

**TOWN OF BARTLETT,  
NEW HAMPSHIRE**

**SITE PLAN REVIEW REGULATIONS**

**Adopted October 17, 2006**

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## **SECTION I. AUTHORITY AND PURPOSE**

- A. Pursuant to the authority vested in the Bartlett Planning Board by the voters of the Town of Bartlett at Town Meeting of March 9, 2004, and in accordance with the provisions of 674:43 and 44, New Hampshire Revised Statutes Annotated, as amended, the Bartlett Planning Board hereby adopts the following regulations governing the Planning Board's review and approval or disapproval of site plans for the development, change, or expansion of use of non-residential tracts where the total square footage of the footprint of the building or buildings is greater than 5,000 sq. ft. These regulations shall be known as the Site Plan Review Regulations.
- B. The purpose of the Site Plan Review process is to ensure that larger non-residential development is compatible with the vision of the town's Master Plan originally adopted in 1985 and updated in 2003. The Master Plan envisions a town that "maintains the physical and cultural characteristics of a small New England town" and that "allows for appropriate commercial and recreational development, while ensuring that the rate of growth and the location and design of such development do not detract from the town's character." The process is intended to protect the public health, safety, and welfare; to promote balanced growth; to promote the timing of development to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to avoid development which may result in negative environmental impacts; and to guide the character of development.
- C. The Site Plan Review procedure in no way relieves the developer or his/her agent from compliance with the town Zoning Ordinance, town and state 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 II. DEFINITIONS**

- A. The definitions contained in the Bartlett Zoning Ordinance and Subdivision Regulations shall apply to the Site Plan Review Regulations where applicable.

## **SECTION III. SCOPE OF REVIEW**

- A. Whenever any development, change, or expansion of use governed by these regulations is proposed, or whenever any changes are proposed that 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.

B. Where there is any doubt as to whether a project requires Site Plan Review, the affected party should request a determination from the Planning Board. Said determination as provided for in Section IV of RSA 674:43 shall be recorded in the minutes of the Planning Board. In an effort to clarify what constitutes a change of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

1. Activities most likely to be subject to site plan review on lots with non-residential building(s) exceeding 5,000 square feet in total footprint:
  - a) new construction.
  - b) change of use category.
  - c) external modification or impact, including parking areas.
  - d) projects involving a property that has never been subject to site plan review for previous non-residential use.
2. Activities not likely to be subject to site plan review:
  - a) projects that involve no change in use or level of activity.
  - b) internal modification to an existing non-residential use that does not affect scale or impact of existing use.
  - c) re-use of premises for which site plan review has been conducted, provided the new use is not different in type or impact.
3. Activities not subject to site plan review:
  - a) projects involving buildings whose total footprint is less than 5,000 square feet.

## SECTION IV. PROCEDURES

- A. Pre-application Review: Whenever any project to which these regulations may be applicable is proposed to be made, and before making formal application for approval of a site plan, the applicant may submit to the Planning Board a sketch plan of the site plan for informal non-binding review. The purpose of this pre-application review is to establish for the applicant the suitability of the proposed use, identify issues and concerns which may need to be addressed, and to facilitate the preparation of the preliminary site plan. There shall be no fee for a pre-application review.

## B. Application Procedure

1. Filing of Application. An applicant requesting a site plan review shall submit a completed application form, site plan review checklist, five copies of the preliminary plat, list of abutters, and application fee to the Planning Board 20 days prior to the scheduled public hearing. This constitutes a completed application to invoke the jurisdiction of the Planning Board. Application forms and a checklist are available from the Planning Board Secretary at the Bartlett Town Offices during regular business hours.
2. Public Hearing. Before taking any action on the application, the Board shall hold a formal Public Hearing with abutter notification, which the Board shall duly advertise to the public at least ten days before the scheduled date of the hearing. The Planning Board may hold a hearing on a site plan review in conjunction with a subdivision or boundary line adjustment hearing if either are required for the same project.
3. Notification of Abutters:
  - a) The applicant shall furnish to the Planning Board all notification documents to include a copy of the notice (forms available at the Town Hall) and pre-addressed, unsealed envelopes with postage and certified/return receipt documents attached, in sufficient number to be sent to all abutters, the applicant, precinct commissioners, or property owners' or condominium associations (if applicable).
  - b) Notification of abutters will follow procedures outlined in New Hampshire Revised Statutes Annotated.
  - c) All notices will be sent Certified Mail with Return Receipt Requested. The Return Receipt must be addressed returnable to: The Bartlett Planning Board, 56 Town Hall Road, Intervale, NH 03845. Applicant is responsible for costs.
  - d) Where applicable, Precinct Commissioners and/or property owners or condominium associations will be considered abutters and notified accordingly.
4. Public Notice. The Planning Board will be responsible for public notices in the newspaper. The applicant will be assessed a fee for this notice as established by the Planning Board.
5. If any of the above requirements are not fulfilled, the Planning Board reserves the right to re-schedule the Public Hearing.

### C. Board Action on Completed Application

1. The Planning Board shall act to accept or refuse the application within 30 days of receipt of application.
2. The Planning Board shall act to approve or disapprove the application within 65 days after acceptance of the application. The Planning Board and the applicant may mutually agree to an extension of time beyond the 65 days, but not to exceed an additional 90 days, before acting to approve or disapprove an application. The Planning Board may ask the Board of Selectmen for an additional extension as provided in RSA 676:4.
3. Approval of the application shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Board. 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 given to the applicant within 144 hours of the decision.
4. When a final plat is approved by the Board, the Board shall record one copy thereof, bearing the signature of the Chairman or the Secretary of the Planning Board, in the Registry of Deeds of Carroll County.

### D. Approvals

1. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met.
2. 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 resubmit a new site plan application. A further public hearing is not required when such conditions:
  - a) are administrative in nature; or
  - b) involve no discretionary judgment on the part of the Board; or
  - c) involve the applicant's possession of permits and approvals granted by other boards or agencies (e.g., the Department of Transportation, the Wetlands Board, or the Water Supply and Pollution Control Division).
3. Any subsequent change to the plan based upon such approvals shall require a new application submission.
4. Site plan approval shall be considered void if no substantial work is done on the project in one year's time. The Planning Board may specify the scope of work to be completed within a year's time that will constitute active and substantial development in order for the four-year exemption to apply. All conditions shall be noted on the plat.

E. Failure of the Planning Board to Act

1. In the event that the Planning Board does not act on an accepted application within the prescribed 65 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days.
2. If the Planning Board fails to act within 30 days of this directive, then within 40 days of the directive 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.

F. Fees

1. All applications shall be accompanied by a check to reimburse the Board for its administrative and notification costs involved in processing applications. The following fee schedule is in effect:
  - a) Non-residential Construction:  
Base fee:..... \$250  
Additional fee: ..... \$0.05/square foot for building footprint  
in excess of 5,000 square feet
  - b) Newspaper notice and postings..... \$50.00
2. All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to not accept the application as complete.
3. Pursuant to RSA 676.4 I (g), it shall be the responsibility of the applicant, if the Board deems it necessary, 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. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

**SECTION V. DEVELOPMENTS HAVING REGIONAL IMPACT**

- A. All applications shall be reviewed for potential regional impacts according to a determination of the Board.
- B. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination is made. The copies shall be sent by certified mail within 144 hours of the meeting.

- C. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission 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.

## **SECTION VI. 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. All proposed new developments greater than 5 acres to which these regulations apply shall include within such proposals base flood elevation data.
- C. Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow determination that:
  - a) all such proposals are consistent with the need to minimize flood damage;
  - b) all public utilities and facilities (e.g., sewer, gas, electrical, and water systems) are located and constructed to minimize or eliminate flood damage; and
  - c) adequate drainage is provided so as to reduce exposure to flood hazards.

## **SECTION VII. PERFORMANCE GUARANTEE**

- A. As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets, public improvements (e.g., drainage structures, water and sewer drains, landscaping, lighting, and signage). The amount of the security shall be based on an estimate of costs provided by the applicant and, at the discretion of the Planning Board, reviewed by a licensed engineer. All costs of any such review shall be paid by the applicant.
- B. The security shall be approved as to form and sureties by the Board of Selectmen. The amount of the security shall include fees to cover the cost of periodic inspections.
- C. 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.
- D. Each approved plat shall contain a time limit for the completion of streets and public improvements.



- E. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board of Selectmen or its designee in accordance with the plan approved by the Planning Board.

## **SECTION VIII. SUBMISSION REQUIREMENTS**

The application shall consist of the application form, the checklist, the application fee, and five copies of the preliminary plat. Sheet size shall be 22 by 34 inches and shall include all information described in Sections A and B below unless a written request for waiver(s) has been granted by the Planning Board.

### **A. Existing Data**

1. Name of project or identifying title; names and addresses of owners of record and all abutting landowners; tax map and lot number.
2. North arrow, date of the plat, scale (1"=40' suggested); name, address, license number, and seal of person preparing the plan. Such map shall be prepared by a licensed land surveyor or registered professional engineer, in accordance with the procedures and technical standards adopted by the New Hampshire Board of Licensure for Land Surveyors. Name and address of person or firm preparing other data and information, if different from preparer of map.
3. The boundary lines of the lot, including angles or bearings of the lines, dimensions, and the lot area in acres and square feet.
4. The existing grades, drainage systems, structures, and topographic contours at intervals not exceeding five (5) feet with spot elevations where the grade is less than five (5) percent. A bench mark to be located in an area not likely to be disturbed during construction.
5. The shape, size, height, location and current use of existing structures located on the site.
6. Natural features such as streams, lakes, ponds and wetlands, as delineated on U.S. Geological Survey 1:24000 topographic quadrangle maps.
7. Man-made features such as, but not limited to, existing roads, utility connections, wells, septic systems and structures. The map will also show clearly which man-made features are to be altered or removed.

8. The capacity or size and location of all existing public utilities. This shall include the location and size of existing public utilities located off site and to which connection is planned.
9. A vicinity sketch (suggested scale 1"=500') showing the location of the site in relation to the existing public streets; the zoning district and boundaries for the site and within 1,000 feet of the site shall be shown where applicable.
10. Soil survey data as mapped by the U.S. Department of Agriculture Natural Resource Conservation Service (NRCS).
11. The location, width and distance of existing easements along with the names and addresses of easement holders.
12. Setback lines and green areas in an appropriate manner so that compliance with the minimums required by the Bartlett Zoning Ordinance can be verified.

#### B. Proposed Plan

1. The proposed grades, drainage systems, structures, and topographic contours at intervals not exceeding 2 feet, with spot elevations where appropriate, for any areas where the natural topography will be altered.
2. The shape, size, height, location, and use of proposed structures, including expansion or alteration of existing structures. Drawings should show exterior design and appearance in front and side elevations.
3. Width and inside radii of curves of all proposed streets, driveways, and sidewalks, with indication of direction of travel for any that are one way.
4. Location and total number of parking spaces, loading spaces, and other similar facilities associated with the structure shall be shown.
5. The size and location of all proposed public and private utilities, to include location and distance to all fire hydrants or other approved water source for fire suppression.
6. The location, types, and size of all proposed landscaping and screening.
7. The location, type, and nature of all proposed exterior lighting.
8. The location, size and design of all signs.
9. A storm drainage plan, including plans for the retention and slow release of storm water where necessary, and plans for snow removal and/or storage.

10. A circulation plan for the interior of the lot showing provisions for both auto and pedestrian circulation.
11. An access plan showing means of access to the site, curb cuts, and proposed changes (if any) to existing streets, including traffic control devices necessary in conjunction with the site development.
12. The location, width and distance of proposed easements along with the names and addresses of easement holders.

#### C. Necessary Permits

1. The application shall be accompanied by any necessary Federal, State, or local permits and approvals (refer to Site Plan Review Checklist).

#### D. Additional Information

1. The Planning Board may require such additional information as it deems necessary in order to apply the regulations contained herein.
2. The cost of obtaining such information or conducting necessary study shall be borne by the applicant.

#### E. Final Plat Requirements

1. One mylar and five paper copies of the final plat showing the project as approved shall be submitted to the Planning Board for signature and recording at the Carroll County Registry of Deeds.
2. Supplemental information may be required by the Board to update the final plat to reflect "as-built" conditions and details. The plan shall show any easements and dedicated roadways. "As built" plans shall be submitted to the Planning Board on mylar.
3. A security bond may be required to guarantee performance of the applicant's obligations as described herein.

## **SECTION IX. DESIGN AND CONSTRUCTION REQUIREMENTS**

#### A. General Standards

1. Development should be compatible with the vision and objectives of the Town of Bartlett's Master Plan. Site and building design and layout should meet the intent of the Master Plan to preserve both the character of the town and its natural resources. Structures should be of a style consistent with the

character of Bartlett as a rural New England town and should be in harmony with the surrounding natural and cultural landscape.

#### B. Traffic and Pedestrian Safety

1. For all roads intended to be dedicated for public use, the applicant will meet the town road standards as detailed in the "Bartlett Street Regulations."
2. Traffic access to the site from town streets shall ensure the safety of vehicles and pedestrians and allow for passage of emergency vehicles.
3. Sufficient off-street loading and/or unloading space must be provided for anticipated trucks or other vehicles. Maneuvers for parking and loading/unloading must not take place from a public street.
4. Provision shall be made for snow storage during winter months.
5. For reasons of public safety the Planning Board may require that the applicant furnish an easement enforceable by the Town of Bartlett to control present or future vegetation that might impinge on sight distances on public or private roads.
6. Sidewalks shall be required where necessary to address pedestrian safety issues.

#### C. Fire Protection

1. All developments shall include adequate provisions for fire protection, including access for emergency vehicles and an all-weather source of water for fire suppression. These provisions of the site plan shall be reviewed and approved by the Fire Chief.

#### D. Landscaping and Screening

1. All developments shall comply with green area requirements of the Bartlett Zoning Ordinance.
2. All green areas and all lands not specifically designated for parking, driveways or pedestrian walkways shall be vegetated as described in Article IX of the town Zoning Ordinance.
3. The Planning Board may require the retention or planting of trees beyond the side or back green area requirements, if necessary to adequately shield adjacent residential properties.

4. Waste disposal facilities, fuel tanks, material storage areas and other similar maintenance and support areas shall be screened from public and neighboring views by fencing or other means.

#### E. Storm Drainage

1. The proposal must be consistent with the need to minimize flood damage. Storm drainage shall be designed with provisions for retention and gradual release of stormwater. The Planning Board may require as a condition of approval that development shall be so designed and executed as to preclude runoff onto public or private ways or adjacent properties.
2. Storm drainage shall be designed for a 25-year flood, and if the existing drainage system to which the site drains is inadequate, provisions shall be made for retention and gradual release of storm water in order to meet the 25-year flood demand. In cases and situations where the terrain and location make it advisable, the Planning Board may require that the design meet requirements for a 50-year flood.
3. All public utilities and connections will be so designed and constructed as to reduce to a minimum exposure to flood hazards and to minimize infiltration of floodwaters into water supply systems or sanitary sewer systems. On-site waste disposal systems shall be designed and located as to avoid impairment of or contamination from them in the event of flooding.

#### F. Utilities

1. All new utility connections shall be buried underground unless safety considerations or physical conditions of the site make it impractical.

#### G. Lighting

1. Lighting shall be designed, directed and shielded such that nighttime lighting is primarily contained on the site. For details of lighting requirements, refer to Bartlett Zoning Ordinance.

#### H. Pollution and Waste Disposal

1. Specifications and construction features that will attenuate or otherwise prevent the emission of undesirable and preventable elements of pollution (e.g., smoke, soot, particulates, chemicals or any other discharge into the environment that might prove harmful to persons, structures, or adjacent properties) will be included in supporting documentation. The applicant shall employ the best standards and technology economically available at the time.

2. All sites shall provide facilities for the collection and disposal of solid waste as are necessary to serve the site. Facilities shall be designed to minimize windblown litter problems.
3. All sites shall provide facilities for the collection and storage of materials currently accepted for recycling by the town transfer station.
4. Storage and disposal of hazardous materials shall comply with all state and federal regulations.

I. Noise

1. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity (excluding initial construction) regulated by these regulations shall be as established by the time period and type of land use district as listed below. Sound pressure levels shall be measured at all major lot lines, at a height of at least four feet above the ground.
  - a) Daytime (7:00 am - 7:00 pm) sound pressure limit of 65 dBA at property boundaries within the commercial or industrial districts, and 60 dBA measured at the nearest edges of a residential district as defined in the Bartlett Zoning Ordinance.
  - b) Nighttime (7:00 pm - 7:00 am) sound pressure limit of 60 dBA at property boundaries within the commercial or industrial districts and 50 dBA measured at the nearest edges of a residential district as defined in the Bartlett Zoning Ordinance.

J. Protection of Natural, Historic and Scenic Features

1. It is requested, though not required, that applicants make every reasonable attempt to preserve, enhance and re-use historic sites and structures.
2. Features of natural, historic or scenic interest, such as large old trees, stone walls, and cellar holes, shall be retained and protected to the degree practical.
3. Construction and maintenance activities shall adhere to the best management practices as published in the NH Department of Environmental Services booklet "Nonpoint Source Pollution" dated January 2004.
4. No alteration, diversion or filling of any perennial or intermittent stream channel or open wetland as shown on USGS 1:24000 topographic quadrangle maps shall be permitted. A 50' buffer consisting of retained or restored natural vegetation shall be maintained along these features. In cases where USGS maps do not accurately reflect these features, alternate

- mapping may be provided by the applicant subject to review and acceptance by the Planning Board.
5. No net increase in impermeable surface (including but not limited to structures and paved or compact dirt driveways and parking areas) shall be permitted within 150' of the normal high water mark of the Saco, Ellis, Rocky Branch or East Branch Rivers. Unpaved recreational trails and small structures intended for transient recreational use are exempt from this provision.
  6. No alteration of natural topography will be permitted on any soils mapped and classified as having severe erosion hazard by the USDA Natural Resource Conservation Service.

#### K. Architectural Design

Notes: (1) The regulations contained herein do not expect to foresee all possible proposed building designs. Decisions concerning such unforeseen situations will be made with these regulations, General Standards (Section IX.A.1), and the relation of the proposed design to the intended use in mind. (2) This section shall not apply to the town Industrial Zoning District.

1. Large monotonous warehouse-style structures shall be avoided. No wall or roofline shall extend more than 75' without a change in direction or design. Design shall incorporate windows, cupolas, ells or other design elements to break up long walls or roofs.
2. Roofs should be of a pitched style commonly found within New England. Flat roofs should be considered only where the size or use of the building makes a pitched roof impractical. Where flat roofs are used, architectural design elements shall be used to simulate a traditional New England appearance.
3. Roof top mechanical units shall be located, designed or shielded so as not to be visible from ground level or adjacent highways.
4. Exterior building surfaces shall be covered with wood, stone, brick or man-made materials that simulate natural materials. Pitched roofs shall be covered in shingles, metal roofing or other materials traditionally used in this region. Large expanses of brightly colored or clearly artificial surfaces shall not be allowed.

#### L. Nuisance

1. In unique circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a serious nuisance to abutters or the public, the Planning Board may at its discretion place

reasonable restrictions on the site design to prevent or reduce the nuisance. The burden of proof shall be on the complainant to adequately document the nuisance prior to any action of the Board. The Board must then weigh the significance of the nuisance against the effect which corrective measures would have on the applicant. Any time the provisions of this section are invoked by the Board, a written explanation of the facts, circumstances and findings of the Board shall be accepted by a formal vote of the Board, and that shall be retained in the file in case of future legal actions.

#### M. Public Health and Safety

1. In unusual circumstances where these regulations do not address specific site design matters which, if not regulated, would constitute a threat to public health or safety, the Planning Board may at its discretion place reasonable restrictions on the site design to prevent or reduce the threat. Any time the provisions of this section are invoked by the Board, a written explanation of the facts, circumstances and findings of the Board shall be accepted by a formal vote of the Board, and shall be retained in the file in case of future legal actions.

### **SECTION X. STANDARDS OF PERFORMANCE**

- A. Nothing in these regulations is intended to supersede Federal, State or Town laws, regulations and ordinances, to which, as a minimum, all construction and operations must conform.
- B. Construction requirements shall be in accordance with the established standards of the State of New Hampshire and the Town of Bartlett. Alternate provisions, where permitted, may be considered by the Planning Board.

### **SECTION XI. REVOCATION OF PLANNING BOARD APPROVAL**

- A. An approved and recorded subdivision 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. These regulations shall be administered by the Planning Board. Enforcement shall be by the Board of Selectmen. The Selectmen shall not issue any building permit for construction that requires site plan approval until or unless such planned construction has received site plan approval by the Planning Board.
- B. Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

## **SECTION XIII. WAIVERS**

- A. Any portion of these regulations may be waived or modified where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver or modification would not be contrary to the spirit and intent of the Town Master Plan, the Zoning Ordinance, or these regulations.

## **SECTION XIV. APPEALS**

- A. Decisions of the Planning Board may be appealed to Superior Court as set forth in RSA 677:15.

## **SECTION XV. VALIDITY**

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

## **SECTION XVI. AMENDMENTS**

- A. Amendments to these regulations may be made by the Planning Board following a duly constituted public hearing on such amendments.

Adopted October 17, 2006, after a Public Hearing held on April 18, 2006.

Approved:

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