

## **SITE PLAN REVIEW REGULATIONS**

### **Current Language**

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#### **5.6 Site Improvement Security**

The Planning Board may require the applicant to submit site improvement security in an amount approved by the Board to guarantee conformity with the elements such as street, sewer, water, landscaping, site restoration, or drainage improvements of the site plan. Where an applicant is required to submit surety, it shall be submitted prior to the start of any construction, improvement or issuance of a building permit.

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#### **6.7.5 Third Party Peer Review**

If requested by Members of the Plan Review Committee, applications for Site Plan approval shall include completed third party peer review to be considered complete.

Third Party Peer review shall occur per the following procedure:

- 1) One an application is submitted per Section V(B) of the Site Plan Regulations, a preliminary review by the member(s) of the Departments who sit on the PRC committee will cite specific applications, as needing consultant review for reasons specified.
- 2) Con Com DPW, and/or Planning Department will make the recommendation in the form of PRCI comment submittal to the Planning Department that the Planning Department obtain professional consultant review on that specific application. Reasons for the request review shall be detailed in the written request to the Planning Department.
- 3) The Planning Director will review that recommendation and authorize the Con Com and/or DPW to fill out a Belknap County Conservation District (BCCD) Natural Resource Review Request Form that states what items the consultant will review for accuracy and impact. (See attached form)
- 4) The form will then be submitted to the BCCD by the Planning Department. BCCD will obtain a cost estimate from their Board approved list of consultants. Selection will be determined exclusively by availability.
- 5) This cost estimate and the request form will be submitted to the applicant for their consent and signature on the portion of the form entitled “Consent of Application”.
- 6) Once consent is obtained, The Planning Department will accept the funds for deposit into a dedicated escrow account. The BCCD will obtain the consultant and execute the contract that will include the submittal of a written report.
- 7) The consultant will complete a written report as part of the contract that will be submitted to the Conservation Commission and/or DPW and the Planning Department as an additional item in the application package.
- 8) The Conservation Commission will meet with the consultant to discuss the report at their

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next available Con Com meeting. DPW will discuss the report with the consultant at their earliest convenience.

- 9) At this point the Con Com and/or the DPW will draft comments and recommendations based on the applicant's proposal and the consultants review in a manner timely with PRCII.
- 10) This will be given to the applicant at the PRC II Meeting and submitted to the Planning Board in their packets.
- 11) The Consultant will attend the Planning Board meeting and discuss the report as cited in the Con Com and/or DPW PRCII comments to the Planning Board.
- 12) The consultant will bill the City as appropriate and the City will make payments from the escrow account.
- 13) Any remaining funds will be returned to the applicant with interest.

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### **6.8 Inspections and As-Buil Plans**

- (a) All site plans filed under these regulations shall be inspected and approved by the appropriate City department and other such federal, state or local officials, as may have jurisdiction. All items shown on the proposed plan shall be completed as per the approved plan prior to submission of "as-built" plans. In cases acceptable to the reviewing board, committee, or department heads, minor improvements which are incomplete may be secured instead by a letter of credit or cash deposit in a City escrow account established for the purpose of ensuring completion of the work within a reasonable time. The form of letters of credit, and schedule of completion shall be approved by the Planning Director, in consultation with the relevant city officials. The adequacy of the estimate of completion cost shall be reviewed by the Director of Public Works.
- (b) At the completion of construction, and prior to issuance of any occupancy permit, the project applicant shall have prepared at his expense, a set of as-built plans showing:
  - (1) The actual location and details of all improvements and changes to previously existing conditions;
  - (2) Be produced at the same scale as the approved drawing;
  - (3) Denote the units, within the plan, which are shown as-built. Provide an easily discernible legend indicating the as-built units;
  - (4) Indicate distances between units and property lines

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- (5) Provide complete and accurate lot coverage calculations for all as-built construction, per the attached table (appendix);
- (6) Sewer, water, storm water drainage system as-builts should be included on one drawing; however, if this compromises the drawings clarity, sewer, water and storm water drainage as-builts can be produced as an overlay. As-built requirements for utilities include utility profiles;
- (7) Each as-built drawing must be stamped and signed by a professional surveyor.

The applicant shall submit six black or blue-line prints of the plans to the Planning Department for review. The as-built plans shall clearly show any deviation from the approved site plan through bold face lines, type, or stippling.

- (c) The Planning Department shall distribute the plans and application, and supporting documentation to the appropriate departments, including Departments of Public Works, Assessing, Conservation Commission, Water, Fire, Code Enforcement, and Zoning/Planning for review and comment. An affirmative response and signature of the reviewing official is required, which shall serve as acknowledgement of receipt, review, and approval, with any recommended conditions, of the proposed plan.

No permit or recording of the plan shall be given or made in the absence of such affirmative acknowledgement of the departments. In the event that a department fails to report or acknowledge review and approval of the plans within 30 days of distribution of the plans by the Planning Department, the applicant shall have the right to request that the matter be referred to the City Manager to ensure compliance with these provisions.

The Code Enforcement Officer and Fire Prevention Officer shall not issue an Occupancy Permit or Assembly Permit until the Planning Director forwards to him a Certificate of Planning Department Approval, certifying substantial compliance with the approved site plan.

- (d) The Planning Director may, in the absence of objection from the reviewing departments, allow minor deviations from the approved site plan, provided that the Director finds that:
  - (1) The changes are consistent with the intent of the Planning Board, as reflected in the minutes of the Board's meetings, findings and approval conditions;
  - (2) The changes are consistent with the purposes or expressed intent of the Site Plan Regulations and Zoning Ordinance;
  - (3) The deviations do not affect any dimensional requirement, for example, lot coverage; cause reconfiguration of curb cuts, streets, buffer areas or the relationship of dwellings or structures;

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- (e) For the purposes of this section minor deviations from the approved plan shall be intended to include:
  - (1) Lateral or horizontal shifts in building footprints, in the absence of conflict with the provisions of the Zoning Ordinance;
  - (2) Substitutions of equal or superior materials, plantings, or equipment, subject to approval of the relevant department(s);
  - (3) Changes in utility locations as may be required by field conditions, subject to the written approval of the relevant department(s);
  - (4) Changes of up to 5% in parking or floor areas, in the absence of conflict with the provisions of the Zoning Ordinance and subject to the approval of the Planning Director.
- (f) Following completion of the departmental reviews, the Planning Director shall forward a copy of the Certificate of Approval, or a summary of the certificates issued within the last calendar month, to the Planning Board and Conservation Commission to inform and provide notice to members of final action.
- (g) Projects which do not comply with the approved plan and do not qualify for administrative approval of minor deviations shall also be reported to the Planning Board with an appropriate compliance schedule. If, at the termination of the compliance term, the project owner has not brought the property into compliance nor filed application for Revised Site Plan Approval, the Planning Board shall review the matter, and direct appropriate recourse to correct the compliance problem.