

Proposed Amendments to Section 300 and 600 of the Town of Lyndeborough Non-Residential Site Plan Review Regulations for Public Hearing on Thursday, June 15, 2023, 7pm, at Citizens' Hall. Language to be removed shown in ~~strikeout~~. Language to be added shown in red.

300.0 APPLICATION PROCEDURES

Whenever any site development of land is proposed, before any construction, land clearing or building development is begun, before any permit for the erection of any structure is issued and before any plat may be recorded with the Hillsborough County Registry of Deeds, the property owner, or the owner's authorized agent, shall apply for, and secure, approval of the proposed site development. The procedure for securing such approval is as follows:

- A. Conceptual Consultation Phase:** Without the requirement of formal public notice, a developer may arrange to meet with the Board at a regularly scheduled meeting for a preliminary consultation. Such consultation shall be directed at a review of the basic concept of the proposal and at a review of procedural requirements. Discussions shall be of a general nature only and no decisions shall be made. No application form is required and no time limit is imposed for the conceptual consultation. The review is not binding in any way on either the Board or the applicant.
- B. Completed Application:** The applicant shall file ~~an~~ application for **Site Plan Review** ~~completed application approval~~ with the **Town Secretary of the Board** on a form supplied by the **Town Secretary**. ~~The Board shall issue to the applicant a receipt of the completed application when all information as required by these regulations has been submitted.~~ This application together with all necessary information must be on file with the **Town Secretary of the Board** at least **twenty-one (21)** ~~fifteen (15)~~ days before a regular meeting of the Board. The Board shall place the application on its agenda for consideration within thirty (30) days of issuing the receipt. Action shall be taken as listed in the provisions of RSA 676. In addition, both Checklists A and B shall be completed before an application can be considered complete.
- C. Hearing:** No approval or disapproval of a completed application shall be given by the Board without affording a hearing thereon. The applicant and all abutters (including all parties having joint ownership rights), shall be notified of said hearing by certified or registered mail not less than ten (10) days before the date of the hearing. Public notice of such hearing shall be posted in a newspaper of general circulation in the Town **or on the Town's website** at least ten (10) days prior to said hearing. Both the notice for publication and the notice to the subdivider and the abutters shall be sent out by the Planning Board not less than ten (10) days before the hearing. ~~In addition, the provisions of RSA 676 shall apply.~~
- D. Action of the Board:** The Board shall begin formal consideration of the application within thirty (30) days after submission and acceptance of the completed application. The Board shall act to approve or disapprove within **sixty-five (65)** ~~ninety (90)~~ days after submission, **except for projects of regional impact which shall have a ninety-five (95) day review period, subject to an additional ninety (90) day extension upon application to the Selectmen.** ~~In addition the requirements of RSA 676 shall apply.~~ **The Board shall act to approve, conditionally approve or disapprove a completed application within sixty-five (65) days of its acceptance, except for projects of regional impact which shall have a**

ninety-five (95) day review period. If the Board has not taken action on a completed application within sixty-five (65) days of its acceptance (or 95-days for projects of regional impact), the applicant may waive the requirement for Board action within the specified time limit and consent to a mutually agreed upon extension. If the Board has not taken action on a completed application within sixty-five (65) days of its acceptance (or 95-days for projects of regional impact) and has not obtained an extension, the Selectmen shall certify on the applicant's application that the plat is approved. Such a certification shall constitute final approval for all purposes including - 6 - filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

E. Disapproval. If the Board determines that it lacks sufficient information on an accepted application to make a final decision on the application and the applicant does not consent to an extension pursuant to Section 320.07, the Board may in its discretion deny the application without prejudice in which case the applicant may resubmit the same or substantially similar application. If an application is not approved, the specific findings of fact for the disapproval will be clearly stated in the Board's records and in written notice provided to the applicant within ten working days of the public hearing.

600.00 ADMINISTRATION AND ENFORCEMENT

A. Interpretation

The interpretation of these regulations shall be the sole province of the Board and the Board may seek legal advice and counsel as they deem necessary.

B. Acceptance of Streets and/or Utilities

Nothing herein is intended to modify the requirements of law with reference to the layout of streets as provided by RSA 234. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and/or utilities by the Town or State.

C. Other Regulations

Where these regulations conflict with other local ordinances, the more stringent requirement shall apply.

D. Enforcement

These regulations shall be enforced by the Board of Selectmen acting by and through their duly authorized representative, if any.

E. Filing with Register of Deeds

An approved completed plat shall be recorded by the Planning Board, with the Register of Deeds of Hillsborough County, prior to any site development.

F. Validity

If any section, subsection, or phrase of these regulations is found (for any reason) to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these regulations.

G. Amendment

These Regulations may be amended, changed, altered, added to or rescinded from time to time whenever this action is deemed necessary or advisable by the Board. A public hearing on the proposed change, and the concurring vote of the Board is required before any alterations are made. In addition, the requirements of RSA 675 shall apply. Approved amendments shall be certified by a majority of the Board and filed with the Town Clerk consistent with RSA 675.

H. Effective Date

The effective date of these regulations shall be May 7, 1990.

I. Filing Fee and Other Costs

A completed application for Site Plan Review will only be accepted if accompanied by the required fees established in the Town of Lyndeborough Land Use Fee Schedule. Failure to pay the fees constitutes valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.

~~An application fee of \$30.00 shall be submitted as part of the preliminary plat submission requirements. Said fee shall be submitted prior to any action by the Board to approve or disapprove the completed application. Other fees shall be:~~

Certified Letters	\$ 6.00
Registration Fee	\$25.00
Non-Residential Site Plan Review Fee.....	\$50.00
Public Hearing Notification.....	Actual Cost

The applicant shall reimburse the Board for any expense which the Board may incur in securing information relative to the plan, including legal, engineering, surveying, or other pertinent service. The fees called for above shall be paid to the treasurer of the Town of Lyndeborough, New Hampshire.