

**Site Plan Review Regulations
for
City of Berlin, New Hampshire**

Adopted October 22, 1992
Revised November 6, 1997, July 9, 1998

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I. Purpose:

The purpose of these Site Plan Review Regulations is to:

- a) protect the public health, safety and welfare,
- b) promote balanced growth,
- c) promote the timing of development to prevent premature and scattered development of land without the adequate provision of public services and facilities,
- d) ensure sound site utilization,
- e) avoid development which may result in negative environmental impacts, and
- f) guide the character of development.

The Site Plan Review process does not relieve the developer or its agent from compliance with the City of Berlin's Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects with any and all pertinent ordinances and regulations.

II. Authority:

Pursuant to the authority vested in the Berlin Planning Board by the Berlin City Council on May 20, 1991, in accordance with the provisions of 674:43 and 674:44 NH Revised Statutes Annotated as amended, the City of Berlin Planning Board adopts the following regulations governing the review and approval or disapproval of site plans for the development or change or expansion of use of tracts of nonresidential uses, whether or not such development includes a subdivision or resubdivision of the site. These regulations shall be entitled "Site Plan Review Regulations, City of Berlin, New Hampshire."

III. Definitions

Abutter - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that their land will be directly affected by the proposal under consideration.

Adequate - For the purpose of these regulations shall mean the sufficient provision of requirements needed to service any development.

Applicant - The owner or designated agent of the owner of land proposed to be developed who seeks Planning Board approval as specified in these regulations.

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Approval - Means the vote by the Planning Board, at a duly called meeting of the Planning Board, that the final plan submission meets the requirements of these regulations. The final plan, revised as necessary and ready for signature by the Planning Board, the Planning Board's Chair or its designee, shall be submitted within thirty days of the Planning Board's final vote of approval, failing which the approval shall lapse. A final approval, measured from the date of the Planning Board signature, shall continue for one year unless extended by a vote of the Planning Board.

Building - Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Certificate of Occupancy - A statement permitting occupancy of a building, signed by the Building Inspector, setting forth that a building or structure complies with the regulations of the city and with the applicant's approved site plan.

City Engineer - The duly designated engineer of the City of Berlin, or if there is no such official, the planning official or other official assigned by the Berlin Planning Board.

Developer - The owner of land proposed to be developed or his representative. Consent shall be required from the legal owner of the premises.

Development - The construction of a building, structure, or improvements on a lot, parcel, or tract of land including additions or alternations to existing structures, changes of use, and conversions of previous existing uses.

Easement - Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Financial Security or Bond - Means cash, a suitable surety bond, an escrow deposit on a lien on the property as approved by the Planning Board and the City Attorney to secure improvements required as a condition of approval.

Landscaping - For the purpose of these regulations shall mean to improve the natural beauty of a tract of land through adequate grading, clearing and decorative planting.

Nonresidential Development- Means all development of buildings, structures or land except one-family, two-family, or multi-family dwellings.

Owner - Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be developed under these regulations.

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Planning Board or Board - The City of Berlin's Planning Board established in accordance with N.H. RSA 673:1.

Planning Department - The administrative department of the City of Berlin serving as secretary to the Berlin Planning Board.

Plat - The map or plan of record of a development project accompanying material, as described in these regulations.

Public Improvement - Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All such improvements shall be properly bonded.

Right of Way - A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Setback - The distance between a building and the street or property line, nearest thereto.

Street - Relates to and includes street, avenue, boulevard, road, alley, highway or other way, including all the land between the sidelines of the layout or conveyance or dedication thereof, but shall not include driveways serving not more than two adjacent lots or Class VI and discontinued highways.

IV. Projects Requiring Site Plan Review

A site plan shall be submitted to the Planning Board for approval prior to the issuance of a building permit for the following:

- A) Such uses identified as requiring Site Plan Review in the City of Berlin Zoning and Land Use Code.
- B) New construction of nonresidential buildings.

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- C) Conversions or additions to existing nonresidential buildings, where such conversions or additions increase the building in height or footprint by 25% or more.
- D) Nonresidential additions or conversions from residential buildings to industrial or commercial uses.
- E) Any other nonresidential project which, in the opinion of the Planning Board, City Planner or Zoning Officer, warrants site plan review due to change or expansion of use of a site including, but not limited to, changes in use which may affect traffic and other public safety issues, changes in grading which may affect storm water run off, expansion of asphalt pavement or alteration of access to public streets.
- F) Modifications to previously approved site plans.

V. Application Procedures:

A. Preapplication

1. Conceptual Consultation

Prior to the preparation of plans and documents, the applicant is encouraged to consult with the city planning and zoning staffs to gain understanding of the requirements for an application submission. The applicant may also schedule an informal discussion with the City Planning Board at a scheduled meeting. In accordance with RSA 676:4,II(a), the purpose of the meeting shall be to discuss proposals in general terms and conceptual form only, but may include suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such a conceptual consultation shall not bind either the potential applicant nor the City of Berlin in final review of the project.

2. Design Review

Prior to the submission of an application, the Board or its designee may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific design and engineering details provided that the design review is held after identification of and notice to abutters and the general public according to RSA 676:4, II (b).

B. Application Submission Guidelines

1. Application Filing

Site plan review applications are to be filed at the City of Berlin's Planning Department.

2. Application Submission Requirements

A complete application shall consist of:

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- a) a completed application form,
- b) application fees as specified in these regulations,
- c) a list of abutter names and addresses obtained from the City records not more than five days prior to filing the application, and the names and addresses of any holders of conservation, preservation or agricultural preservation restrictions,
- d) a plat which, at a minimum, include the items listed below unless a waiver, which must be submitted in writing, from any of these items is granted by the Board. Four (4) paper copies plus two (2) reproducible Mylar copies of the plat shall be submitted with the application.

3. Application fees

Filing fees and notice fees shall be paid upon filing of an application. Failure to pay these fees shall constitute grounds for the Board to not accept the application.

- a) A filing fee of **\$100.00** shall be paid upon filing of a Site Plan Review Application to defray the costs of processing the application.
- b) Notice fees shall be paid at the rate of **\$4.00 per notice** to each abutter, the applicant, each holder of conservation, preservation or agricultural preservation restrictions and every engineer, architect, land surveyor, soil scientist or other licensed professional whose seal appears on the plans. A fee of **\$35.00** shall also be paid for the costs and administrative expenses of public notices in a newspaper and in three places.
- c) In accordance with RSA 676:4.I(g), additional reasonable fees shall be charged should the Board require special investigative studies or the advice of an expert to review plans and to cover legal expenses.
- d) Recording fees shall be determined after approval of the application and shall be based on Registry of Deeds costs and postage.
- e) If the Site Plan Review Application is initiated by the Planning Board, fees may be waived.

Failure to pay fees assessed prior to or during the Planning Board's review of the plan shall constitute valid grounds for the Planning Board to terminate further consideration on the application and to disapprove the application without a public hearing. Failure to pay fees assessed as specified in section 3 above and imposed after review of the plan shall be grounds to withhold Planning Board signature on the plan and shall be grounds to deny the applicant, its successor or assign a building permit.

4. Plat Requirements

- a) Maximum sheet size shall be 22" x 34";
- b) Name of project or identifying title, address and tax map and lot number of property.
- c) Name and address of the applicant and the owner of the property if different from the applicant.

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- d) The seal, name and address of every engineer, architect, land surveyor, soil scientist, or other licensed professional who contributed to the plat.
 - e) Date, scale, north arrow, locus map showing location of property in context to the City and surrounding zoning districts.
 - f) Boundary lines showing dimensions and bearings, and the lot area in acres and square feet.
 - g) Existing and proposed grades shown by topographic contours at two (2) foot intervals; with spot elevations and base flood elevations where appropriate.
 - h) Location, width and purpose of all existing and proposed easements, rights-of-way or deed restrictions on the property.
 - I) Location of all existing natural features such as rivers, streams, lakes, ponds or wetlands, and other significant physical features such as rock ledges, boulders and stone walls, and where applicable, the 100-year base flood elevation;
 - j) Location, design, size and height of all existing and proposed buildings, signs, fences, and walls;
 - k) Location, name and widths of any existing and proposed roads on the property and those existing within 200 feet of the site. New roads shall be constructed in accordance with the provisions contained in the "City of Berlin Subdivision Regulations" and "City of Berlin Minimum Standards for Subdivision Streets".
 - l) Location of existing and proposed sidewalks and driveways, with indication of direction of travel. Vehicular and pedestrian circulation and emergency access for police, fire and emergency equipment shall be shown.
 - m) Identification of access to the site, sight distance at the access point(s), curb cuts and proposed changes (if any) to existing streets and copy of any driveway permit(s).
 - n) Location and total number of parking spaces, loading spaces and associated with the use.
 - o) Location and type of pads and enclosures for refuse containers.
 - p) A landscape plan showing the location, type and size of all existing and proposed landscaping and screening.
 - q) The location, type, height and orientation of all existing and proposed exterior lighting.
 - r) A utilities plan including location and supporting design calculations for proposed sanitary sewer, storm drainage, and public water supply. This utilities plan shall be prepared by a registered professional engineer licensed in the state of New Hampshire.
5. Other Application Requirements
- a) The application shall be accompanied by any necessary Federal, State or local permits and approvals, including but not limited to permits and approvals from City of Berlin Board of Adjustment, NH Department of Transportation, NH Department of Environmental Services or NH Water Supply and Pollution Control Commission.

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- b) An Erosion Control Plan which meets the design standards and specifications set forth in the "Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire." (USDA Soil Conservation Service) shall be submitted where one or more of the following conditions are proposed:
 - I) a cumulative disturbed area exceeding 20,000 square feet;
 - ii) construction of a road or street.
- c) Environmental Impact Analysis.
- d) Traffic impact analysis or traffic study.
- e) Such other information as deemed necessary by the Board in order to apply the regulations contained herein.

C. Board's Procedures on Applications

The Board's procedure on applications shall be in conformance with RSA 676:4, as amended. The Planning Board shall begin formal consideration of the application within thirty (30) days after receipt of the completed application by the Board or Planning Department staff.

1. Acceptance

Once the Planning Department staff has made an initial determination that an application is complete, it shall be submitted to the City Planning Board for acceptance. Notice of this submission shall be given as outlined below. The Planning Board shall vote to accept the submitted application if it determines that the application is complete. Upon determination by the Board or Planning Department staff that a filed application is incomplete, the board or staff shall notify the applicant of this determination in accordance with the requirements of RSA 676:3.

2. Notification Requirements

- a) **Submission of Application to the Planning Board:**

The Planning Board shall notify abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board by certified mail of the date upon which the application will be formally submitted to the Board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication.
- b) **Public Hearing:**

The same notice as required for submission of the application shall be given. The notice of public hearing may be included in the notice of submission or any prior notice. If this is the case, no additional notice is required or shall be required for an adjourned session of a noticed public hearing if the date, time and place of the adjourned session was made known at the prior hearing.
- c) **Projects of Regional Impact:**

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If the Planning Board decides that the application is a project of regional impact, then additional notification shall be given to the regional planning commission and affected municipalities as required by RSA 36:57.

3. Review and Public Hearing

After the application is accepted as complete by the Planning Board, the Board shall begin its review within thirty days of receipt of the complete application. A public hearing shall be held on the application and appropriate notice of the hearing shall be given as outlined above.

A site plan technical review committee (TRC) comprised of staff members from the city engineering, public works, police, fire, health, water and planning departments may serve in an advisory capacity to the Planning Board for site plan reviews. It should be noted that each application must meet minimum state statute and city code requirements of each applicable city department prior to approval by the Planning Board. An applicant may seek site plan review and applicable permits concurrently.

4. Decisions and recording

The Planning Board shall grant approval, disapproval or conditional approval of an applicant's site plan within ninety (90) days after receipt of the completed application by the Board or Planning Department staff. Waivers or extensions to this time frame may be granted pursuant to RSA 676:4,I(c), as amended.

Planning staff shall provide notice of approval or disapproval to the applicant, and the conditions, if any, to be met prior to the issuance of a building permit. Should the board approve the application, this fact shall be attested on the original plats, and all copies by the signature of a majority of the members of the board or by the planning Board Chairperson if so designated by the Planning Board. The Site Plan Map, which shows, at a minimum, lot lines and proposed construction, roads, and other improvements, and Planning Board approval must be recorded with the Registry of Deeds. Should the approval be subject to conditions not apparent on the face of the map, such conditions shall be recorded as well with reference made to such recording on the face of the map.

VI. General Site Standards

The Planning Board will review all applications in accordance with the following standards. Applications may be disapproved if the following site standards are not met.

A. Design Considerations

- 1) The development design shall be compatible with the existing natural and man-made environments. The design should indicate careful planning by attempting to not significantly disrupt the natural terrain of the development site.

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- 2) The design relationship between a new development and nearby buildings shall minimize abrupt changes in scale and attempt to maintain the traditional architecture of its surroundings.
- 3) New development shall be sensitive to existing surrounding buildings as viewed at street level.
 - a) A minimum height for a building is recommended to be no less than the lower of the adjacent buildings.
 - b) Maximum height is recommended to be the taller of the adjacent buildings.
 - c) It is recommended that new developments have setbacks of no more than that of the adjacent building with the greater setback, and no less than the adjacent building with the lesser setback.
 - d) It is recommended that the exterior design of new development be coordinated with existing buildings. All new designs, while respecting this collective effect will also be reviewed for providing sufficient variety in exterior design so as to avoid monotony in appearance. Attention shall be given to:
 - Exterior materials
 - Colors and textures of walls
 - Roofs and exposed structural members
 - Openings for windows and doors
 - The ratio of window to wall area
 - Window size, proportion, rhythmical groupings and frames.

B. Landscaping, Buffers and Screening

- 1) Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of 4 inches of topsoil is to be placed on the disturbed area.
- 2) Landscape treatment shall consist of natural, undisturbed vegetation or features, or ground cover shrubs, or trees as appropriate. Existing features which would add value to the development or to the city as a whole, such as trees, water elements, and similar assets should be preserved in the design of the site plan. In order to promote an attractive development, the Planning Board requests that trees on site and grade of the land not be disturbed until reviewed by planning staff.
- 3) The Planning Board may require more than the minimum front setback to create an area for landscaping when the use, buildings or site conditions dictate that additional landscaping would better serve the intent of these regulations.
- 4) Buffers are to be installed and maintained to provide attractiveness, privacy and noise reduction to neighboring properties where appropriate.

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- 5) Screening should be provided to reduce offensive views. Storage areas, including waste storage areas, should be fenced or screened throughout the year from on-site or adjoining parking, neighboring properties, and public streets. The use of fencing or vegetation is permitted as a screen.

C. Parking, Loading and Pedestrian Safety

- 1) Parking and loading areas shall be designed to ensure the safety of vehicles and pedestrians on the site.
- 2) Sufficient off-street parking should be provided for the anticipated use to accommodate both employees and customers.
- 3) Sufficient off-street loading and/or unloading space should be provided including off-street areas for maneuvering of anticipated trucks or other vehicles.
- 4) Access, parking, and loading areas shall be constructed so as to minimize dust, erosion and run-off conditions that would have detrimental effect on abutting or neighboring properties and should be designed to ensure the safety of vehicles and pedestrians.
 - a) Permeable pavement may be used which might reduce the need for installation of drainage facilities to accommodate runoff;
 - b) The Planning Board may require that access, parking, and loading areas be conventionally paved if appropriate or necessary.
- 5) On site sidewalks a minimum of four feet wide shall be provided for all new development to accommodate pedestrian traffic and provide connection between the main entrances to businesses from parking areas and city streets. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways shall be at least six (6) inches above grade and protected by curbing.

D. Erosion and Sedimentation

- 1) Grading and filling must be conducted to minimize the alteration of surface and subsurface drainage. The proposed development shall provide for proper surface drainage so that removal of surface waters will not adversely affect neighboring properties and avoid flooding, erosion and sedimentation.
- 2) Provisions shall be made to accommodate the increased run off caused by changed soil and surface conditions during and after development. Sediment basins or other acceptable techniques may be required. Diversions, sediment retention basins, and other such devices, shall be constructed prior to any on site grading or disturbance of existing surface material.
- 3) Stripping of vegetation, regrading, or other development shall be done in such a way to ensure that soil erosion will be minimized. Temporary seeding and/or mulching may be

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required by the Planning Board to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained and protected.

E. Illumination

- 1) Outdoor lighting shall not glare on abutting properties or on public highways or streets.
- 2) It is recommended that indirect lighting which does not move, flutter, blink or flash be used on signs advertising goods or services offered on the premises.
- 3) Outdoor lighting shall be limited to that which is necessary to illuminate advertising, provide safety and security of the development or to aesthetically enhance the property.

F. Traffic and Access to Public Streets

- 1) The internal traffic pattern shall accommodate the proposed use, as well as provide easy, unimpeded access for emergency vehicles.
- 2) Access to public streets shall be in conformance with the rules and regulations of the New Hampshire Department of Transportation and the City of Berlin, as adopted and amended. Any new road construction shall conform to the road standards as specified in the City of Berlin's "Minimum Standards for Subdivision Streets" as adopted and amended.

G. Signs

Sign size, type, location, height, and illumination shall conform to the Berlin Zoning Ordinance. All signs must be maintained in good condition and in good repair at all times.

H. Water Supply and Sewage Disposal

- 1) Water supply and sewage disposal systems must be designed to adequately meet the needs of the proposed use under the regulations of the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control Commission, the City of Berlin's Board of Water Commissioners, Berlin City Code and the Berlin Subdivision Regulations.
- 2) Where a municipal water supply system is available, the extension of said system to and within a proposed development shall be required. If a municipal water supply is not available, water shall be provided by individual wells or a private central system. In the instance of such facilities, they shall meet all standards established by the New Hampshire Water Supply and Pollution Control Commission and the National Fire Protection Association Standard 1231. All water supply systems and facilities shall be designed by a registered engineer licensed in the State of New Hampshire.

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- 3) Where municipal sanitary sewers are available, the extension of said sewers to and within a proposed development shall be required. These facilities shall be designed and constructed in accordance with Chapter 16 Utilities of the City of Berlin Code. In areas not currently served by public sewers, it should be the responsibility of the developer or agent to provide information to prove that the area of the lot is adequate to permit the installation and operation of an individual sewage disposal system. The developer shall be required to provide the necessary percolation tests and submit such tests together with the proposed plan to the New Hampshire Department of Environmental Services, Division of Water Supply and Pollution Control Commission for its consideration and approval. Such approval must be obtained before site plan approval can be finalized.

I. Storm Drainage

Storm drainage of the site shall be designed with provisions for retention and gradual release of storm water. This shall include provisions for upgrading the existing drainage system if it is inadequate. All additional stormwater and runoff which results from the proposed development shall be retained on-site and shall not drain onto adjacent properties, roads or waterways. Drainage plans and calculations, prepared and certified by a licensed NH Professional Engineer, shall be submitted with the application. Drainage facilities shall be designed to accommodate a 25 year storm event. Where drainage is being calculated for a compacted gravel surface such as a parking lot, the calculations shall reflect a paved surface so that possible future paving of the lot does not significantly alter the drainage for the site.

J. Snow Removal

Snow removal shall be considered for all sites. The general plan for snow removal shall be noted on the plat. Locations for snow storage shall be designated on the plat, or it shall be noted that all snow shall be removed from the site. In no case shall snow be stored on a landscaped area in which the snow pile could destroy the landscaping.

K. ADA Requirements

Adequate provisions shall be made to provide for handicapped access on the site and into and within buildings in accordance with the American With Disabilities Act requirements.

L. Pollution Control

The proposed new development shall be designed, using the best standards and technology economically available at the time, to avoid undesirable and preventable elements of pollution such as noise, smoke, soot, particulate or other discharges into the environment which might be harmful or a nuisance to persons, structures, groundwater or adjacent properties.

M. Special Flood Hazard Areas

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If any portion of a site under review according to this regulation falls within the Special Flood Hazard Area (SFHA) as defined by the “Flood Insurance Rate Map” and Flood Boundary and Floodway Map”, City of Berlin, NH, Coos County, the development will be reviewed to determine whether it will meet Berlin’s existing flood plain regulations. In addition to meeting the requirements of the National Flood Insurance Program as outlined in Berlin’s Floodplain Ordinance, the development will be reviewed according to the following standards:

- 1) All such proposals are consistent with the need to minimize flood damage;
- 2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
- 3) The lowest floor (including the basement) of commercial structures is located at or above the base flood elevation.
- 4) The special flood hazard area shall be preserved from any destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or debris.
- 5) Adequate drainage is provided so as to reduce exposure to flood hazards.

N. On-site/Off-site Improvements

Where a project needs to provide or improve public facilities, it shall be the responsibility of the applicant to design and construct such public improvements and amenities at the expense of the applicant. The design and construction of such improvements must be approved by the Planning Board. Such improvements and amenities shall include, but not be limited to, granite curbing, sidewalks, street trees, the extension and/or improvement of utilities, and, when deemed necessary, improvements to existing roadway and/or drainage in order to adequately serve the proposed site.

VII. Planning Board Review of Applications

A. Review of Applications

Site plan applications shall be reviewed in relation to the general site standards in these regulation and existing neighborhood and city development patterns. A request for site plan approval submitted to the Planning Board may be reviewed for its suitability by city building inspector, zoning officer, the city engineer, the city fire chief, the water superintendent, the traffic/safety officer, city planner and any other city staff. The Planning Board may seek the advice of these individuals when determining approval, conditional approval, or disapproval of a proposed development.

B. Technical Reviews

The Planning Board may require expert advice in reviewing information or special investigative studies. As such, it is reasonable to expect the Planning Board to contract the services of a consultant or lawyer to assist them, at the expense of the applicant, pursuant to RSA 676:4 I(g). The Planning Board will utilize such consultants or lawyers as needed, based on the determination and concurrence of the Board. The Board shall

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inform the applicant prior to contracting the services of a consultant or lawyer and if the applicant does not agree to pay for the services, then the Board may disapprove the application.

VIII. Waiver

The Planning Board may waive the requirements for any of the specific items outlined above. Before granting a waiver, the Board shall find that requiring all the site plan information would be inconsistent with the intent of these regulations, and the lack of such information will not impair or prejudice the Board's review. The Planning Board cannot waive standards required by other city departments, state statute and/or city ordinance.

IX. Financial Security

The Planning Board, in accordance with RSA 674:44 IV (b), may require of major site plan applications a form of financial security. This security, in an amount to be determined by the Planning Board, may be in the form of, cash or a non-lapsing irrevocable letter of credit or other form acceptable to the Board and the City Attorney. It will be posted by the developer/applicant and held by the City until the Planning Board or its designee is satisfied that all conditions of the site plan approval and any other City Ordinances have been met. The security may be released in part when the project is substantially completed, at the discretion of the Planning Board or its designee. It shall be the sole responsibility of the applicant, or its assign, or its successor in interest, to ensure that acceptable and adequate security once posted, is maintained continuously and without lapse. Lapse of adequate security shall be grounds to deny issuance of a certificate of occupancy and shall be grounds to revoke the Site Plan per RSA 676:4-a.

X. Project Inspection

As deemed necessary by the Planning Board, the Board or its designee may inspect the project during construction and after construction to determine compliance with the site plans. The Board may hire, at the applicant's expense, technical assistance with project inspection.

If the project is determined to not be in compliance with these regulations and approved plans, written notice shall be given to the applicant by the Planning Board or its designee. This notice shall identify all violations and non-conformance with approved plans and set a deadline for the owner/agent to correct the violations and non-conformance's identified. If the violations and non-conformance's are not corrected, then the Board may suspend or revoke approval of the site plan.

XI. Project Completion and Release of Financial Security

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- A) At the completion of the project, the owner shall notify the Building Inspector that the project is ready for final inspection. The owner/applicant shall submit to the planning staff a copy of an "as built plan" drawn to scale. The planning staff will be responsible for assuring compliance with the site review plans.

- B) The planning staff shall prepare a written report identifying any deviation from the approved site plans, and whether or not corrections must be made to bring the project into compliance with the plans or City Codes and Ordinances. If the project is in compliance with the approved plans, staff shall issue a Letter of Completion and/or sign the occupancy permit. If the project is not in compliance, the planning staff shall provide the owner/applicant with a written letter describing what remedial actions are necessary to bring the project into compliance.

- C) A copy of the Letter of Completion and/or the occupancy permit shall be:
 - 1) Placed in the Site Plan Review file at the Berlin Planning Department;
 - 2) Provided to the owner;
 - 3) Placed in the Building Inspector's file; and
 - 4) Provided to the City Manager.

- D) The Planning Board or its designee may order release of the financial security only after receipt and inspection of the Letter of Completion and/or occupancy permit.

XII. Joint Hearings

In accordance with adopted Rules of Procedure, the Planning Board may hold a hearing for Site Plan Review at the same time and place that a hearing for special exception or variance is held for the project by the Zoning Board Adjustment.

XIII. Amendments

Amendments to these Site Plan Review Regulations shall be made in the same manner as these regulations were adopted and in accordance with the procedure outlined in RSA 675:6, 675:7, and 675:8, as may from time to time be amended.

XIV. Separability of Provisions

If any provision herein shall be held to be invalid for any reason by a court, such holding shall not invalidate, in any manner, any other provision contained herein.

XV. Penalties

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As provided in RSA 676:15 and 676:17, any person who violates any part of this ordinance shall be guilty of a misdemeanor and may be subject to a fine of \$100 for each day that the violation continues, provided that the total fine imposed for any single violation shall not exceed \$500.

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

BERLIN CITY PLANNING BOARD
ADOPTION OF AMENDED SITE PLAN REVIEW REGULATIONS
BERLIN, NEW HAMPSHIRE

The Planning Board of the City of Berlin, New Hampshire, in accordance with the provisions of RSA Chapter 675:6 does hereby adopt site plan review regulations. Pursuant to the authority vested in the Berlin City Planning Board by the Berlin City Council on May 20, 1991 these regulations shall provide for the review of proposed construction and development to ensure conditions favorable for the health, safety, convenience, prosperity and attractiveness of Berlin and its citizens.

These Site Plan Review Regulations were amended on July 9, 1998.

Public Hearing date June 11, 1998.

Planning Board Signatures:

_____	_____
_____	_____
_____	_____
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