planning Board shall act upon the application within 65 days of its acceptance as complete. If the board has determined that the application is a development of regional impact, an additional 30 days is allotted.
2. An applicant may waive the requirement for Planning Board action within the time periods specified in these regulations and consent verbally at a meeting or in writing to such extension as may be mutually agreeable.
3. The Board shall act to approve, conditionally approve, or disapprove.
4. A written notice of decision shall be provided to the Applicant and added to the public file within 5 business days after the decision. This notice shall include any conditions set by the board and findings of fact supporting the decision. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice.
5. Approval of the application shall also be certified by written endorsement on the plat and signed and dated by the Chairman and Clerk of the Planning Board. An approved, signed plat shall be filed with the town.

G. Failure of the Planning Board to Act

If the Planning Board fails to act within the designated time frame after acceptance of a complete application, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition Superior Court to approve the plan.

H. Conditional Approval

The Planning Board may grant conditional approval of an application, but the plat will not be signed or recorded until all the conditions have been met. If the applicant has not complied with the conditions of approval within **one year**, the approval is considered null and void and the applicant must submit a new site plan application. A further public hearing is not required when such conditions:

- 1) are administrative in nature
- 2) involve no discretionary judgment on the part of the Planning Board
- 3) 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 application process.

I. Expedited Review

The Application may be submitted, accepted as complete, and voted on at the same meeting provided the public notice so indicates.

J. Public Hearing

Prior to approval of a site plan, a public hearing shall be held pursuant to RSA 676:4 I(d) with notice given to the abutters, engineer or surveyor, applicant or agent, and the public.

K. Notification

- 1) Notice of a Design Review Phase, submission of an Application, or a Public Hearing shall be given by the Planning Board to the abutters, engineer or surveyor, applicant or agent by certified mail, mailed at least ten (10) days prior to the meeting of the Planning Board where this matter will be considered. The public will be given notice at the same time by posting at the Town Hall, the Post Office, and on the town website.
- 2) The notice shall give the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.
- 3) If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

L. Fees

- 1) An application fee (see current Westmoreland Planning Board Fee Schedule) to reimburse the Planning Board for its administrative and notification costs involved in processing applications shall accompany all applications.
- 2) All costs of abutter and other required notices, whether mailed, posted, or published, shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Planning Board to not accept the application as complete.
- 3) All applicants are responsible for the recording cost, if necessary, at the Register of Deeds of Cheshire County.
- 4) Pursuant to RSA 676:4 I(g), it shall be the responsibility of the Applicant, if the Planning Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

M. Site Inspections

- 1) Whenever the Planning Board deems it necessary for the consideration of an application to visit the site, the Board shall request permission from the applicant.
- 2) Such a site inspection shall be posted as a meeting of the Planning 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 conditioned 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.

N. Concurrent and Joint Hearings.

The applicant may request a joint hearing with one or more land use boards in conjunction with a site plan hearing if all are required for the same project. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).

SECTION VI Submission Requirements

The applicant may meet with the Planning Board at any regularly scheduled meeting for a preliminary conceptual consultation (See Section V:C) prior to submitting the application to discuss their application or any items that the applicant feels do not apply to his particular Site Plan application.

An application packet ready for submission to the Planning Board shall consist of the following items:

- a completed application form and checklist, accompanied by supporting documentation and/or requests for waivers
- names and mailing addresses of all abutters, engineer or surveyor, applicant or representative taken from the town records not more than five (5) days before the day of filing. See form in the appendix.
- payment of all applicable fees according to the fee schedule
- copies* of the plat, prepared at any scale between 1" = 20' and 1" = 400' with details as noted below. * Verify with the Planning Board Clerk how many copies are required.

Every application shall be accompanied by a plat showing information relevant to the proposal. All plats shall, at a minimum, show the submission items, listed below, unless a waiver from any of these is granted by the Planning Board. All existing conditions shall be drawn in solid lines; proposed conditions shall be drawn in dotted lines.

A. Plat Submission Items

1. Name of project or identifying title; names and addresses of owners of record; and tax map and lot number.
2. North arrow, date of the plat, scale appropriate to the scope of the development; name and address of person preparing the plat; signature block for Planning Board approval.
3. Vicinity sketch at an appropriate scale showing the location of the site in relation to the existing public streets; and the zoning district(s).
4. Names of all abutting landowners, physical features and uses of abutting land within 200 feet of the site.
5. Boundary lines, their source, approximate dimensions and bearings, and the lot area in acres and square feet. A certified survey by a NH licensed land surveyor may be required, if deemed necessary by the Planning Board.
6. The shape, size, height, location and use of existing and proposed structures located on the site and those existing within 200 feet of the site.
7. Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the provisions contained in the Westmoreland Subdivision Regulations.
8. Identification of access from the site to public streets, sight distances from the access points, curb cuts and proposed changes (if any) to existing streets. (Copies of any driveway permits must be attached.)
9. Location and total number of parking spaces; loading spaces and other similar facilities associated with the use.
10. A landscape plan, describing the number, location, types and size of all existing and proposed landscaping and screening.
11. The location, type, and nature of all existing and proposed exterior lighting and signage.

12. Natural features such as rock ledges, streams, marshes, lakes, or ponds; existing and proposed foliage lines; open space to be preserved and any other man-made or natural features.
13. The existing and proposed grades and topographic contours based on USGS data, with spot elevations and base flood elevations where appropriate.
14. The size and location of all existing and proposed culverts and other surface drainage.
15. Location and type of proposed waste disposal system, with an outline of the 4,000-sq. ft. areas reserved for leach fields for any new system; location of test pits and record of percolation tests and state septic approval or copy of certification by a licensed septic designer that an existing system is adequate to meet the needs of the proposed use.
16. Location of existing and proposed on-site well (showing 75-foot radius).
17. Soil data based on the Cheshire County Soil Survey including wetlands delineation as defined by the Town of Westmoreland Wetland Ordinances, and flood hazard areas and base flood elevation if appropriate.
18. Location of any existing or proposed easements, deed restrictions, and/or covenants.

B. Other

Should the Planning Board determine that some or all of the information described below is to be required, the applicant will be notified in writing within ten (10) days of the meeting at which the determination was made. Conditions that could indicate the application may need additional information may include but are not limited to proposed usage, size, complexity, or number of parking spaces. The Planning Board reserves the right to request such information before an application has been accepted as complete or at any time prior to vote on approval.

1. Plans prepared by a licensed professional qualified to prepare site plans.
2. The application shall be accompanied by any necessary Federal, State or local permits and approvals, including but not limited to Board of Adjustment, Department of Transportation, or Water Supply and Pollution Control Commission.
3. Erosion Control Plan which meets the design standards and specification set forth in the "Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire" (USDA Soil Conservation Service) shall be submitted where one or more of the following conditions are proposed:
 - a) a cumulative disturbed area exceeding 20,000 square feet;
 - b) construction of a road or street
 - c) construction of three or more dwelling units.
 - d) Any cumulative disturbed area of 100,000 square feet or 50,000 square feet within the protected shore land (per RSA 483-B) also requires an Alteration of Terrain permit from the NH Department of Environmental Services.
4. An adequate stormwater drainage system developed by a NH licensed engineer qualified to prepare drainage systems.
5. Any new deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, shall be submitted in a form satisfactory to the Planning Board's counsel.
6. An impact analysis may be required, which takes into account the following items to the extent the Planning Board deems applicable:
 - a) Demographic Description
 - b) Community Facilities Impacts (traffic, schools, public safety, and recreation).
 - c) Environmental Impact Analysis.

The Planning Board may request such other information as deemed necessary by the Board to make an informed decision in order to apply the regulations contained herein.

C. “As Built” Plans

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

SECTION VII Developments Having Regional Impact (See Criteria, Section XVII)

- A. All applications shall be reviewed for potential regional impacts. Upon such a finding, the Planning 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. The copies shall be sent by certified mail within 72 hours of the meeting. **Additional fees will be incurred.**
- B. At least 14 days prior to the scheduled public hearing, the Planning Board shall notify by certified mail the regional planning commission(s) and affected municipalities of the date, time and place of the hearing, and of their right to appear with the status of abutters to offer testimony concerning the proposal. Additional fees will be incurred.

SECTION VIII 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 Planning Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is lesser, include within such proposals base flood elevation data (i.e. flood plain boundary and 100 year flood elevation). 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; and
 - 2) adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION IX Performance Guarantee

- A. As a condition of approval, the Planning Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets. The amount of the security shall be based on an estimate of costs provided by the applicant; the amount of the security shall also include fees to cover the cost of periodic inspections. At the discretion of the Planning Board, the proposed security shall be reviewed by a licensed engineer. The applicant shall pay all costs of such review.
- B. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- C. Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guarantee shall be released in phases as portions of the

secured improvements or installations are completed and approved by the Planning Board or its designee, in accordance with the plan approved by the Planning Board.

SECTION X General Standards

- A. Design of development should fit the existing natural and manmade 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, as delineated in a landscape plan.
 2. Landscape treatment shall consist of natural, undisturbed vegetation or features, or newly installed ground cover, shrubs, or trees where appropriate.
 3. Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage to, toward or across abutting properties, unless the written consent of the abutting landowner is obtained.
- B. Illumination:
1. Outdoor lighting shall not glare on abutting properties or on public highways or streets.
 2. Indirect lighting should be used on signs advertising goods or services offered on the premises. Blinking or flashing lights or signs are subject to the Town sign ordinance.
 3. Outdoor lighting is restricted to that which is necessary for advertising, safety and security of the property.
- C. Pedestrian Safety:
If significant pedestrian traffic or employees are reasonably anticipated, provisions shall be made for a wider roadway allowing for a designated walkway along the side of the road.
- D. Off-street Parking and Loading Requirements:
1. Sufficient off-street loading and/or unloading space must be provided, including off-street areas for maneuvering of anticipated trucks or other vehicles. Maneuvers for parking and/or loading or unloading must not take place from a public street.
 2. Access, parking and loading areas are to be constructed so as to minimize dust, erosion, and runoff conditions that would have a detrimental effect on abutting or neighboring properties.
- E. Screening: Appropriate screening/buffers are to be maintained or installed to provide privacy and noise reduction as required in the Zoning Ordinances. The use of fencing or hedges (screening in winter months) is permitted.
- F. Street Access/Traffic Pattern: Access to public streets will meet the requirements of the NH Department of Transportation and/or the Town of Westmoreland. Any new road construction shall conform to the road standards as specified in the Subdivision Regulations. The internal traffic pattern will accommodate the proposed use, as well as providing easy, unimpeded access for emergency vehicles.
- G. Water Supply and Sewage Disposal Systems must be sized to adequately meet the needs of the proposed use under the regulations of the NH Water Supply and Pollution Control Commission and/or the Town of Westmoreland regulations. It shall be the responsibility of the applicant to provide adequate information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewerage disposal system, and that existing systems are adequate to serve the needs of the proposed development.
- H. Underground fuel storage tanks shall comply with the standards of the NH Water Supply and Pollution Control Division, as set forth in Part Env-WS 411, NH Code of Administrative Rules.

- I. No increase in the peak flow of surface runoff should be permitted if such increased runoff passes beyond the property lines of the parcel upon which the development occurs.
- J. Pollution Control: To avoid undesirable and preventable elements of pollution such as noise, smoke, soot, particulate, or any other discharges into the environment which might prove harmful or a nuisance to persons, structures, groundwater, or adjacent properties is that the applicant will employ the best standards and technology economically available at the time.
- K. Where required by law, all buildings shall have access for handicapped persons.
- L. Where appropriate, installation of any new utilities and/or transmission lines shall be buried underground.

SECTION XI Revocation of Planning Board Approval

An approved site plan plat may be revoked by the Planning Board in whole or in part, under the following circumstances: (1) at the request of or by agreement with the applicant; (2) when any requirement or condition of approval has been violated; (3) when the applicant has failed to perform any condition of approval within the time specified or within four years; (4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or (5) when the applicant has failed to provide for the continuation of adequate security.

SECTION XII Administration and Enforcement

- A. The Planning Board shall administer these regulations. The enforcement of these regulations is vested with the Selectmen.
- B. Waivers: If an applicant does not provide required information as noted on the checklist, a waiver must be specifically requested on a Waiver Request Form. The requirements of these regulations may be waived or modified when, in the opinion of the Planning Board,
 - 1. the level of activity as discussed in Section III is not present and a more formal site plan review process is not needed or
 - 2. specific conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations or
 - 3. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.
 - 4. In determining a waiver the following criteria will be considered:
 - a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property,
 - b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property,
 - c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict conformity of these regulations are carried out,
 - d) the granting of the waiver will not be contrary to the spirit and intent of the regulations; and
 - e) The waiver will not in any manner, vary the provisions of the Zoning Ordinance or Master Plan.
- C. Penalties and Fines: Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

D. Appeals: Any person aggrieved by a decision of the Planning Board concerning a plat or site plan may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Planning Board is based upon non-compliance with the zoning ordinance.

SECTION XIII 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 XIV 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 V, H & I of the Westmoreland Site Plan Regulations.

SECTION XV Effective Date

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

SECTION XVI ROAD STANDARDS

Refer to: ROAD, BRIDGE, AND CULVERT STANDARDS OF THE TOWN OF WESTMORELAND, NEW HAMPSHIRE.

SECTION XVII CRITERIA FOR DETERMINING REGIONAL IMPACT

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 Planning Board to follow in making a determination of impact on a neighboring municipality.

1. Residential Development: Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%.
2. Commercial Development: Proposals for new or expanded space of 50,000 square feet or greater.
3. Industrial Development: Proposals for new or expanded space of 100,000 square feet or more.
4. Other Factors to be Considered:
 - A. Proximity to other municipal boundaries.
 - B. Traffic impacts on the regional road network.
 - C. Potential effect on groundwater, surface water and wetlands that transcend municipal boundaries.
 - D. The potential to disturb or destroy a significant or important natural environment or habitat.
 - E. The necessity for shared public facilities such as schools or solid waste disposal.
 - F. Anticipated emissions such as light, noise, smoke, odors, or particulates.
 - G. The potential for accidents that would require evacuation of a large area.
 - H. The generation and/or use of any hazardous materials.
 - I. Any other factor considered important to the board and the community.

**TOWN OF WESTMORELAND
PLANNING BOARD
PO BOX 55
Westmoreland, NH 03467-0055**

___ PRELIMINARY CONCEPTUAL CONSULTATION (Optional)

This is a nonbinding informational session for process and informational purposes and formal application is not required. Notification to the Planning Board Clerk can ensure that time is set aside in the agenda but is not required. Citizens can just drop in on a regular Planning Board meeting for an informal discussion.

___ REQUEST FOR DESIGN REVIEW PHASE (Optional)

Note – A Design Review Phase requires public and abutter notification at applicant’s expense and a hearing and must be requested 21 days in advance. A list and mailing address of abutters, engineer or surveyor, applicant or representative, and payment for the noticing is required to accompany this request.

Submission Date _____

Applicant/Property Owner: _____

Mailing Address: _____

Email: _____ Phone _____

Location of property: Address _____ Zone _____ Map # ____ Lot # ____

Notice is hereby given in accordance with RSA 676:4 that a request for Design Review of a Site Plan will be submitted to the Planning Board on _____ at the Westmoreland Town Hall during a regular meeting of the Board.

The review is for information only, no decisions will be made and discussion is non-binding.

Signature of Applicant

WESTMORELAND PLANNING BOARD

PO BOX 55

Westmoreland, NH 03467-0055

SITE PLAN REVIEW APPLICATION

Zoning Permit: ___ Yes ___ No Submission Date _____

Applicant/Property Owner: _____

Mailing Address: _____

Email: _____ Phone: _____

Location of property: _____ Zone _____ Map # _____ Lot # _____

I hereby apply for a site plan and acknowledge I will comply with all the ordinances of the Town of Westmoreland and any stipulations of the Planning Board as set forth in the appropriate ‘Site Plan Regulations’.

Upon a finding by the Planning Board that the application meets the submission requirements for a site plan, the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should the application be deemed incomplete or should a decision not be reached after the public hearing, this application will stay on the Planning Board agenda until such time as it is granted or not granted.

Signature of Applicant

If applicant is different than owner, a notarized document authorizing an agent to act on the owner’s behalf must be submitted with the application.

Note: This application must be accompanied by the items listed below and must be filed at least 21 days prior to the meeting with the Planning Board before consideration of site plan review.

- ___ Copies of the plan of the property—verify with the Planning Board Clerk for number of copies
- ___ Application fee: \$150
- ___ Postage fee equal to current certified postage fee x number on Abutters List
- ___ Abutters List - names and **mailing** addresses of all abutters, engineer or surveyor, applicant or agent, retrieved from municipal records within 5 business days of submitting application.

**TOWN OF WESTMORELAND PLANNING BOARD
SITE PLAN REVIEW CHECKLIST**

Applicant Name: _____

The items on this page are considered to be the minimum requirements for a completed site plan review. The applicant must provide written reasons for any item where a waiver is requested. The Planning Board may, in certain cases, need to request additional information.

Is this a development having regional impact? YES NO

Is land in current use? YES NO

Submitted Yes No		Board Use Only Yes No
	A. GENERAL	
_____	1. Is there a title block that shows:-Name of Site Plan: name, address and phone of applicant & owner if different.	_____
_____	2. Is the north arrow, date of plat; the name, address of the person preparing the plat; and a signature block shown?	_____
_____	3. Is the scale shown and appropriate to the scope of the project?	_____
_____	4. Are the vicinity sketch and zoning district(s) shown?	_____
_____	5. Are names and mailing addresses of all abutters, engineer or surveyor, applicant or agent, and all holders of conservation or preservation easements shown on the plat or on a separate sheet?	_____
	B. ZONING	
_____	1. Is the proposed use permitted in the zoning district or, if not, has a zoning variance been granted?	_____
_____	2. Is the total area of the parcel shown and does this satisfy the zoning minimum lot area requirement?	_____
_____	3. Is the lot frontage shown and does it meet zoning minimum frontage requirements?	_____
	C. PROPERTY BOUNDARIES	
_____	1. Are boundary lines, approximate dimensions & bearings shown?	_____
_____	2. Is the lot area in acres and square feet shown? Is the tax map and lot number shown?	_____
_____	3. If this is an old survey, are the plans used in the compilation of bearings and distances referenced, including page and book number at the Cheshire County Registry of Deeds?	_____
_____	4. Are the locations of any existing or proposed easements, deed restrictions, and covenants shown?	_____
	D. PHYSICAL/NATURAL FEATURES	
_____	1. Are natural physical features including surface water, rock ledges, stone walls, existing and proposed foliage lines and open space to be preserved on the site and on abutting land within 200 feet of the site shown?	_____
_____	2. Soil survey data from Cheshire County Soil Survey including designation of wetlands and flood hazard areas.	_____
_____	3. Wetland resources, as defined by the town's Wetland Resource Map (July 2002) including public wells, intermittent and perennial water courses, wetland indicators including USGS Wetlands Areas and USDA Hydric Soils, as well as the town's wetland buffer zone.	_____
_____	4. Are all existing and proposed grades and contours shown on the plat?	_____

(continued on next page)

E. BUILDINGS

- ___ ___ 1. Is the shape, size, height, location and use of existing and proposed structures located on the site and those within 200 feet of the site shown? ___ ___
- ___ ___ 2. Are the dimensions and total area of each existing and proposed structure shown? ___ ___

F. ACCESS POINTS

- ___ ___ 1. Are the locations, names and widths of any existing and proposed roads and driveways on the property and within 200 feet of the site shown? ___ ___
- ___ ___ 2. Is sight distance at access point(s) shown and is it adequate all-season safe sight distance? ___ ___
- ___ ___ 3. Are access points adequate in number, size, locations and design? Are any changes to existing roads shown? ___ ___
- ___ ___ 4. Is there a driveway permit from either the NH Department of Transportation and/or the Town of Westmoreland for a driveway? ___ ___

G. INTERNAL TRAFFIC, PARKING AND PEDESTRIAN SAFETY

- ___ ___ 1. Is traffic circulation indicated, for both pedestrians & vehicles? ___ ___
- ___ ___ 2. Are the locations, number and sizes of parking areas and loading places shown? ___ ___
- ___ ___ 3. Do emergency vehicles have easy, unimpeded access to all buildings, with adequate turn-around space? ___ ___
- ___ ___ 4. Is adequate provision made for service vehicles? ___ ___
- ___ ___ 5. Are areas provided for snow removal or storage without impeding traffic circulation or affecting safety? ___ ___

H. UTILITIES AND DRAINAGE

- ___ ___ 1. Are the locations and sizes shown for all existing and proposed electric and telephone lines? ___ ___
- ___ ___ 2. Is there current approval by the NH Department of Environmental Services for the existing septic system? ___ ___
- ___ ___ 3. If there will be increased load on an existing system or a planned new system, is state approval provided in accordance with RSA 485:A-38? ___ ___
- ___ ___ 4. Is the location of existing and/or proposed on-site well(s) shown (indicating a 75-foot radius on the property)? ___ ___
- ___ ___ 5. Is the location of existing and/or proposed culverts and other water drainage shown? ___ ___

I. LANDSCAPING, SIGNS, LIGHTING

- ___ ___ 1. Are the location, types, and sizes of all existing and proposed landscaping and screening indicated on the plat? ___ ___
- ___ ___ 2. Are abutting residential structures adequately buffered from the proposed site? ___ ___
- ___ ___ 3. Is the location, size, type and lighting of all existing and proposed signage indicated on the plat? Does it comply with the Westmoreland Sign Ordinance? ___ ___
- ___ ___ 4. Are the locations, type and nature of all existing and proposed exterior lighting shown? ___ ___
- ___ ___ 5. Is all exterior lighting facing downward so that it does not glare on abutting properties or out toward traffic? ___ ___

Yes No NA

K. OTHER

NA Yes No

- ___ ___ 1. Are plans for Stormwater Management, Erosion and Sediment Control required? ___ ___
- ___ ___ 2. Is an Alteration of Terrain Permit required? ___ ___
- ___ ___ 3. Are any federal, state or local permits required? ___ ___
- ___ ___ 4. Are copies of any existing or proposed easements, deed restrictions, or covenants included in the application? ___ ___
- ___ ___ 5. If applicable, are Base flood elevations indicated? ___ ___
- ___ ___ 6. If applicable, have performance bonds/other securities been provided to the town? ___ ___
- ___ ___ 7. Is there any other information deemed necessary by the Planning Board to make an informed decision? ___ ___

TOWN OF WESTMORELAND PLANNING BOARD
PO BOX 55, Westmoreland, NH 03467-0055
HOME BUSINESS SITE PLAN REVIEW APPLICATION
(Use separate page to answer questions if necessary)

Zoning Permit: ___ Yes ___ No Submission Date _____

Property Owner: _____

Mailing Address: _____

Email: _____ Phone: _____

Location of property: _____ Zone _____ Map # _____ Lot # _____

- 1. What is the nature of the business? What product or service is offered? What will the hours be?

- 2. Where on the property will the business activity take place? What structures will be used?

- 3. Will any hazardous materials be on the property? Will the business have any unusual space needs, storage, noise, smells, vibrations, etc that will be evident outside the existing structures?

- 4. Will the residence water and septic system be used by other than the residents?

- 5. How many employees? _____ Will the public be visiting the business? What will the parking needs be? How will they be addressed?

- 6. What current federal and/or state regulations will the business be subjected to? Have permits or compliance been met?

I hereby apply for a home business site plan and acknowledge I will comply with all the ordinances of the Town of Westmoreland and any stipulations of the Planning Board as set forth in the appropriate 'Home Business Checklist'.

Upon a finding by the Planning Board that the application meets the submission requirements for a Home Business, the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should the application be deemed incomplete or should a decision not be reached after the public hearing, this application will stay on the Planning Board agenda until such time as it is granted or not granted.

Signature of Applicant _____

Note: This application must be accompanied by the items listed below and must be filed at least 21 days prior to the meeting with the Planning Board before consideration of site plan review. You may request a non-binding information session before filing if you wish.

- ___ Copies of the plan of the property--verify with the Planning Board Clerk how many copies are needed.
- ___ Application fee: \$150
- ___ Postage fee equal to current postage fee x number on Abutters List
- ___ Abutters List - names and mailing addresses of all abutters retrieved within 5 business days of submitted application as well as engineer or surveyor, applicant or representative,

TOWN OF WESTMORELAND PLANNING BOARD
HOME BUSINESS SITE PLAN REVIEW CHECKLIST

Applicant Name: _____ Date: _____

Property: Map # ____ Lot # ____ Zone _____

The items on this page are considered to be the minimum requirements for a completed site plan review. The applicant must provide written reasons for any item where a waiver is requested. The Planning Board may, in certain cases, need to request additional information.

Submitted
Yes No

Waived
Yes No

A. GENERAL

- | | | |
|------|--|------|
| ____ | 1. Is there a title block with name, address and phone of applicant/owner? | ____ |
| ____ | 2. Does the size of the plan make it easy to read and understand? | ____ |
| ____ | 3. Are names and addresses of all abutters and all holders of conservation or preservation easements shown on the plat or on a separate sheet? | ____ |

B. ZONING

- | | | |
|------|---|------|
| ____ | 1. Is the proposed use permitted in the zoning district or, if not, has a zoning variance been granted? | ____ |
| ____ | 2. Is the total area of the parcel shown and does this satisfy the zoning minimum lot area requirement? | ____ |

C. PROPERTY BOUNDARIES

- | | | |
|------|---|------|
| ____ | 1. Are boundary lines and approximate dimensions shown? | ____ |
| ____ | 2. Is the lot area in acres and square feet shown? Is the tax map and lot number and the Zoning District shown? | ____ |
| ____ | 3. Are the locations of any existing or proposed easements, deed restrictions, and covenants shown? | ____ |

D. BUILDINGS

- | | | |
|------|--|------|
| ____ | 1. Is the shape, size, height, total area, location and use of existing and proposed structures located on the site and those within 200 feet of the site shown? | ____ |
| ____ | 2. Are the dimensions and total area of each existing and proposed structure shown? | ____ |
| ____ | 3. Is the location of any and all business activity shown? | ____ |

E. ACCESS POINTS AND PARKING

- | | | |
|------|---|------|
| ____ | 1. Are the locations and widths of any existing and proposed driveways on the property and within 200 feet of the site shown? | ____ |
| ____ | 2. Is there a permit from either the NHDOT and/or the Town of Westmoreland for any existing and proposed driveways? | ____ |
| ____ | 3. Are the locations, number and sizes of parking areas and loading places shown? | ____ |

(Continued on next page)

F. UTILITIES AND DRAINAGE

- ___ ___ 1. Have septic plans been approved by NH Water Supply and Pollution Control? Or, has the existing system been certified by a licensed septic designer as to sufficiency of system? ___ ___
- ___ ___ 2. Is the location of existing and/or proposed on-site well(s) shown (indicating a 75-foot radius on the property)? ___ ___

G. LANDSCAPING, SIGNS, LIGHTING

- ___ ___ 1. Are abutting residential structures adequately buffered from any external impact? ___ ___
- ___ ___ 2. Is the location, size, and type of all existing and proposed signage indicated on the plat? Does it comply with the Westmoreland Sign Ordinance? ___ ___

H. OTHER

- | | | | | | | |
|-----|-----|-----|---|-----|-----|-----|
| Yes | No | NA | | Yes | No | NA |
| ___ | ___ | ___ | 1. Are any federal, state or local permits required? | ___ | ___ | ___ |
| ___ | ___ | ___ | 2. Are copies of any existing or proposed easements, deed restrictions, or covenants included in the application? | ___ | ___ | ___ |
| ___ | ___ | ___ | 3. Is there any other information deemed necessary by the Planning Board to make an informed decision? | ___ | ___ | ___ |

WESTMORELAND ZONING & PLANNING BOARD LIST OF ABUTTERS

Applicant: _____ Date: _____

Mailing Address: _____

Map/Lot# under consideration: _____

Abutter Information:

Map/Lot	Name	Mailing Address

To find abutters:
 If you know your tax map and lot number, go to the town website (westmorelandnh.com), and under “about”, then “tax maps” and download your map. Then note all the abutting lots.
 If you don’t know your map/lot, on the town website select “ tax cards”, select Westmoreland, then in the upper left corner do a search by your name. Then open your map as noted above. Once you know abutting lots, search by parcel ID, open each abutting lot and note the name and **mailing** address for each abutting lot. Note that applicant and agent, engineer, and surveyor must also be on the abutter list.

RSA 672:3 Abutter & Westmoreland Town Ordinance Section 104. – "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes 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.

**Westmoreland Planning Board
Waiver Request Form**

Owner/Applicant _____ Submission Date _____

Property Address _____ Map/Lot# _____

List below each specific item of the Site Plan, Subdivision, or Excavation Regulations you are asking to be waived. For each item, state the reasons why each waiver request should be approved, addressing the waiver conditions noted below. (Continue on additional sheets if necessary.)

The Westmoreland Planning Board shall not approve any Site Plan/Subdivision/Excavation regulations waiver unless it shall make the following findings based upon the evidence presented to it in each specific case:

- a) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property,
- b) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property,
- c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict conformity of these regulations are carried out,
- d) the granting of the waiver will not be contrary to the spirit and intent of the regulations; and
- e) The waiver will not in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

Westmoreland Planning Board Contact Information

Town Office
780 Rte 63-PO Box 55, Westmoreland NH 03467
603-399-4471
admin@westmorelandnh.com
westmorelandnh.com

(The website is for informational purposes only. Official copies of documents are only available from the Town Office.)

Zoning Administrator: <westmoreland za@gmail.com>
Planning Board Clerk: <westmorelandpb@gmail.com>

WESTMORELAND PLANNING BOARD FEE SCHEDULE

EFFECTIVE 11/03/2022

Site Plan Review	\$150.00
Subdivision -	\$150.00 + \$15.00 per lot
Boundary Line Adjustment	\$150.00
Voluntary Lot Merger	\$25.00
Excavations:	
Permit	\$50.00
Escrow	\$1,000.00
(Any unexpended fees to be returned to the Applicant upon completion.)	
Permit Renewal: Site Plan Review fee + Permit Fee	

Abutter Fee: Current certified U.S. Postal fee per abutters, engineer or surveyor, applicant or agent x total # of abutter notices (must include owner/applicant/agent)

Expenses for review of plans or documents, inspection of site, or special studies deemed necessary by the Board shall be paid by the applicant before an approval or permit is signed.

Recording costs, if applicable, are the responsibility of the owner/applicant/agent.

PLEASE NOTE: Application fees are non-refundable if application is not accepted and/or denied by the Planning Board or withdrawn by the applicant after processing.

PUBLICATIONS

Zoning Ordinance	\$3.00
Subdivision/Site Plan Regulations	\$3.00
Master Plan	\$5.00
Copies	\$1.00 (per page)

For document requests/research-contact Town Administrator directly.

(changes adopted by the Board of Selectmen February 2024)