

*Town of Mason Site Plan Review Regulations*  
*(Adopted February 15, 1990, amended January 7, 2009)*

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**(Incorporating Amendments through January 7, 2009)**

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**History of development :**

Site Plan Review authorized by Town Meeting, March 1986

Preliminary version drafted with the assistance of the Southwest Region Planning Commission during 1987 and 1988

Final version developed during meetings in Fall of 1989. Reviews received from Mason Board of Adjustment, Mason Conservation Commission, Mason Fire Department, Mason Highway Department, Hillsborough County Conservation District, Nashua River Watershed Association, Southwest Region Planning Commission, Thomas F. Moran, Inc.

Final version, titled as "Town of Mason Proposed Site Plan Review Regulations (February 2, 1990)", distributed that date for public review.

Public hearings held:

December 14, 1989

January 18, 1990

February 15, 1990: version of February 2, 1990, adopted with 3 typographical corrections

August 31, 2005; January 7, 2009

Amendments:

August 31, 2005: Amend Section 6., Fees & Securities to add a new 6.B. for consultant review services.

January 7, 2009: Amend Section 5, A.5, Procedures (90 days to 65 days); Section 6, B, Fees and Securities (SWRPC to Board's Planning Consultant) and (Reference Appendix A – Instructions): Section 11 (New Section H - RSA 674:39, Active and Substantial Development and Substantial Completion)

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**Section 1. Authority**

Pursuant to the authority vested in the Mason Planning Board on March 11, 1986, by the voters of the Town of Mason in accordance with the provisions of RSA 674:43, the Mason Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

**Section 2. Purpose**

The purpose of the site plan review shall be to assure the orderly, safe, attractive, and proper design, use, and layout of sites within the scope of the granted authority (RSA 674:44-II), consistent with the protection of the public health, convenience, and welfare of the Town of Mason.

**Section 3. General Definitions and References**

- A. "Planning Board" or "Board" means the Planning Board of the Town of Mason, NH.
- B. "Planning Ordinance" shall mean the most recently adopted version of the "Town of Mason Planning Ordinance". Where numerical reference is made to a section of this ordinance, for example IV.A, the number refers to the numbering used in the March 1986 version of said ordinance and shall be understood to mean the equivalent section in the current version of the Ordinance.
- C. "Subdivision Regulations" shall mean the most recently adopted version of the "Town of Mason Subdivision Regulations". Where numerical reference is made to a section of this regulation, for example 4.15, the number refers to the numbering used in the March 1986 version of said regulations and shall be understood to mean the equivalent section in the current version of the Regulation.
- D. "Registered Submission" means the plans, addenda, and other materials which, after approval of the Site Plan, are deposited at the Hillsborough County Registry of Deeds. It is the intent of these regulations that the Registered Submission shall include all information necessary to fully inform all interested parties or subsequent owners of all the data upon which Site Plan approval was based and of any limitations or restrictions, whether physical or legal, upon the future use of the site. This includes, but is not limited to, all information pertaining to such permanent features of the site as topography, hydrology, soils and soil test data, roads, structures, utilities, drainage patterns, etc., and such regulatory or legal features as setbacks, limitations on use, easements, etc.
- E. "Site Development Agreement" means the written agreement between the Planning Board and the applicant in which transitory conditions and agreements are listed. Only such submitted information as has only temporary relevance (e.g. details of construction phase erosion control or inspections, bonding, etc.) may be omitted from the Registered Submission and handled separately in the Site Development Agreement.
- F. "County Conservation District" or "HCCD" means the Hillsborough County Conservation District.

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- G. "Multi-family" shall mean any structure containing more than two dwelling units.
- H. "Fire Department" shall mean the Mason Volunteer Fire Department and acceptance of plans by the Chief, or his designee, shall constitute acceptance by the Department.

**Section 4. When Required**

- A. A site plan and additional information when required shall be submitted for review and approval by the Planning Board in accordance with Section 5 for:
  - 1. New non-residential or multi-family residential building, whether or not it replaces an existing use or structure;
  - 2. Significant additions or alterations to a non-residential or multi-family residential building;
  - 3. Significant changes in the use of a non-residential or multi-family residential building;
  - 4. The development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units;
  - 5. Changes to a site plan approved by the Planning Board.
- B. Approval of said site plan must be secured:
  - 1. Before any preconstruction work may begin on the site (does not include tests required to secure approval);
  - 2. Before any construction or building development may begin;
  - 3. Before any permit for the erection of any building shall be granted; and
  - 4. Before any site plan may be filed in the Office of the Register of Deeds of Hillsborough County
- C. Site Plan Review shall not be required for buildings accessory to a dwelling unit not involving the conduct of a business other than those businesses expressly permitted in Article V:A.3 of the Planning Ordinance.

**Section 5. Procedure**

- A. Each application shall be processed as follows:
  - 1. The applicant may at his option meet with the Planning Board for a preapplication consultation in accordance with the provisions of RSA 676:4-II. These are basically that any such consultation shall be nonbinding on either the applicant or the Planning Board, that notification of abutters and the public must be made in accordance with Section IV-A3 if such discussion goes beyond conceptual plans, and that such consultations shall be held during regularly scheduled meetings of the Planning Board. Preapplication consultations shall be separate and apart from formal review, and no time limits shall apply until a formal application is made and accepted by the Planning Board. Preapplication consultations can provide a forum for discussing which requirements might be waived or reduced by the Planning Board, and are strongly recommended to help reduce the costs of Site Plan preparation.

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2. The applicant shall submit a completed site plan application to the Planning Board Secretary or Chairman at least 21 days prior to a regularly scheduled meeting of the Planning Board.

A completed application shall include: five (5) paper print copies of the site plan drawn in compliance with the standards and requirements contained in the Site Plan Review Regulations, Section 8; the names and addresses of all abutters as indicated in town records five days prior to submission of the application both as a list and as a set of labels suitable for addressing envelopes; and the payment of fees to cover the administrative and all notification costs as well as reasonable fees to cover the costs of special investigative studies, review of documents, and other matters when warranted by particular applications.

3. Notice for any public hearings on a site plan application shall be sent by certified mail to the abutters and the applicant and shall be posted for the general public informing of the date of said hearing at least 10 days prior to the hearing unless the hearing was adjourned with proper notification. Said notice shall include a general description of the proposal, the identity of the applicant, and the location of the proposal. All cost for such notice shall be paid in advance by the applicant, and if not, shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the site plan without a public hearing.

4. The Planning Board shall make a determination of the completeness of the application. If the application is complete, the Planning Board shall formally vote to accept it at which point the time limitations begin.

If the application is incomplete, the Board shall inform the applicant of the items, revisions, or impact, environmental, or engineering studies or reviews required for a completed plan, and the applicant must resubmit revised plans.

Every effort will be made by the Planning Board to ensure that such a list of deficiencies is complete; however, the need for some items or reviews may not be apparent until the results of preceding reviews are available.

An incomplete application cannot and shall not be accepted by the Planning Board.

5. The Planning Board must begin consideration for approval of an accepted completed application within 30 days and must act to approve, conditionally approve, or disapprove the application within 65 days of the date of acceptance of the application. Extensions and remedies for failure of the Planning Board to act within the specified time frames shall be as provided for in RSA 646:4-I.
- B. A public hearing is required before an application may be acted on, unless an application is being disapproved because the applicant failed to supply information required by the regulations (including abutters' identification), failed to meet reasonable deadlines established by the Planning Board, or failed to pay costs of notice or other fees required by the Planning Board.
  - C. The Planning Board may grant conditional approval of a site plan before improvements to or installations of streets, water or sewer systems, etc., are completed. Such conditional approval shall not be entered upon the final site plan. Such conditional approval shall

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become final, without further public hearing, upon certification that the conditions imposed have been met.

- D. The Planning Board may waive any portion of these regulations in cases where, in the opinion of the Planning Board, strict conformity poses an unnecessary hardship to the applicant and such waiver shall not be contrary to the spirit and intent of the regulations.

The precise scope of such waivers shall be entered into the Site Development Agreement and, where such waivers pertain to long-term features or restrictions on the use of the site, shall be listed on the plans.

- E. Where Site Plan Review is required prior to application for required approvals from other governmental bodies, the Board, after completing Site Plan Review, may grant Preliminary Approval for the purpose of allowing the applicant to apply for said approvals. The Board shall not issue final Site Plan approval until it has received copies of all approvals required by other governmental bodies.

### **Section 6. Fees and Securities**

Refer to Appendix A, Instructions for Site Plan Review Applicants, for a schedule of current fees.

- A. A fee of one hundred dollars (\$100.00) shall be paid by the applicant upon submission of the Site Plan. In addition, the Planning Board may impose fees to cover newspaper notices, abutter notification, administrative expenses, costs of special investigative studies, review of documents, inspections, or other matters which may be required by particular applications.

The application fee may be waived by the Board in cases where the Board has waived most of the provisions of Site Plan Review. Fees to cover expenses may still be imposed.

- B. All applications will be reviewed by the Board's Planning Consultant. The cost for review will be charged on an hourly basis and will include an hourly fee of \$5.00 for Town administrative costs, and shall be paid by the applicant to the Town of Mason prior to the Planning Board taking action on an application. Upon receipt of an application, the Board's Planning Consultant will issue a notice of receipt and a preliminary cost estimate to the applicant – actual review times and associated fees will vary depending on the complexity of each application. Refer to Appendix A – Instructions for Applicants for the most current hourly rates.

- C. When the Planning Board decides that it needs to hire a consulting expert to review some aspect of the plan, the following procedure will be followed:

1. The Planning Board will request an estimate of the cost of such review from its consulting expert,
2. This estimate will be forwarded to the applicant for approval,
3. The applicant will pre-pay the amount of the estimate to the Town of Mason,
4. The Planning Board, upon receipt of these funds, will authorize the work by its consultant up to the pre-paid amount; funds left over after the completion will be refunded to the applicant.



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5. In case of cost over-runs, the Planning Board will use the same procedure to procure a cost estimate, approval and pre-payment by the applicant, and to authorize the further work.
- D. The Planning Board may require, in lieu of the completion of street work and utility installations prior to the final approval of a site plan, that a performance bond be filed in accordance with Section 4.13 of the Subdivision Regulations. This bond shall be adequate to cover all costs, including construction, erosion control, site restoration, etc., of bringing the site into full compliance with the terms of the Site Plan approval.
- E. The Planning Board may require that pre-payment be made, or adequate bonding provided, for the anticipated costs of hiring its consulting experts for inspections and monitoring during the development phase.
- F. If the Planning Board determines that the proposed use presents sufficient hazards to the Town resources or environment to require a permanent monitoring program, the Planning Board may require that such a permanent monitoring program be part of the Site Plan; such an agreement shall be part of the "Registered Submission", recorded at the Registry of Deeds, binding upon all subsequent owners, and secured in a manner acceptable to the Planning Board and to Town Counsel.
- G. If the Site Plan development requires work on Town property or facilities, the Planning Board shall require proof of contractors and public liability insurance for both personal injury and property damage in limits of not less than one million (1,000,000.00) dollars each; such policies to remain in effect until all work has been completed and all performance bonds and escrows have been released.
- H. Fees are non-refundable.

### **Section 7. General Standards and Requirements**

The following standards and requirements shall be adhered to by all applications for site plan approval:

- A. The proposal shall meet the provisions of the Planning Ordinance and other regulations and ordinances of the Town of Mason and shall meet the intent of the Master Plan.  
  
Where differing or conflicting interpretations occur between the provisions of this regulation and the provisions of other Town ordinances or regulations, the more restrictive provision shall apply.
- B. The proposal shall provide for the safe and attractive development of the site, especially in regard to the prevention of fires, flooding, water pollution, nuisance or hazard due to noise, smoke, particulates, or other discharge which might prove harmful to people, structures, or adjacent properties.
- C. The proposal shall adhere to the principles of good design and, as such, shall contribute to the economic, aesthetic, harmonious, and orderly growth of the Town.
- D. The proposal shall provide for open spaces and green spaces of adequate proportions, and shall be designed to relate harmoniously with the surrounding area.

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- E. The land indicated on the plan shall be of such character that it can be used for building purposes without danger to health.
- F. The site shall be designed in such a manner that traffic access to the site and the circulation of traffic within the site shall not create hazards to either vehicles or pedestrians.
- Factors which the Planning Board shall take into account in the determination of this are turning movements, proximity and relationship to intersections, sight distances, street width, adjacent driveways, sidewalks, parking lots, building setbacks, and projected traffic generation by the proposed use. The street requirements and specifications included in the Subdivision Regulations shall be met by internal roads intended for use by the public.
- G. The site shall be designed in such a manner that storm water drainage will not adversely affect surrounding properties or the public storm drainage system, or increase peak flows across the property boundary during both 10 year and 100 year frequency storms. Design of on-site facilities shall ensure that 25 year storm flows are adequately conveyed from the site without damage and 100 year storm flows from site do not jeopardize the Town's road system.
- The drainage requirements included in Section 4.21 of the Subdivision Regulations shall be met. In addition, storm water shall be removed from all roofs, canopies, and paved areas, and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.
- H. The proposal shall include adequate provision for water supply and wastewater, sewage, and solid waste disposal. The water supply, sewage disposal, and setback requirements included in Section 4.15 of the Subdivision Regulations and in Section 9 of this Regulation shall be met and the sewage and waste disposal systems shall in addition meet all State requirements without waivers.
- The proposal shall include an acceptable waste management plan for wastes other than a) waste water or sewerage disposed of in the on-site septic system or b) household or commercial waste acceptable to the Town facilities at the Wilton Recycling Center. Said plan shall show how surface and groundwater quality will be protected. The Board may require a performance bond sufficient to cover costs resulting from failure of the applicant or its agents to adhere to the waste management plan.
- I. The proposal shall include a landscape plan which shall screen the use from adjacent residential areas as well as screen the parking area from all sides. Such screens shall provide solid or nearly solid visual barriers, and shall be maintained in such a manner that it will not detract from the character of the area or create safety hazards. The requirements set forth in Section 4.26 of the Subdivision Regulations shall be met.
- J. The proposal shall provide for outdoor lighting, which shall be erected and/or shielded in such a manner that it will not cause glare or direct lighting on any adjacent residential property or cause glare to passing vehicles on the adjacent streets.
- K. Any signs to be erected must be in compliance with Article IV, Section O of the Planning Ordinance. A sketch of all proposed signs shall be included with the site plan application (it may be part of the landscape plan).

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- L. The proposal shall include provisions for the removal and storage of snow during the winter months. This shall consist of a note on the plan and where applicable, the notation of areas on the site plan where snow shall be stored. The landscape plan, the parking layout, and the drainage plan must be designed to take into account these snow storage areas.
- M. The proposal shall include provisions for the control of sedimentation and erosion during construction and after completion, in compliance with Section 4.22 of the Subdivision Regulations and Section 10 of this Regulation.
- N. The proposal shall include provisions for fire protection, as outlined in Sections 4.28 through 4.36 of the Subdivision Regulations. The proposal shall be compatible with the capabilities of the Fire Department and shall not introduce any requirements for specialized equipment or training unless the proposal provides for the provision of said equipment and training in a manner acceptable to the Fire Department.
- O. A proposal that uses or produces hazardous materials (toxic, corrosive, noxious, polluting, explosive, or flammable materials) :
  - 1. shall record the location, capacity, and contents of every existing or proposed storage facility (defined as any tank, lagoon, pit, or similar structure intended for the storage of materials, whether in liquid or solid form),
  - 2. shall show the provisions for the protection of storage facility integrity from traffic, fire, vandalism, or other accident sources, provisions for the protection of the public and property from the storage facility contents, provisions for the timely detection, complete containment, and clean up of leaks or other failures, and provisions for bonding adequate to provide for clean up after storage facility failure and for such preventative maintenance as may be required to protect the public safety.
- P. The following shall be provided by the applicant prior to final approval:
  - 1. Certification from the Fire Department that the proposed Site Plan does not present unusual hazards to life or property from fire or other hazards, that the access is adequate for fire fighting equipment, that the supply of, and access to, fire fighting water is adequate, and, if water storage is supplied as part of the Site Plan, that the storage facility is accessible, not subject to degradation, maintainable, and protected as necessary to ensure that no liability to the Town results.
  - 2. Certification from the Highway Department that the class of Town roads is correctly represented, that all Town culverts are correctly shown, that proposed changes or additions to the Town drainage system are acceptable, and that any proposed changes to Town roads or facilities are acceptable.
  - 3. Certification from the Board of Selectmen that the provisions for bonding and insurance are acceptable and complete.
  - 4. Such approvals from any State or Federal agencies as are required (copies of the approved plans are to be submitted)

**Section 8. Submission Requirements**

When a land owner or his authorized agent makes formal application for site plan review, the application shall contain at least the following:

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- A. A fully executed and signed copy of the application for site plan review (see attached sample) which shall include the following information:
1. Parcel identification and ownership information
    - a. The tax map lot number(s) of the parcel(s).
    - b. The name, address, and telephone number of the owner if in single ownership.
    - c. If a partnership, the name and legal address of the partnership and the names and addresses of all the active partners.
    - d. If a corporation, the name and legal address of the corporation and the names and addresses of the principal officers.
    - e. A list of any liens or encumbrances upon the parcel(s).
    - f. The Current Use status of the parcel(s).
  2. Authorizations and representatives

A document signed by the owner(s) if in individual ownership, by all active partners if a partnership, or by the chief operating officer if a corporation, and attested to by a Notary Public, to contain the following items :

    - a. Authorization of a single named individual to represent, and to enter into agreements binding upon, the owners; and the address and daytime telephone number of the authorized representative,
    - b. An address of record to which Planning Board communications may be sent by registered mail (usually the address of the authorized representative),
    - c. An responsibility to notify the Planning Board of any change in ownership or status.
    - d. Authorization for the Planning Board or its agents or consultants to inspect the site and conduct such studies as are necessary
  3. Such other information as the Planning Board deems necessary.
- B. Five (5) paper copies of a site plan at a scale sufficient to review all of the required items, but at no more than 40 feet to the inch. This site plan shall be suitable for the "Registered Submission" and shall include all information pertaining to long-term features, uses, or restrictions of the site (topography, set-backs, hydrology, soils and soil test data, roads, structures, utilities, etc.) which is provided to the Planning Board as a basis for its decision. Only such submitted information as has only temporary relevance (e.g. details of construction phase erosion control, bonding, etc.) may be omitted from the plans and handled separately in the Site Development Agreement.

The site plan shall include all of the following items:

1. Every sheet in the submission shall contain the following items:
  - a. Project identification : including name of owner, applicant (if different from owner), preparer of the plans, and project.
  - b. A sheet identifier (sheet name and/or sheet number) if part of a multi-sheet submission.

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- c. A revision block showing the dates of all revisions.
  - d. If the sheet contains map data, a scale bar and statement of scale (feet per inch) and a North arrow labeled as appropriate as geographic or magnetic North and, if magnetic, the local declination at the date of the survey, shall be included.
  - e. A Planning Board approval block ("Approved by the Mason Planning Board") providing space for the authorized signature and the date of signature.
  - f. The seal(s) and signature(s) of registered Engineer(s), Surveyor(s), and or Scientist(s) certifying the data on the plan.
  - g. Matchlines to adjacent sheets if part of a multi-sheet submission where individual sheets only show parts of the site.
  - h. Legend explaining any symbols used unless, in the case of a multi-sheet plan, already explained in the "top sheet" legend.
2. If multiple sheets are needed for the submission then one sheet shall be designated as the "top sheet" and shall contain at least the following items:
- a. The Locus Plan (see below).
  - b. A table of contents identifying every sheet in the submission by unique sheet identifier and current revision date.
  - c. Optionally, a master legend explaining any symbols used in the submission which are not explained by legends in the individual sheets. If no master legend is included, then every sheet upon which symbols are used must contain a sheet legend.
  - d. If part of submission where individual sheets only show parts of the site, an overview plan showing the position and coverage of the individual sheets, identified by sheet name.
  - e. A statement to the effect of "The Site Plan Review Regulations of the Town of Mason are part of this plat and approval of this plat is contingent on completion of all requirements of said regulations, excepting only any variances or modifications made in writing by the Mason Planning Board and attached hereto."
  - f. A list of any waivers or variances granted prior to the application and pertaining to long-term features, uses, or restrictions of the site.
  - g. Unless compelling reasons prevent it, all plans should share the same orientation or exactly 90 degrees rotation to permit simple edge alignment.
3. A precise locus plan at the scale of the Mason Tax Map (1" = 400') showing the location of the site in relation to the surrounding streets including at least one intersection of another Town road with the Town road on which the parcel has frontage, the names of the adjoining streets, the zoning districts with boundaries within approximately 1,000 feet of the site, a North arrow, and the tax map lot numbers of the parcel(s).

If practical the geographic orientation of the locus plan shall be the same as the rest of the sheet.

4. Information about existing site conditions :

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- a. The perimeter survey with line bearings and distances, a statement of the precision of the survey (1:5,000 minimum), the location and amount frontage, the location of building setback lines, the lot area in acres and square feet,
  - b. Boundaries of any area in Current Use unless the entire parcel is in Current Use in which case a statement on the plan to that effect will suffice.  
  
If the parcel is only part of a larger unit in Current Use, a description of the overall Current Use unit shall be included.
  - c. The topography at two foot contour intervals, except where terrain is in excess of 5% slope, in which case five foot contour intervals are permissible.
  - d. The location of all watercourses (including intermittent drainageways), waterbodies, and wetlands; existing drainage including all culverts; the location of any adjacent wetlands (if applicable), and the 100 year flood elevation line (if applicable).
  - e. the types and locations of major vegetation classes (fields, wooded, etc.)
  - f. Soil mapping shall be provided as described in Section 9.
  - g. Septic setback lines derived from the soil mapping.
  - h. The location of all existing water supply and waste disposal facilities (including septic tank, leach field, and leach field replacement area in the case of an on-site sewage system).
  - i. The location of all existing off-site water supply and waste disposal facilities if within 100 feet of the site boundary.
  - j. All public roads to 200' beyond the property, the name, right of way, and travel surface of those roads, all entrances onto, and culvert crossings of, the roads if within 200' of the property,
  - k. The names and addresses of all abutters.
  - l. The use of abutting properties and approximate location of structures thereon and access points thereto, if within 200 feet of the parcel's boundaries.
  - m. All significant man made features, including structures, roads, excavations.
  - n. All existing easements.
5. Proposed changes :

All proposed changes shall be clearly identified as such, either by annotation, use of special symbols, or inclusion on separate sheets, such that the Planning Board and other interested parties can clearly and unambiguously understand the previous condition, the nature of the proposed changes, and the final result.

- a. The proposed grades where the topography of the site is to be altered.
- b. The proposed changes in drainage, including all altered or new culverts.
- c. The location and sizes of all proposed buildings, driveways, roads, parking areas, parking spaces, loading docks, sidewalks, trash storage areas, and utility installations.

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6. A circulation plan showing the direction of travel using arrows, and showing the separation of vehicular and pedestrian traffic within the site. Traffic estimates showing current and proposed traffic densities.
7. A stormwater drainage plan showing the existing and proposed methods of handling stormwater runoff; the direction of flow of runoff through the use of arrows; the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, and storm sewers; and the engineering calculations used to determine drainage and piping requirements all the way to the receiving body of water based upon a twenty five year storm frequency and to show that no hazard is presented to the Town road system by a storm with a 100-year frequency of recurrence.
8. If the project will significantly alter the existing off-site drainage pattern, flow, or peak flows, drainage easements shall be obtained. Where such changes require changes in the use of existing Town culverts or the installation of new culverts to be maintained by the Town, access easements for the purpose of maintenance and repair will be obtained for the Town by the applicant.
9. The design and location of all proposed water supply and waste disposal facilities (including but not limited to the septic tank, leach field, and leach field replacement area in the case of an on-site sewage system); construction details for such facilities; provision for the future expansion of sewage and water supply facilities; provision for replacement of a leach field area; and the results of all test pit and percolation tests performed for on-site sewage disposal systems. All such designs shall comply with Section 9 of this regulation and all other Town ordinances and regulations and shall be suitable for approval by the State without waivers.
10. A landscape plan showing the location and type of screening materials; a list of plant materials, sizes, and distances between plants; an elevation view of proposed walls or fences; the location of open areas, recreational areas, and pedestrian walks or trails provided for the use of residents or members of the general public; and the location of any areas to be dedicated for public or common ownership.
11. Snow removal and storage plans; an exterior lighting plan; and proposed signs or instructional devices to be located on the site, including orientation, size, height, and elevation view.
12. Provision for the control of erosion and sedimentation for both the construction phase and postconstruction phase as described in Section 10.
13. Provisions for fire safety, prevention, and control. All plans shall provide adequate fire lanes for safe and effective access by fire equipment, including sufficient space for the simultaneous operation of the fire trucks and the water tankers supplying them.

All non-residential uses and all multi-family residential uses with 5 or more units shall provide for an on-site supply of fire-fighting water acceptable to the Fire Department; such supplies must be available all year, must have adequate physical access and connections, must be free from sedimentation or other degradation, and must be provided with access and maintenance easements to the Town. Subject to approval by the Fire Department, nearby off-site water supplies may be substituted for the on-site supplies if they meet all the requirements and are covered by acceptable maintenance agreements.

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14. Plans showing any existing or proposed easements and the locations of any utilities.
  15. The phasing of construction, if staged.
- C. Preliminary building elevation views and floor plans indicating the number and type of commercial or industrial activities to take place, or the number of residential units; the gross floor area; and the approximate locations of entrances of loading platforms and loading stalls.
- D. For non-residential uses :
1. the proposed number of employees, number of shifts, and the maximum number of employees on each shift.
  2. the location, quantity, and nature of any toxic, corrosive, noxious, explosive, or flammable materials that will be stored on site; and a description of the provisions for securing said materials from public access, accident, fire, or leakage.
  3. the proposed processes to be used, if any, including any processes that may generate unusual noise or other emissions or that may result in special concerns for the Fire, Police, or Highway departments
- E. A tabulation of the total lot area, the proposed coverage of the plot by buildings, the proposed coverage of the parking areas and pavement, and the proposed area to be left as open space.
- F. A statement indicating that the subject parcel is a lot of record.

### **Section 9. Soil Mapping & Setback Requirements**

These requirements may apply to sites on which an on-site septic tank and leachfield system are to be used for sewerage disposal and/or where wetland identification is required.

In addition to any other town and state sewage disposal requirements for local subdivision and site plan review, or wetland zoning compliance, the following regulations shall apply.

A. Section Definitions

1. Certified Soil Scientist - A person qualified in soil evaluation and mapping whose education and experience meet the qualification requirements of the Hillsborough County Conservation District or the State of New Hampshire Board of Certification for Natural Scientists.
  2. High Intensity Soils Map - A soils map of a parcel of land being considered for development on a perimeter survey with a scale of one inch (1") not to exceed one hundred feet (100'), where soils are identified and mapped in accordance with the high intensity soils mapping standards as adopted by the Hillsborough County Conservation District (HCCD).
- B. Ground control shall be marked, by the applicant, both on the site and on the plat map(s). The ground control shall consist of numbered flags, stakes, walls, trees, or other easily identifiable points on the property. These points will be well distributed throughout the site at a density of not less than four (4) points per acre. The numbered points must be identified, by number, on the plat plan. The purpose of this requirement is to provide easy identification



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for all parties required or interested in examining the site and shall be maintained by the applicant through final approval and construction.

- C. The location of all existing and proposed buildings, accessory buildings, driveways, sewer lines, septic systems, water lines, wells and their State required protective radii, tanks, and public and private roads and driveways on the site, and the general location of such features within 100 feet of its boundaries, shall be indicated on the plat plan. This requirement may be met by providing the soils map as a transparent overlay to other plats in the submission provided that sufficient detail is provided to permit accurate alignment.
- D. High intensity soils (HIS) maps are to be provided for all site plans. Applicants may request that the Planning Board waive or limit this requirement upon recommendation of the HCCD. (Applicants request waiver of Planning Board, Planning Board requests recommendation of HCCD and decides after receiving HCCD's recommendation.)
- E. The HIS maps shall be prepared by a certified soils scientist who is certified by the Hillsborough County Conservation District or the State of New Hampshire Board of Certification for Natural Scientists.
- F. Paper copies of the HIS survey shall be provided to the Planning Board and a Mylar copy shall be part of the final submission. In addition to the soils information provided by the survey, the map shall have on it the following:
  - 1. the signature of the certified soils scientist including the original signature on at least one copy;
  - 2. any qualifying notes made by the soils scientist.
- G. If a soils classification provided on the HIS map is in dispute, the Planning Board may request an evaluation of the soils designation by the Hillsborough County Conservation District or other Certified Soil Scientist approved by the Planning Board.
- H. A 4,000 square foot leachfield area or an area two (2) times the required leachfield area (whichever is greater) shall be designated and reserved on each lot.
- I. The designated leachfield area must be left open and is not to be used for the siting of any incompatible purpose, including but not limited to a driveway, or structure of any type. Parking areas may be located over the designated leachfield area when chambered systems are to be used.
- J. The designated leachfield area shall be set back as required in sub-section K (below) from :
  - 1. poorly and very poorly drained soils;
  - 2. naturally deposited soils which have a seasonal high water table less than six (6) inches from the surface;
  - 3. naturally deposited soils which have an impermeable layer closer than two (2) feet to the surface;
  - 4. naturally deposited soils which have bedrock less than three (3) feet below the surface;
  - 5. drainageways, natural or man made, perennial or intermittent;

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6. open drainage structures intended to convey water, intermittently or perennially, including but not limited to roadside ditches, culvert openings, diversions, and swales.
- K. The designated leachfield area is required to be set back from all of the areas specified in sub-section J (above) as follows :
  1. seventy five (75) feet if the designated leachfield area is entirely located in well-drained soil without a restrictive layer, or well-drained soil with a restrictive layer and slopes of less than eight percent (8%).
  2. one hundred (100) feet if the designated leachfield area is entirely or partially located in somewhat poorly drained or moderately well drained soil, or well drained soils with a restrictive layer and slope of eight percent or greater (>8%).
  3. one hundred twenty five (125) feet if the designated leachfield area is entirely or partially located in excessively drained soils.
- L. In addition, the designated leachfield area shall be setback one hundred (100) feet from open water bodies and perennial streams and shall meet all State requirements for setbacks from existing or proposed wells.
- M. In areas where the HIS survey indicates bedrock at less than three feet from the surface, sufficient test pits shall be made to ensure that the setback requirements in sub-sections J and K can be met.
- N. The designated leachfield area may not be placed on areas with finished slopes of over twenty-five percent (25%).
- O. If the designated leachfield area is located on an area with finished slopes from fifteen to twenty-five percent (15-25%), the septic system must be designed by a registered professional engineer.

**Section 10. Control of Erosion & Sedimentation**

A. Section Definitions

1. "Certification" means a signed, written approval by the Planning Board that a soil erosion and sediment control plan complies with applicable requirements of the regulations.
2. "Development" means any construction or grading activities to improved or unimproved real estate.
3. "Disturbed area" means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
4. "Erosion" means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.
5. "Grading" means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
6. "Inspection" means the periodic review of sediment and erosion control measures shown on the certified plan.

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7. "Sediment" means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.
8. " Soil" means any unconsolidated mineral or organic material of any origin.
9. "Soil Erosion and Sediment Control Plan" means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

**B. Activities Requiring a Certified Erosion and Sediment Control Plan**

A soil erosion and sediment control plan shall be provided for all site plans and for subdivisions, except those defined as "minor subdivisions" per RSA 676:4, III. Additionally, applicants may request the Planning Board to waive this requirement upon recommendation of the HCCD. (Applicants request waiver from the Planning Board, Planning Board requests recommendation from HCCD, Planning Board acts upon HCCD recommendation.)

**C. Erosion and Sediment Control Plan**

1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of excessive storm water runoff from the proposed site, based on the best available technology. Such principles, methods, and practices necessary for certification are found in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987) as amended. Alternative principles, methods, and practices may be used with prior approval of the Planning Board.
2. Said plan shall contain, but not be limited to:
  - a. A narrative describing :
    - (1) the development;
    - (2) the schedule for grading and construction activities including :
      - (a) Start and completion dates;
      - (b) sequence of grading and construction activities;
      - (c) sequence for installation and/or application of soil erosion and sediment control measures;
      - (d) sequence for final stabilization of the project site.
    - (3) the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
    - (4) the construction details for proposed soil erosion and sediment control measures and storm water management facilities.
    - (5) the installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
    - (6) the operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

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- b. A site plan map at a sufficient scale to clearly show:
    - (1) the location of the proposed development and adjacent properties;
    - (2) the existing and proposed final topography including soil types, wetlands, watercourse, and water bodies;
    - (3) the existing structures on the project site, if any;
    - (4) the proposed area alterations including cleared, excavated, filled or graded areas and proposed utilities, road, and, if applicable, new property lines, and the general location of proposed structures and driveways.
    - (5) the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities;
    - (6) the sequence of grading and construction activities;
    - (7) the sequence for installation and/or application of soil erosion and sediment control measures;
    - (8) the sequence for final stabilization of the development site.
  - c. Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its designated agent.
3. Minimum Acceptable Standards
- a. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the planning considerations specified in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987), as amended. Soil erosion and sediment control plans shall result in a development that : minimizes erosion and sedimentation during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.
  - b. The minimum standards for individual measures are those in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987), as amended. The Planning Board may grant exceptions when requested by the applicant if technically sound reasons are presented.
  - c. The Soil Conservation Service method as outlined from Appendix 1 of the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" (1987), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Planning Board.
4. Issuance of Denial of Certification
- a. The Planning Board shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this regulation or deny certification when the development does not comply with these regulations.
  - b. Prior to certification, any plan submitted to the municipality may be reviewed by HCCD or other consultant acceptable to the Planning Board who may make

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recommendations concerning such plan, provided such review shall be completed within thirty days of the receipt of such plan.

- c. The Planning Board may forward a copy of the development proposal to the Conservation Commission, other review agency or consultant for review and comment.

5. Conditions Relating to Soil Erosion and Sediment Control

- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Planning Board.
- b. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- d. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

6. Inspection

Inspections shall be made by the Planning Board or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Planning Board may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

**Section 11. Approval**

- A. The site plan application approval may be issued when, in the opinion of the Planning Board, the proposed use or reuse of the land or buildings fulfills the intent and criteria set forth herein.
- B. The Planning Board may attach such conditions to the approval of the application as it deems reasonable and necessary to assure that the proposed use will be consistent with the purpose and intent of these regulations.
- C. Conditions attached by the Planning Board to the approval which have effect beyond the construction phase shall be entered upon the final plans.
- D. Five (5) paper copies and a mylar copy of the final plans shall be presented for final approval. The mylar copy shall be suitable for deposit at, and meet the standards of, the Hillsborough County Registry of Deeds. After final approval by the Planning Board and payment by the applicant of the filing fees, the Planning Board shall deposit the plans at the Hillsborough County Registry of Deeds.
- E. No substantial deviation from the plans so approved shall be permitted without the approval of the Planning Board.

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- F. Any such deviation without approval shall serve automatically to revoke Site Plan approval and building permit and shall constitute a violation of these regulations.
- G. A building permit for the construction of any buildings on the site must be obtained within 12 months of the date of the approval of the site plan, unless a construction schedule indicating a different time has been previously approved by the Planning Board. Failure to comply with this shall render the approval of the site plan null and void, and no building permit shall be issued.
- H. Approved site plans shall be protected from future changes in regulations and ordinances in accordance with NH RSA § 674:39 as summarized by the following:
  - 1. Every site plan approved by the planning board shall be exempt from all subsequent changes in site plan regulations and zoning ordinances adopted by the Town of Mason, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of final approval of the site plan by the Planning Board; provided, however, that once substantial completion of the improvements as shown on the plans have occurred in compliance with the approved plans, or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in site plan regulations or zoning ordinances shall operate to affect such improvements; and further provided that:
    - a. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved plans within 12 months after the date of approval (final endorsement by the Planning Board), or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the Town, at the time of commencement of such development;
    - b. The development remains in full compliance with the public health regulations and ordinances of the Town of Mason; and
    - c. At the time of approval (final endorsement of the plans by the Planning Board), the site plan conforms to the site plan regulations, and zoning ordinances then in effect at the site of such plan.
  - 2. Unless otherwise defined by the Planning Board at the time of approval, "active & substantial development" shall be defined as:
    - a. 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

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placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and

- b. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; and
  - c. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
  - d. Items i, ii, and iii shall be reviewed and approved by the Town Department of Public Works or designated agent.
  - e. Movement of earth, excavation, or logging of a site without completion of items i, ii, iii, & iv, above, shall not be considered "active and substantial development." Plans approved in phases shall be subject to this definition for the phase currently being developed.
3. For purposes of these regulations, "substantial completion" shall be defined as when a Certificate of Occupancy for all buildings shown on the approved site plan shall have been issued by the Building Inspector, and all other on-site and/or off-site improvements have been determined by the Town or its agent to be in compliance with the approved plan or satisfactory financial guarantees remain on deposit with the town to insure completion of such improvements.

## **Section 12. Occupancy**

No development or building may be occupied or used unless a completion certificate has been issued by the Building Inspector. The Building Inspector shall not issue such completion certificate until these regulations have been complied with and the improvements made or a performance bond provided to the Town for unfinished improvements.

## **Section 13. Penalties**

A violation of any provision contained in these regulations may be punishable by a civil fine of \$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 Town of Mason that he is in violation of these regulations, whichever date is earlier. In addition, nothing herein shall prohibit the Town of Mason from seeking injunctive or equitable remedies as provided by law.

## **Section 14. Amendments**

These regulations may be amended from time to time at the discretion of the Planning Board, but only following a public hearing on the proposed amendment(s).

## **Section 15. Separability**

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

**Section 16. Enforcement**

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

**Section 17. Filing**

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

**Adopted by the Mason Planning Board on February 15, 1990 and as amended on August 31, 2005.**

\_\_\_\_\_  
Mark McDonald, Chairman

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Bruce Mann, Member

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Linda Cotter Cranston, Alternate

\_\_\_\_\_  
Dorothy Millbrandt, Member

\_\_\_\_\_  
Chris Guiry, *ex officio*

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Joe McGuire, Alternate



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Pam Lessen, Member