

SITE PLAN REVIEW REGULATIONS

TOWN OF CANAAN, NEW HAMPSHIRE



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Canaan Site Plan Review Regulations

Town of Canaan
Site Plan Review Regulations

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ARTICLE 1: AUTHORITY

Pursuant to the authority vested in the Canaan Planning Board as specified in ARTICLE I. paragraph 3 of the Canaan Large Wind Energy Systems Ordinance adopted by the Town Meeting of March 13, 2018, and in accord with the provisions of RSA 674:43 and 674:44 as amended, the Canaan Planning Board adopts the following rules to review and approve or disapprove site plans for the development of Large Wind Energy Systems (hereinafter called “LWES”).

ARTICLE 2: PURPOSE

The purpose of these Site Plan Review Regulations is to protect public health, safety and welfare; to promote balanced growth; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to ensure sound site utilization; to guide the character of development; to assist in the preservation and enhancement of the rural atmosphere, the existing natural environment, ponds, streams, wildlife, and the natural scenic beauty of the area, and the overall quality of life for the residents of Canaan; and any other purpose permitted or required pursuant to RSA 674:44. Specifically, it is intended to address items such as drainage, potential flooding, protection of groundwater, pollution control, fire protection, provision for open and green spaces, proper layout and construction of streets, traffic impacts, control of conditions dangerous to health and safety, minimization of the ecological impacts, definition of requirements for town services and facilities, and such other items as may apply to the specific application.

ARTICLE 3: TYPES OF DEVELOPMENT REQUIRING SITE PLAN REVIEW

- A. A property owner shall obtain Site Plan Review approval from the Planning Board for
 - 1. Development or change or expansion of use of tracts for nonresidential uses associated with a LWES.
 - 2. Such other development or change or expansion of use of tracts for nonresidential uses as the Planning Board may be authorized to review by Canaan’s voters at Town Meeting.
- B. The Planning Board is responsible for interpreting whether or not a Site Plan Review is required for a particular development, change of use or change in site layout. Anytime a property subject to Site Plan Review changes ownership or tenancy, is remodeled, or engages in any of the activities outlined above in this ARTICLE, the property owner shall contact the Planning Board to see if Site Plan Review is required.

ARTICLE 4: COMPLIANCE WITH OTHER REGULATIONS

The Site Plan Review procedure shall be used in conjunction with the Canaan Master Plan and shall in no way relieve an applicant from compliance with all Federal, State and Canaan regulations. No site plan shall be approved unless such plan complies with all applicable local ordinances and regulations. Whenever the regulations governing site plan review differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern, to the extent not contrary to state law.

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ARTICLE 5: DEFINITIONS

- A. **Abutter:** Means (1) any person whose property is located in New Hampshire and is within 50 feet or is directly across the street or stream from the land under consideration by the local land use board, and (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact. For purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3. XXIII.
- B. **Applicant:** Means the person, firm, corporation, company, or other entity who applies for approval under these regulations, as well as the applicant's successor(s), assign(s) and/or transferee(s). An applicant must have the legal authority to represent and bind the landowner or lessee who will construct, own, and operate the facility which is the subject of an application for approval under these regulations.
- C. **Approval:** Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board the project satisfies all criteria of good planning and design.
- D. **Board:** Means the Planning Board of Canaan, New Hampshire.
- E. **Development:** Means (1) any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices, and (2) the construction of commercial or industrial structures or facilities, including LWES installations.
- F. **LWES:** Means Large Wind Energy System; an electricity-generating facility with a generating capacity rated for full-load sustained output of over 1 megawatt and less than 30 megawatts, consisting of one or more wind turbines, including any substations, met towers, cables/wires, and other buildings accessory to such facility.
- G. **Plat:** Means the map, drawing or chart on which the plan for the project is presented to the Canaan Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Grafton County for recording.
- H. **Public Hearing:** Means a meeting, notice of which must be given per RSA 675:7 and 676:4.I(d), at which the public is allowed to offer testimony.
- I. **Public Meeting:** Means the regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.
- J. **Regional Impact:** Means any proposal before the Planning Board which in the determination of the Board could reasonably be expected to impact on a neighboring municipality, (as defined and regulated by NH RSA 356:54 - 57) because of factors such as, but not limited to, the following: 1. Relative size or number of dwelling units as compared with existing stock, 2. Proximity to the borders of a neighboring community, 3. Transportation networks, 4. Anticipated emissions such as light, noise, smoke, odors, or particles, 5. Proximity to aquifers or surface waters which transcend municipal boundaries, 6. Shared facilities such as schools and solid waste disposal facilities.

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ARTICLE 6: GENERAL GUIDANCE

- A. The following advice is offered to assist the applicant, especially if the applicant is unfamiliar with land development processes.
1. Applicants will need to hire professionals to prepare part or all of the application. A NH Licensed Land Surveyor and/or licensed Professional Engineer are required. In some cases, other specialists will be needed, possibly including an attorney, a certified soil scientist (CSS), certified wetland scientist (CWS), Permitted Septic Designer (PSD) or others. While such assistance does cost money, their skills and abilities are essential to ensure that the Town and applicant have sound information on which to base their decisions.
 2. The Board's goal is to process all applications fairly and quickly. To accomplish this, the applicant shares certain responsibilities. The applicant must be properly prepared. This includes reading these Regulations to understand the requirements that must be met, and includes dealing with any significant issues up front. Incomplete submittals, poorly drafted plans, or failure to properly address issues will result in unnecessary delays in obtaining a final decision from the Board. If a potential conflict of interest arises between a Board Member and Applicant due to a personal, professional or other relationship between a Board Member and an applicant, unfair bias, etc., the party claiming bias on the part of a Planning Board member must raise the issue before the Board at the earliest possible time. The Board member may volunteer or be asked by the Board and/or applicant to recuse themselves from discussions or formal voting related to review of the application. This disqualified individual may still be counted as "present" as necessary to provide a quorum.
 3. All applications follow this basic process, illustrated in Appendix C:
 - a. Preparation. The applicant prepares the application, usually done by hired professionals. This may involve some discussion with the Board through a Phase I non-binding conceptual consultation or Phase II design review meetings.
 - b. Submittal of Application. A completed application shall be filed with the Planning Board by delivering the application with required materials to Canaan Town Office, attention: Planning Board.
 - c. Timing. By State law, there is a minimum requirement for posting and notification of hearings. Because of this, applications are due at least 21 calendar days prior to the regularly scheduled public meeting of the Board at which the application will be submitted for consideration. The schedule of Board meetings is published on the Town Website.
 - d. Application Acceptance. Upon submittal of the application with required materials to the Town and the payment of all fees, the application is placed on the Planning Board agenda for consideration on the requested date. At such meeting, the Board shall make a formal determination of the completeness of the application, and formally accept the application if deemed complete.
 - e. Public Hearing. All applications will have a public hearing. This is the official opportunity for the public to ask questions about the application, to raise issues, offer suggestions, or indicate their support or opposition. The Hearing may be interspersed with periods of deliberation by the Board, and may be continued to future dates.

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- f. Board deliberation. The Board may further deliberate or investigate the application, potentially engaging professional consultants at the applicant's expense in order to assist the Board in making its determination.
- g. Decision. In the end, the Board must decide whether to approve or deny the application. The Board may approve the application with conditions, which means that there are additional administrative or technical requirements, which must be satisfied prior to obtaining final approval.

ARTICLE 7: APPLICATION AND REVIEW PROCESS

A. Preliminary Conceptual Review Phase (Optional)

- 1. The applicant may request to be on the agenda of a regular meeting of the Board for a discussion of a proposed concept in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Such pre-application consultation shall be informal and directed toward:
 - a. Reviewing the basic concepts of the proposal.
 - b. Reviewing the proposal with regard to the master plan and any applicable ordinances.
 - c. Explaining the state and local regulations that may apply to the proposal.
 - d. Reviewing applicable Site Plan Review Regulations, application forms, necessary supporting maps, and documents.
- 2. There is no application fee, nor is this consultation and review binding in any way on either the applicant or the Board. Conceptual Review does not require abutter/public notification or a public hearing with the Planning Board, but must occur only at a posted meeting of the Board.

B. Design Review Phase (Optional)

- 1. Prior to submission of a Final Application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual stage, involving more specific design and engineering details of the potential application.
- 2. Applicants wishing to engage in pre-application design review shall submit a request to the Board at least 21 calendar days prior to the regularly scheduled public meeting of the Board at which the applicant intends to review with the Board the detailed design of the project which is the subject of the application. The applicant shall apply to the Board using the application form contained in Appendix A, and the application must be delivered to Canaan Town Office, attention: Planning Board. The request shall include:
 - a. List of abutters and their addresses taken from municipal records not more than five (5) days before submission.
 - b. the holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration, and
 - c. every engineer, architect, land surveyor, soil scientist or other professional whose seal appears on the site plan.
 - d. Check to cover application fee and mailing and advertising costs.

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3. The design review phase may proceed only after identification of and notice to abutters, the general public, holders of restrictions, and involved professionals as required by RSA 676:4, I(d). A public hearing is required by state law if this phase is held.
 4. The design review shall be conducted only at regular meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board.
 5. A meeting on a particular design review may be adjourned to continue on a specific date, place, and time, with no further notice of the reconvened meeting required.
- C. The Board shall determine that the design review phase is complete during a public meeting. Notification of this determination must be provided to the applicant within 10 days.
1. The Board shall give a response to the applicant with respect to the proposal as a whole or any portion of the proposal by informing the applicant in writing of disapproval or any modifications which will be required.
 2. There is a \$150 application fee for a Design Review, payable when filing the application.
 3. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
- D. Final Application Phase (Required)
1. A completed application shall be filed with the Planning Board at least 21 calendar days prior to the regularly scheduled public meeting of the Board at which the applicant will formally submit the application to the Board. The application must be delivered to Canaan Town Office, attention: Planning Board.
 2. The Final Application shall be on the form contained in Appendix A, conform to the requirements outlined in these Regulations, and specify the scheduled meeting of the Board at which the application will be formally submitted to the Board.
 3. There is a \$150 application fee for a Final Application Review, payable when filing the application.
 4. A Final Application shall include, but not be limited to, all data required in Article 9 of these regulations, and Article 10 for LWES applications.
 5. The application shall also include:
 - a. List of abutters and their addresses taken from municipal records not more than five (5) days before submission.
 - b. the holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration, and
 - c. every engineer, architect, land surveyor, soil scientist or other professional whose seal appears on the site plan.
 - d. check to cover application fee and mailing and advertising costs.
 6. The Board shall notify the following by verified mail of the date of the next regular Planning Board meeting for which timely notice can be given, that the application will be considered for acceptance at such meeting, and that a public hearing will be held to review the final application on its merits:
 - a. the applicant,
 - b. the abutters,

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- c. the holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration, and
 - d. every engineer, architect, land surveyor, soil scientist or other professional whose seal appears on the site plan submitted to the Board.
7. Such notice shall be mailed at least ten (10) days prior to the public meeting. At the same time the notice is mailed to the applicant and abutters, such notice shall also be given to the general public by posting at the Canaan Town Office, Canaan Town website, and the Canaan Post Office. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other property owners in the vicinity of the tract.
 8. Formal submission and acceptance of a Final Application shall only occur at a regular meeting of the Planning Board after due notification has been given according to RSA 676:4, I(d). Acceptance will be by affirmative vote of a majority of the Board members present.
 9. The Planning Board shall make a formal determination of the completeness of the application at a public meeting held within thirty (30) days following the filing of the application. During this period, the Planning Board reserves the right to retain professional consultants at the applicant's expense in order to assist them in making its determination. The Board will use the checklist contained in Appendix B as a tool in determining the completeness of the application.
 10. When the Board has accepted a Final Application as complete, and the application fee and all costs of notice of the application have been paid, the Board shall provide a receipt to the Applicant indicating the date of acceptance, which is the start of a 65 day review period. In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, or disapprove.
 11. If the application is found to be incomplete, a list of the deficiencies shall be provided to the applicant in writing. Subsequently, upon submission by the applicant of any requested items, the Planning Board will make a new determination on completeness within thirty (30) days of such submission. If, after the third attempt by the applicant to submit a complete application, it is still deemed incomplete, the application shall be considered denied, any remaining escrow funds will be returned to the applicant, and the applicant will be required to start at the beginning of this process with a new application. The Board shall not conduct a public hearing on the application until the Board has determined the application is complete.
 12. If the application is determined to be complete including the payment of all fees, the Planning Board shall accept the application and begin a public hearing immediately to consider the application on its merits as provided by RSA 676:4.
 13. No application shall be denied or approved without a public hearing on the application. The Board shall notify the following by verified mail of the date upon which a public hearing will be held to review the final application on its merits:
 - a. the applicant,
 - b. the abutters,

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- c. the holders of conservation, preservation, or agricultural preservation restrictions on the land under consideration, and
 - d. every engineer, architect, land surveyor, soil scientist or other professional whose seal appears on the site plan submitted to the Board.
14. Such notice shall be mailed at least ten (10) days prior to the public hearing. At the same time the notice is mailed to the applicant and abutters, such notice shall also be given to the general public by posting at the Canaan Town Office, Canaan Town website, and the Canaan Post Office. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other property owners in the vicinity of the tract.
15. Additional notice of an adjourned session is not required if the date, time, and place of the adjourned session was made known at the prior hearing. At the hearing, the applicant, any abutter or other person with a demonstrable interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Planning Board.

D. Regional Impact

- 1. Upon receipt of an application, the Board shall review the application promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact, pursuant to RSA 36:54, et seq. Doubt concerning regional impact shall be resolved in a determination that the development has a potential for regional impact. A development of regional impact means any proposal, which, in the determination of the Board, could reasonably be expected to affect on a neighboring municipality
- 2. If the application is determined to have a potential regional impact, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by verified mail within 72 hours of the meeting.
- 3. At least 14 days prior to the scheduled public hearing, the Board shall notify by verified mail the regional planning commission(s) and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

E. Site Inspection

- 1. Whenever the Board deems it necessary for the consideration of an application for the Board and/or its designated agent to visit the site, the Board shall arrange a time that is reasonable for the applicant.
- 2. Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
- 3. All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

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F. Board Action on Final Application

1. The Board shall begin consideration of the Final Application within 30 days of its acceptance. The Board shall act to approve, conditionally approve, or disapprove the Final Application within 65 days of acceptance of the application. In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, or disapprove.
2. The Board and/or its designated agent shall conduct a Site Inspection for determining natural/built-up conditions of the site and to review the layout of the proposed improvements. All site improvements shall be constructed and/or installed within a period of time mutually agreed upon by the applicant and the Planning Board, unless such time is extended by written mutual consent of the Planning Board and the applicant. Such improvements shall not be considered complete until officially inspected and approved by the Fire Chief, Police Chief and DPW Director/Road Agent or accepted by the Planning Board, as appropriate, and a Certificate of Completion is issued.
3. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
4. Approval of the application shall be certified by written endorsement on the plat, signed and dated by the Chairman of the Planning Board and members.
5. The Board shall issue a written final decision on all applications for Site Plan Review within 5 business days of the decision. If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required by the Board as part of the approval decision. If the application is denied, the Board shall state and provide in writing the reason(s) for denial. The decision of the Board (approval or denial) shall be mailed to the applicant and be available at the Town Office for public inspection within five business days after the decision is made.
6. An approved plan shall be recorded by the Planning Board with the Registry of Deeds of Grafton County within 90 days of approval. Any approved plat not filed within this time frame shall be considered void.
7. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the precedent conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:
 - a. are administrative in nature
 - b. involve no discretionary judgment on the part of the Board
 - c. involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.
8. Escrow Maintenance: If at any time an Applicant shall fail to provide and maintain an escrow balance as required by the Planning Board pursuant to any Ordinance applicable to

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the application, the Board shall deem the application withdrawn and the Board shall deny the application in accordance with RSA 676:3.

9. If the board fails to approve, conditionally approve, or disapprove the application, or to obtain an extension from the Selectmen or the applicant within 65 days, the selectmen or city council shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the selectmen or city council shall certify on the application that the plat is approved as provided in RSA 676:4, subject to compliance conditions as specified in the RSA.
10. In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, or disapprove.

ARTICLE 8: PROCEDURE WHEN SPECIAL EXCEPTION, VARIANCE OR SUBDIVISION APPROVAL IS REQUIRED

When a special exception or variance is required by a Canaan land use ordinance, the applicant shall first obtain the special exception or variance before applying for Final Site Plan approval. Any conditions imposed by the Canaan Board of Adjustment shall take precedence over the requirements contained in these regulations, although additional conditions may be required by the Planning Board as part of the Site Plan approval. When both subdivision and site plan approval are required for a proposed development, the Board may hold the Site Plan Review hearing at the same time as the hearing required by the subdivision regulations.

ARTICLE 9: SUBMISSION REQUIREMENTS

- A. A Final Application for Site Plan approval shall consist of six (6) complete, full-size paper copies of all submitted information, one mylar set of all drawings and survey maps, along with a digital copy of the entire application in a standard format (such as .pdf). The format used by the applicant should be searchable. At the time of submission, the applicant shall provide and maintain electronic copies of its application and amendments thereto on a publicly available web site for the project. To the extent that the application includes confidential information as defined by RSA 91-A:5, IV, the applicant shall request a waiver of this requirement for the specific information asserted to be confidential at the time the application is submitted.
- B. A plat or plats (as required to adequately depict the project on maps or drawings) must be submitted with the application. Plats shall conform with the recording requirements of the Grafton County NH Registry of Deeds, which are specified at this web site:

<https://www.nhdeeds.org/grafon-recording-requirements/>
- C. The following information shall be included on the plat as applicable:
 1. A perimeter boundary survey by a licensed NH land surveyor, including angles and bearings of lines, dimensions and the lot area, in accordance with the New Hampshire Land Surveyors Administrative Rules.
 2. Title of drawing, including the name and address of the applicant as well as the Town tax map and lot number.
 3. Appropriate signature block for the signature of the Planning Board Chairperson.

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4. Names and addresses of owners of record and abutting property owners, and any holders of conservation, preservation and agricultural preservation restrictions on the land under consideration for Site Plan Review.
5. A site Location Map, shown as an inset on the Site Plan Map, which will show the proposed development in relation to major roads of the Town.
6. North arrow, bar scale, date of preparation and dates of any revisions.
7. Name, address and seal of person or firm preparing the Map.
8. The shape, size and location of existing and proposed structures, and a conceptual floor plan layout and elevations of all proposed buildings.
9. Existing and proposed grades, as deemed necessary; in general, grades should be shown by contours at intervals of not more than five (5) feet of elevation if grades exceed five percent (5%) or portions of the site that have moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding. Contours at intervals of no more than two (2) feet in the immediate area of site development. All topographic mapping shall be in accordance with the New Hampshire Land Surveyors Administrative Rules.
10. Any existing streams or wetland, marshes, vernal pools, lakes or ponds, whether natural or man-made as delineated by a certified wetlands scientist; abutter's water rights, if any, including wells or easements to wells.
11. Existing and proposed streets, driveways, parking spaces, and sidewalks with indications of direction for travel for one-way streets or driveways. The width of streets, driveways and sidewalks and the layout of parking spaces and facilities.
12. Layout of sewage disposal system, including septic tank(s), leach field and associated piping, location of abutter's wells, septic systems.
13. Landscaping plan including buffering plans along adjacent properties and highways.
14. Plans for water supply, fire protection, power and telephone, including location of wells, water supply pipes, power and telephone poles and lines, including the location and size of all existing and proposed utility lines and easements.
15. Exterior lighting plan and proposed signs to be located on the site.
16. Drainage design showing location, type, and size of existing and proposed drainage structures including culverts, pipes, catch basins, manholes, ditches, holding basins, etc. This shall be supported by copies of the design computations based on a 25 year flood design frequency for all major culverts and brooks that affect any Town or State highway.
17. Right-of-way and travel surface of all fronting streets.
18. Location of any retaining walls, fences and outside storage areas.
19. A notation on the site plan outlining the proposed use(s) and the area of building(s) and the area of the site devoted to each use.
20. Plans for any toxic waste storage, discharge, disposal, and removal in accordance with State laws.
21. Location of inside storage of hazardous materials and posting of such for emergency crews.
22. Location of fire alarms and sprinkler systems.

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23. Plans for snow storage.

24. Location of any waste disposal facility including any fencing and/or screening

C. One copy of each of the following shall be submitted, if applicable:

1. A copy of any Special Exception or Variance approved by the Canaan Board of Adjustment.
2. All material submitted to the New Hampshire Department of Environmental Services for approval, including but not limited to:
 - a) Sewage disposal system
 - b) Water supply
 - c) Alteration of terrain per RSA 149:8-A when over 100,000 sq. ft. or 50,000 sq. ft. near State waters, and required Corps of Engineer's permits.
 - d) Wetlands permits
3. All material submitted to the New Hampshire Department of Transportation for driveway approval for any access onto a state highway and said approval.
4. Entrance / exit approvals from the Canaan Highway Department for proposals with access points on Town roads.
5. A statement of deed restrictions, easements and covenants upon the involved parcel.
6. Any and all other required permits or authorizations.
7. A written summary describing the proposed site development and the proposed use(s). Include each of the applicable items: days and hours of operation, number of employees, the extent of normal customer / business traffic including truck deliveries, an estimate of the maximum hourly traffic into and out of the premises, traffic flows on connecting roads, special traffic problems and how the applicant proposes to mitigate them, data and calculations used to arrive at the number of parking spaces specified, the need for utility services by type, and any other information which will clarify the proposal to the Board.
8. The Planning Board may require such additional other information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations including but not limited to environmental impact studies, engineering reviews, etc.

ARTICLE 10: ADDITIONAL REQUIREMENTS FOR LWES APPLICATIONS

- A. The following additional provisions shall apply to applications for proposed LWES developments as defined in the Town of Canaan Ordinance for Large Wind Energy Systems, including but not limited to the items prescribed in this article. The requirements of this article are additional to all other requirements and/or procedures in these site plan regulations. Wherever there is conflict, the stricter standard, procedure or requirement shall apply.
- B. LWES applications, including all fees, escrow funds and/or securities as stipulated in the LWES Ordinance shall be submitted to the Planning Board at least ten (21) days prior to the Planning Board meeting at which the Board will consider whether or not to accept the application as complete.
- C. LWES Escrow Account Payment. The application shall include payment to the Town Treasurer to be held in trust for use by the Planning Board as provided by RSA 673:16, II. At

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the time of application for the Final Site Plan Review, the Applicant shall deposit into an escrow account the amount of \$50,000. The purpose of this joint escrow account is to reimburse the town of Canaan for the costs incurred to hire consultants and experts as the Planning Board, at its sole discretion, deems necessary, for the costs for notification of abutters, and for the costs of special investigation, and the review of documents and studies required by this ordinance by professionals retained by the Planning Board, and for other matters which may be required by particular applications.

D. A Final Application shall include the following:

1. A Financial Resources Plan demonstration satisfactory to the Planning Board that the applicant has adequate financial, technical, and managerial capability to assure construction and operation of the facility in continuing compliance with the terms and conditions of this ordinance. This Plan shall include the applicant's proposal for performance guarantees for completion of the following: (1) street work; (2) public safety and fire response improvements; (3) stormwater and erosion control measures; (4) wildlife and other ongoing studies; (5) wetlands, wildlife or other mitigation measures; (6) decommissioning, including site restoration; and (7) completion of such other studies, improvements or mitigation measures required by the Planning Board pursuant to this Ordinance. The applicant's Financial Resources Plan shall provide for a performance guarantee in the form of a performance bond or some other type of indemnification acceptable to the Planning Board. The Financial Resources Plan shall include a cost estimate prepared by an N.H. licensed professional engineer of the above items for review by the Town's engineering or financial consultant.
2. Plans prepared and stamped by an N.H. licensed professional engineer that show the location, shape, size, color, materials, textures, landscaping, design, and total height of all proposed components of met towers and LWES, including the proposed access to the project site (including Town and State roads) and associated transmission lines.
3. A location map to scale of current and planned land uses within the project boundary and a one-mile radius beyond the project boundary, showing the location of all proposed wind turbines and required setbacks for each, and that identifies participating landowners. These maps must be prepared by an N.H. licensed land surveyor.
4. A site grading and clearing plan that shows all areas to be cleared and all grade changes. The plan shall include details on the collector lines, locations and heights of poles, clearing limits for aboveground lines, substations, transmission line details, and upgrades or changes to existing power lines. This plan should delineate environmentally sensitive areas.
5. Historical, Cultural, and Archaeological Inventory and Resource Map prepared by an N.H. licensed land surveyor, and applicant's plan to minimize impact of LWES construction and operation on these sites.
6. Environmental Resource Map prepared by a qualified N.H. licensed land surveyor.
7. Intended period of data collection for the met tower.
8. Certification of the non-reflecting properties of the external surfaces of the LWES.
9. Calculations and supporting data for all setbacks for each turbine.
10. List of property owners whose property wholly or in part falls within the setback areas, including copies of any and all agreements with participating landowners.

Canaan Site Plan Review Regulations

11. Studies and Reports as required by the Planning Board, including but not limited to those listed below. The cost of any required study, report, plan, mitigation effort, or any other work required to be done by the Planning Board, is the full responsibility of the applicant.
 - a. Sound Pressure Level Study, including all of the applicable reports and information required by Article III.E. of the Canaan LWES Ordinance
 - b. Rescue, Fire, and Hazard Protection Plan
 - c. Road and Property Risk Assessment
 - d. Wildlife and Bird Impact Study and Protection Plan
 - e. Groundwater and Surface Water Quality studies
 - f. Visual Impact Assessment, including photographic simulations. The Planning Board may request that particular viewpoints be illustrated.
 - g. Communication Interference Certificate
 - h. Shadow Flicker, Tower Shadowing, and Blade Glint study
 - i. Safety Plan
12. StormWater Management Plan: pre- and post-decommissioning.
13. Erosion Control Plan.
14. A Complaint Resolution Plan to address any complaints from affected parties during construction and over the life of the operation. The Plan shall identify a contact person and a process for mediation.
15. Decommissioning and Site Restoration Plan as outlined in Article X of the Canaan LWES Ordinance (Decommissioning).
16. Landscape Plan showing restoration of disturbed areas after completion of construction.
17. Estimate of decommissioning costs prepared by an N.H. licensed professional engineer.
18. Blasting plan, including inventory of all potentially affected structures.
19. Any and all other State and Federal permits and approvals as may be required.
20. Any other information deemed necessary by the Planning Board in order to make an informed decision.

ARTICLE 11: STANDARDS AND CRITERIA

- A. When designing a site and buildings, the developer should take into consideration and preserve the natural beauty of the environment and the traditions of landscape and construction in the New England Area. The development shall conform to the natural topography of the site and shall be developed to provide for the harmonious and aesthetic development of the site with the surrounding area. The structures should be designed to reflect and blend in with the natural landscape and they should be designed to reflect New Hampshire's and Canaan's heritage, which is largely agricultural and residential.
- B. The Planning Board shall approve the proposed Site Plan only upon determination by the Board that the Site Plan conforms with the following standards and criteria.
 1. Adequacy, safety and arrangement of vehicular traffic access and circulation including intersections, road widths, channelization structures and traffic controls.
 2. Adequacy, safety, and arrangement of pedestrian traffic access and circulation including separation of pedestrian from vehicular traffic and pedestrian convenience.
 3. Adequacy of the location, arrangement, size and design of buildings, lighting and signs.

Canaan Site Plan Review Regulations

4. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual, and/or a noise deterring buffer between this and adjoining lands.
5. In the case of an apartment house or multiple dwellings, the adequacy of usable open space for playgrounds and informal recreation.
6. Adequacy of structure, roadways and landscaping in areas with moderate to high susceptibility to flooding and ponding and/or erosion.
7. Adequacy of storm water and sanitary waste disposal facilities. The standard shall be: "There shall be no increase in peak storm water flows from the property post-development compared with the pre-development conditions."
8. Adequacy of protection of adjacent properties against noise, glare, unsightliness, odor, or other objectionable features.
9. Adequacy of fire protection measures including adequate access, building construction, water supply and other protections such as sprinkler systems or alarm systems.
10. The development should conform to the extent appropriate to the natural topography of the site. Major cut and fill proposals should be discouraged. Site clearing should be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air. Natural cover should be retained to supplement required landscaping to the extent possible and reasonable. Landscaping should be provided in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements.
11. Adequacy of location, arrangement, appearance and sufficiency of off-street parking and loading.
12. Adequate areas shall be provided for snow storage.
13. The site plan shall conform to the requirements of Canaan Subdivision Regulations and the Canaan LWES Ordinance.

ARTICLE 12: WAIVER PROCEDURE

The Planning Board may waive provisions of these regulations provided that:

- A. Such waiver will not be contrary to the purpose and intent of these regulations and;
- B. No such waiver creates a conflict with other applicable regulations and;
- C. Such waivers shall be recorded in the minutes of the Planning Board and shall be shown on the approved Site Plan, if applicable
- D. Compliance would pose an unnecessary hardship on the applicant.

ARTICLE 13: PERFORMANCE GUARANTEE

The Planning Board shall, where any site improvements are proposed by the applicant or required by the Planning Board, as a condition of approval, require the applicant to complete said improvements or provide security for the completion of said improvements within the time period established by the Planning Board, as the Planning Board determines to be appropriate. Such security may be in the form of a performance bond, letter of credit from a New Hampshire bank or such other form as the Planning Board shall determine to be appropriate. The amount of the security required shall be no less than a fair estimate of the costs of the improvements plus an

Canaan Site Plan Review Regulations

appropriate amount to account for future inflation. The applicant may apply to the Board to reduce the amount of security as the project progresses as long as adequate security remains to cover the remaining costs plus inflation. The security shall not be released until the improvements are completed and approved by the Planning Board to be in compliance with the plans and any conditions as approved by the Planning Board. The Planning Board may waive this requirement as provided for in NH RSA 674:44.

ARTICLE 14: VALID TIME PERIOD

A. Planning Board approval of a Site Plan shall be valid for two (2) years from the date of approval. If substantial site work has not commenced or a Building Permit has not been issued or if a Building Permit has been issued but not substantially acted upon within a two (2) year period (which acts substantiate vesting), the Site Plan shall lapse unless a request for extension for an additional one (1) year time period is applied for by the applicant, prior to the date of lapsing. If such a request is received by the Board, the Board may, for cause, extend the valid time period of the Site Plan approval for one (1) year, one (1) time only. The applicant shall appear before the Planning Board and document that the following criteria are met:

1. The proposed project remains consistent with the Town's Master Plan.
2. Surrounding conditions (i.e., traffic flow, school capacity, utility demand) have not changed to the point of requiring reanalyzing of the proposed project.
3. The proposed project complies with current Town, State and Federal regulations, ordinances and statutes.
4. Notification of abutters shall be required of all first-time extension requests. Said notification shall be by certified mail and shall be at the expense of the applicant.

ARTICLE 15: REVOCATION OF PLANNING BOARD APPROVAL

A. Approvals may be revoked by the Board in whole or in part, per RSA 674:4-a, under the following circumstances:

1. at the request of, or by agreement with, the applicant or the applicant's successor in interest;
2. when any requirement or condition of approval has been violated;
3. when the applicant has failed to perform any condition or approval within the time specified or within two years;
4. when two years have elapsed without any vesting rights and the plan no longer conforms to applicable regulations; or
5. when the applicant has failed to provide for the continuation of adequate security
6. When the applicant has failed to maintain the required financial performance guarantee and/or application escrow.

ARTICLE 16: APPEALS

Any person or applicant aggrieved by an official action of the Board may appeal therefrom to the Canaan Board of Adjustment or Superior Court in accordance with the provisions of RSA 677:15.

ARTICLE 17: BUILDING PERMIT

No building permit shall be issued for the construction of any structure, including additions or the development of any site, covered by these Site Plan Regulations unless the applicant first presents a Site Plan approved by the Planning Board to the Building Inspector.

Canaan Site Plan Review Regulations

ARTICLE 18: COMPLIANCE HEARINGS

In cases where the Board has placed conditions precedent (to be fulfilled before the project can be built), there must be a noticed public hearing in which abutters have a chance to review and comment on compliance with the conditions precedent. Approval of a site plan, subject to a condition(s) precedent is conditional approval. It is not final approval. Site plans shall not be signed by the Board until all conditions precedent have been met.

ARTICLE 19: AMENDMENTS

These regulations may be amended by a majority vote of the Board after at least one (1) public hearing.

ARTICLE 20: SEPARABILITY

Should any ARTICLE or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE 21: ENFORCEMENT

The enforcement capabilities and powers of the town's board of selectmen shall be those as statutorily prescribed within any pertinent New Hampshire legislation concerning land use enforcement. The board of selectmen shall undertake any enforcement action in accordance with any statutory process for same and shall pursue any and all legal remedies that the board of selectmen deems appropriate as permitted by the statutory framework. (RSA 676.15 and 676.17)

ARTICLE 22: EFFECTIVE DATE

These Site Plan Review Regulations shall take effect following approval by the Canaan Planning Board and upon filing with the town clerk, September 13, 2021

Adopted by the Canaan Planning Board on September 9, 2021

John Bergeron, Chair

Andy VanAbs

Claude Lemoi, Vice Chair

Christopher Wadsworth

Charles Townsend, Secretary

Thomas Oppel

David McAlister, ex-officio Selectboard Representative

Canaan Site Plan Review Regulations
Appendix A
SITE PLAN REVIEW APPLICATION
TOWN OF CANAAN, NEW HAMPSHIRE

Date Received at Town Office _____

This application is Design Review ____ Final ____

Owner of Record: _____

Mailing Address: _____

Telephone: _____ Mobile _____

Email: _____

Location of Land: _____ Map # _____ Lot # _____

Applicant / Agent* _____

Mailing Address: _____

Telephone: _____ Mobile _____

Email: _____

Signature of Applicant or Agent* _____ Date: _____

Filing deadline is 21 days before a regularly scheduled meeting of the Planning Board.

All required supporting materials (plat, permits, studies, etc.) must be enclosed with this application, along with a \$150 application fee for a Design Review or a \$150 application fee for a Final Application. Additional expenses will be billed to the property owner if/as they are incurred per Canaan Site Plan Review Regulations.

* Must provide a letter of appointment as agent.

Canaan Site Plan Review Regulations

Appendix B

**SITE PLAN REVIEW APPLICATION CHECKLIST
TOWN OF CANAAN, NEW HAMPSHIRE**

Submission requirements per Article 9

1. ____ Written summary describing the proposed site development and the proposed use(s) which will clarify the proposal to the Board
2. ____ Perimeter boundary survey by a licensed NH land surveyor
3. ____ Title of drawing, including the name and address of the applicant as well as the Town tax map and lot number
4. ____ Signature block for the signature of the Planning Board Chairperson
5. ____ Names and addresses of owners of record and abutting property owners, and any holders of conservation, preservation and agricultural preservation restrictions
6. ____ Site Location Map, shown as an inset on the Site Plan Map, which will show the proposed development in relation to major roads of the Town
7. ____ North arrow, bar scale, date of preparation and dates of any revisions
8. ____ Name, address and seal of person or firm preparing the Map
9. ____ Shape, size, location and proposed uses of existing and proposed structures, and a conceptual floor plan layout and elevations of all proposed buildings
10. ____ Existing and proposed grades, in accordance with the New Hampshire Land Surveyors Administrative Rules
11. ____ Existing streams or wetland, marshes, vernal pools, lakes or ponds, whether natural or man-made, as delineated by a certified wetlands scientist
12. ____ Abutters' water rights, if any, including wells or easements to wells
13. ____ Existing and proposed streets, driveways, parking spaces, sidewalks and facilities
14. ____ Layout of sewage disposal system, including septic tank(s), leach field and associated piping, location of abutter's wells, septic systems
15. ____ Proposed landscaping plan including buffering plans along adjacent properties and highways
16. ____ Plans for water supply, fire protection, location of wells, water supply pipes, power and telephone poles and lines, including the location and size of all existing and proposed easements
17. ____ Exterior lighting plan and proposed signs to be located on the site

**SITE PLAN REVIEW APPLICATION CHECKLIST
TOWN OF CANAAN, NEW HAMPSHIRE
(Continued)**

18. ____ Drainage design showing location, type, and size of existing and proposed drainage structures, supported by design computations
19. ____ Right-of-way and travel surface of all fronting streets
20. ____ Location of any retaining walls, fences and outside storage areas
21. ____ Plans for toxic waste storage, discharge, disposal, and removal in accordance with State Laws
22. ____ Location of inside storage of hazardous materials and posting of such for emergency crews
23. ____ Location of fire alarms and sprinkler systems
24. ____ Plans for snow storage
25. ____ Location of any waste disposal facility including any fencing and/or screening
26. ____ Any "Special Exception" or "Variance" approved by the Canaan Board of Adjustment
27. ____ Copy of submissions to NH DES for water supply and sewage disposal system approval, Alteration of Terrain permit, wetlands permits
28. ____ Copy of application to NH DOT for driveway approval for any access onto state highways
29. ____ Approvals from the Canaan Highway Department for access points on Town roads
30. ____ Deed restrictions, easements and covenants applicable to the involved parcel
31. ____ Any and all other required permits or authorizations

Canaan Site Plan Review Regulations
SITE PLAN REVIEW APPLICATION CHECKLIST
TOWN OF CANAAN, NEW HAMPSHIRE
(Continued)

LWES Additional Submission requirements per Article 10

1. ____ A Financial Resources Plan
2. ____ Plans prepared and stamped by an N.H. licensed professional engineer that show the location, shape, size, color, materials, textures, landscaping, design, and total height of all proposed components of met towers and LWES, including associated transmission lines
3. ____ A location map to scale of current and planned land uses within the project boundary and a one-mile radius beyond the project boundary showing the location of all proposed wind turbines and required setbacks for each
4. ____ Identification of any participating landowners
5. ____ Site grading and clearing plan showing all areas to be cleared, all grade changes, and all environmentally sensitive areas.
6. ____ Historical, Cultural, and Archaeological Inventory and Resource Map
7. ____ Environmental Resource Map prepared by a qualified N.H. licensed land surveyor.
8. ____ Intended period of data collection for the met tower
9. ____ Certification of the non-reflecting properties of the external surfaces of the LWES
10. ____ Calculations and supporting data for all setbacks for each turbine
11. ____ List of property owners whose property falls wholly or in part within setback areas
12. ____ Copies of any and all agreements with participating landowners
13. ____ Sound Pressure Level Study
14. ____ Rescue, Fire, and Hazard Protection Plan
15. ____ Road and Property Risk Assessment
16. ____ Wildlife and Bird Impact Study and Protection Plan
17. ____ Groundwater and Surface Water Quality studies
18. ____ Visual Impact Assessment, including photographic simulations
19. ____ Communication Interference Certificate
20. ____ Shadow Flicker, Tower Shadowing, and Blade Glint study

Canaan Site Plan Review Regulations
SITE PLAN REVIEW APPLICATION CHECKLIST
TOWN OF CANAAN, NEW HAMPSHIRE
(Continued)

- 21. ____ Safety Plan
- 22. ____ StormWater Management Plan: pre- and post-decommissioning
- 23. ____ Erosion Control Plan
- 24. ____ Complaint Resolution Plan to address any complaints from affected parties during
construction and over the life of the operation
- 25. ____ Decommissioning and Site Restoration Plan
- 26. ____ Landscape Plan showing restoration of disturbed areas after completion of construction
- 27. ____ Estimate of decommissioning costs prepared by an N.H. licensed professional engineer
- 28. ____ Blasting plan, including inventory of all potentially affected structures
- 29. ____ Any and all other State and Federal permits and approvals as may be required

Appendix C

PROCEDURE FOR APPLICATION REVIEW (RSA 676:4)

PRELIMINARY CONCEPTUAL CONSULTATION (Optional)

Step 1

Applicant meets with planning board to review plan in terms of concept and compliance with the master plan and zoning ordinance; Board determines type of proposal and offers guidance relative to state and local requirements. (Public notice is not required.)

Step 2

At this point, if pre-application is optional, the applicant may either request the design review phase or move directly to the formal submission of a completed application.

DESIGN REVIEW PHASE (Optional)

Step 1

Applicant submits a "Request for Pre-application Review" at least 15 days before the next regularly-scheduled meeting of the Board.

Step 2

Planning Board notifies abutters and the public 10 days prior to the public meeting at which the proposal will be discussed.

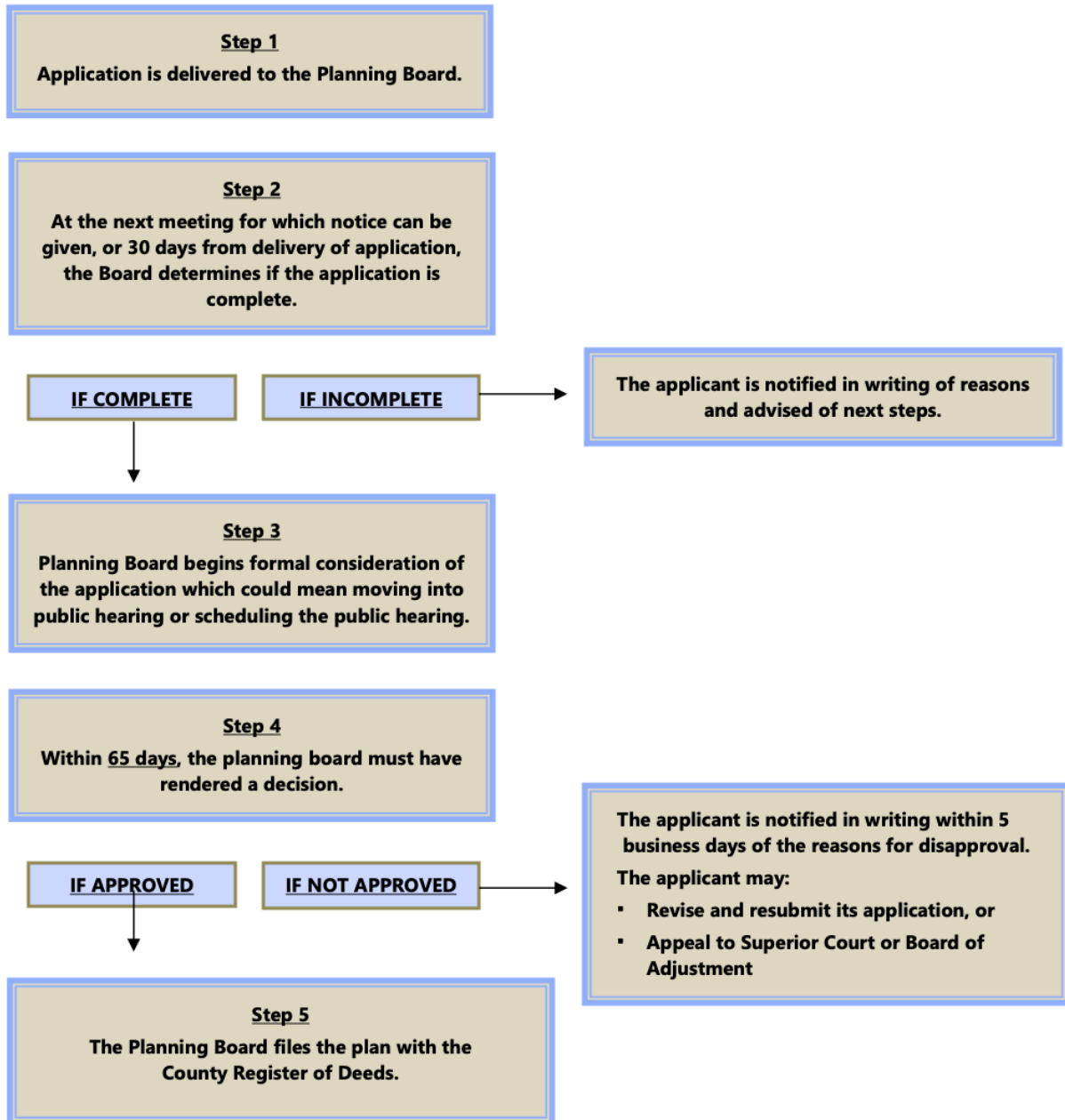
Step 3

Board and applicant engage in non-binding discussion involving specific design and engineering details of the potential application.

Step 4

Board determines that the design review phase is complete during a public meeting. Notification of this determination must be provided to the applicant within 10 days.

Canaan Site Plan Review Regulations
FINAL APPLICATION (Required)



NOTE: The public hearing may take place on the same evening as the application as complete, provided the notice has advised of the possibility. This is typically only advisable for minor or technical subdivisions.

NOTE: In the case of a determination by the board that the application is a development of regional impact requiring notice in accordance with RSA 36:57, III, the board shall have an additional 30 days to act to approve, conditionally approve, or disapprove.

Canaan Site Plan Review Regulations

ARTICLE 18: COMPLIANCE HEARINGS

In cases where the Board has placed conditions precedent (to be fulfilled before the project can be built), there must be a noticed public hearing in which abutters have a chance to review and comment on compliance with the conditions precedent. Approval of a site plan, subject to a condition(s) precedent is conditional approval. It is not final approval. Site plans shall not be signed by the Board until all conditions precedent have been met.

ARTICLE 19: AMENDMENTS

These regulations may be amended by a majority vote of the Board after at least one (1) public hearing.

ARTICLE 20: SEPARABILITY

Should any ARTICLE or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

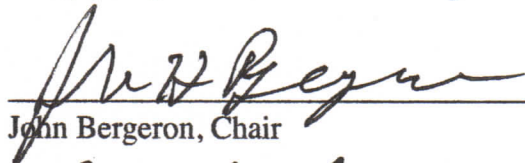
ARTICLE 21: ENFORCEMENT

The enforcement capabilities and powers of the town's board of selectmen shall be those as statutorily prescribed within any pertinent New Hampshire legislation concerning land use enforcement. The board of selectmen shall undertake any enforcement action in accordance with any statutory process for same and shall pursue any and all legal remedies that the board of selectmen deems appropriate as permitted by the statutory framework. (RSA 676.15 and 676.17)

ARTICLE 22: EFFECTIVE DATE

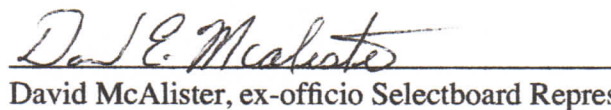
These Site Plan Review Regulations shall take effect following approval by the Canaan Planning Board and upon filing with the town clerk, September 13, 2021

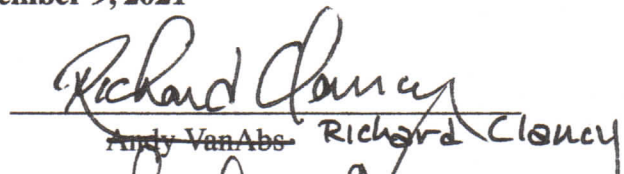
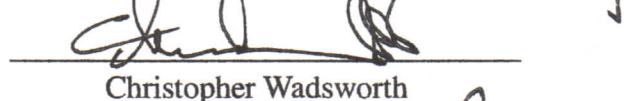

Adopted by the Canaan Planning Board on September 9, 2021


John Bergeron, Chair


Claude Lemoir, Vice Chair


Charles Townsend, Secretary


David McAlister, ex-officio Selectboard Representative


~~Andy VanAbs~~ Richard Clancy

Christopher Wadsworth

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