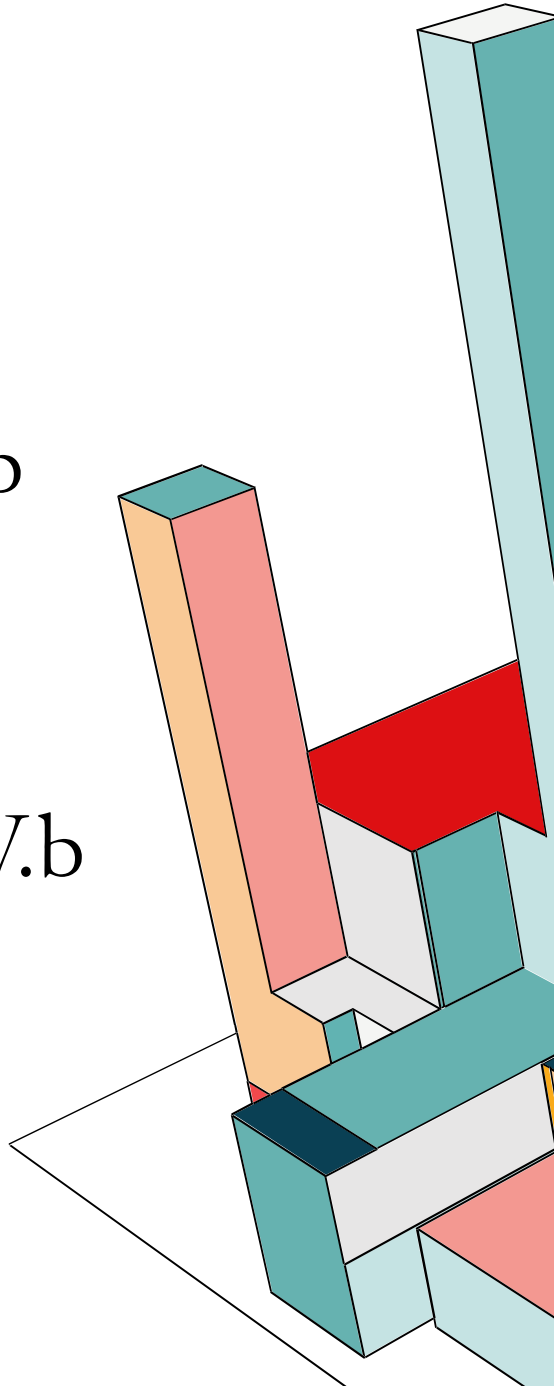


PLANNING BOARD APPROVALS

PLANNING BOARD APPROVALS

- Site Plan 3rd Party Review – 674:44.V & 676:4-b
- Off Site Exactions – 674:21.V.j
- Bonding or Performance Guarantee - 674:44.IV.b
- Impact Fees – 674:21.V





SITE PLAN 3RD PARTY REVIEW – 674:44.V

V. The planning board may, as part of its site plan review regulations, require an applicant to pay all costs for notification of abutters and may provide for the assessment of reasonable fees to cover the board's administrative expenses and **costs of special investigation** and the review of documents and other matters which may be required by particular applications.

SITE PLAN 3RD PARTY REVIEW – 676:4-B

- I. A planning board reviewing a subdivision plat, site plan, or other land use application may require the applicant to reimburse the board for expenses **reasonably incurred** by obtaining third party review and consultation during the review process, provided that the review and consultation does not substantially replicate a review and consultation obtained by the zoning board of adjustment.

The applicant may request the planning board choose a different third party consultant and the request may include the name of a preferred consultant. The planning board shall exercise reasonable discretion to determine whether the request is warranted. When such a request is granted by the planning board, the 65-day period for the board's action on an application stated in RSA 676:4, I(c)(1) shall be extended 45 days to provide the board adequate time to identify a different consultant.

SITE PLAN 3RD PARTY REVIEW – 676:4-B

II. A planning board approval of a subdivision plat, site plan, or other land use application may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third-party inspection **during the construction process**. A planning board that requires third-party inspection during the construction process shall, as part of the inspection process, develop a scope for the project inspection in consultation with the applicant. Alternatively, a planning board approval of a subdivision plat, site plan, or other land use application may ask the applicant to provide a signed certification from the site plan designer in lieu of the third-party inspection, stating the project was built in accordance with the plans approved by the planning board. Should the planning board select this option, the site plan designer shall be a New Hampshire licensed professional engineer and the planning board may require that the certification be based on inspections at specified stages during the construction process.



SITE PLAN 3RD PARTY REVIEW – 676:4-B

III. A planning board retaining services under paragraph I or II shall require **detailed invoices** with reasonable task descriptions for services rendered. Upon request of the applicant, the planning board shall promptly provide a reasonably detailed accounting of expenses, or corresponding escrow deductions, with copies of supporting documentation.

IV. A person retained as a third party inspector during the construction process shall observe, record, and promptly report to the planning board or appropriate municipal authority and applicant or applicant's successor in interest any perceived construction defect or deviation from the terms of the approval or approved project plans.

V. Any person who becomes aware of a failure by a third party inspector to report properly and promptly a construction defect or deviation from the terms of the approval or approved project plans, may file a written complaint to the office of professional licensure and certification under RSA 310 for possible disciplinary action.

SITE PLAN 3RD PARTY REVIEW – 674:44.V

TOWN PROCESS

1. Issue RFQ at the start of fiscal year for on-call Engineering Services under the Town's Purchasing Policy. This way you can use that same engineer all year without delay and can get a new engineer each year.
2. They can review plans for a) Site Plan review – Regs & Zoning, b) Stormwater review, c) Utility review – including public infrastructure capacity, d) Traffic review
3. Using third party review needs to be decided by the PB at the time of Application Acceptance, by vote and include the need for the applicant to submit an escrow to pay the cost. The third party review engineer then bills the Town.
4. Detailed invoices needed and applicant has the right to review.



OFF SITE EXACTIONS – 674:21.V.J

The failure to adopt an impact fee ordinance shall not preclude a municipality from requiring developers to pay an exaction for the cost of off-site improvement needs determined by the planning board to be necessary for the occupancy of any portion of a development. For the purposes of this subparagraph, "off-site improvements" means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the planning board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development. The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction. As an alternative to paying an exaction, the developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the planning board. Any exaction imposed pursuant to this section shall be assessed at the time of planning board approval of the development necessitating an off-site improvement. Whenever the calculation of an exaction for an off-site improvement has been predicated upon some portion of the cost of that improvement being borne by the municipality, a refund of any collected exaction shall be made to the payor or payor's successor in interest upon the failure of the local legislative body to appropriate the municipality's share of that cost within 6 years from the date of collection. For the purposes of this subparagraph, failure of local legislative body to appropriate such funding or to construct any necessary off-site improvement shall not operate to prohibit an otherwise approved development.



OFF SITE EXACTIONS – 674:21.V.J

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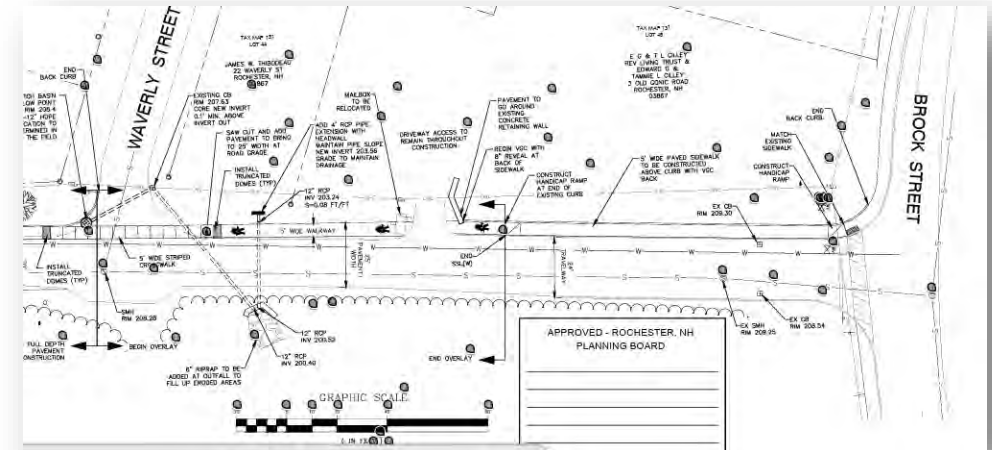
OFF SITE EXACTIONS – 674:21.V.J

Highway

Roads (pavement, striping, widening, turn lanes)

Sidewalks (sidewalk, curbing, tip downs, crosswalks, crossing hardware)

Intersections (widening, striping, signal hardware, software, EVP, signage)



OFF SITE EXACTIONS – 674:21.V.J

Drainage – OFF SITE

Pipes

Culverts

Manholes (maintenance)



OFF SITE EXACTIONS – 674:21.V.J

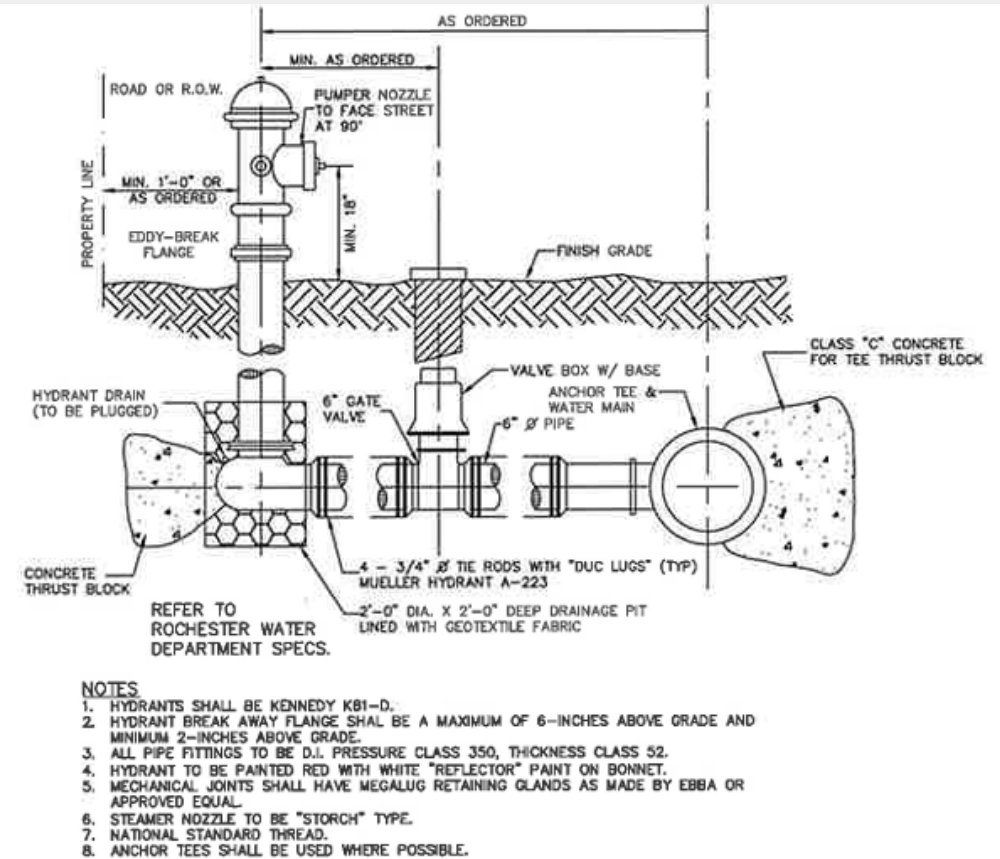
Sewer and Water Upgrades

Pipes

Hydrants

Plant or pump station upgrades

Community System upgrades



HYDRANT INSTALLATION



OFF SITE EXACTIONS – 674:21.V.J

“necessary for the occupancy”
“are necessitated by a development”

Third Party Review

Motion: “blah blah blah be approved with the following conditions.

a) Per 674:21.V.j The Planning Board has found that the intersection of Road A and Road B cannot support the development as proposed without the following upgrades and therefore Applicant is to pay \$Google dollars in off-site exaction to pay for work outlined in the third party review done by Engineering Firm X dated...”



OFF SITE EXACTIONS – 674:21.V.J

“necessary for the occupancy”
“are necessitated by a development”

Third Party Review

Motion: “blah blah blah be approved with the following conditions.

- a) Per 674:21.V.j The Planning Board has found that the connecting drainage on the Town Road D cannot support the development as proposed without the following upgrades and therefore Applicant is to pay \$Google dollars in off-site exaction to pay for work outlined in the third party review done by Engineering Firm X dated...”



OFF SITE EXACTIONS – 674:21.V.J

“necessary for the occupancy”
“are necessitated by a development”

Third Party Review

Motion: “blah blah blah be approved with the following conditions.

- a) Per 674:21.V.j The Planning Board has found that the public water pipe feeding the development cannot support the development as proposed without the following upgrades and therefore Applicant is to pay \$Google dollars in off-site exaction to pay for work outlined in the third party review done by Engineering Firm X dated...”



OFF SITE EXACTIONS – 674:21.V.J

The failure to adopt an impact fee ordinance shall not preclude a municipality from requiring developers to pay an exaction for the cost of off-site improvement needs determined by the planning board to be **necessary for the occupancy** of any portion of a development. For the purposes of this subparagraph, "off-site improvements" means those improvements that are **necessitated by a development but which are located outside the boundaries of the property** that is subject to a subdivision plat or site plan approval by the planning board.

Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development. The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction. As an alternative to paying an exaction, the developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the planning board. Any exaction imposed pursuant to this section shall be assessed at the time of planning board approval of the development necessitating an off-site improvement. Whenever the calculation of an exaction for an off-site improvement has been predicated upon some portion of the cost of that improvement being borne by the municipality, a refund of any collected exaction shall be made to the payor or payor's successor in interest upon the failure of the local legislative body to appropriate the municipality's share of that cost within 6 years from the date of collection. For the purposes of this subparagraph, failure of local legislative body to appropriate such funding or to construct any necessary off-site improvement shall not operate to prohibit an otherwise approved development.



OFF SITE EXACTIONS – 674:21.V.J

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site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development. The amount of any such exaction shall be a **proportional share** of municipal improvement costs not previously assessed against other developments, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction.

As an alternative to paying an exaction, the developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the planning board. Any exaction imposed pursuant to this section shall be assessed at the time of planning board approval of the development necessitating an off-site improvement. Whenever the calculation of an exaction for an off-site improvement has been predicated upon some portion of the cost of that improvement being borne by the municipality, a refund of any collected exaction shall be made to the payor or payor's successor in interest upon the failure of the local legislative body to appropriate the municipality's share of that cost within 6 years from the date of collection. For the purposes of this subparagraph, failure of local legislative body to appropriate such funding or to construct any necessary off-site improvement shall not operate to prohibit an otherwise approved development.



OFF SITE EXACTIONS – 674:21.V.J

“a proportional share of municipal improvement costs”

- Standard cost per linear or sq ft
 - Sidewalks, Pavement, Curbing, Pipe, etc
- Proportional share determined by third party reviewer
 - Traffic study trips per day; Sewer effluent estimated gallons per day, etc.



OFF SITE EXACTIONS – 674:21.V.J

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BONDING OR PERFORMANCE GUARANTEE - 674:44.IV.B

“subject to bonding and timing conditions”

674:44.IV.b

Shall provide that, in lieu of the completion of street work and utility installations prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable letter of credit, or other type or types of security as shall be specified in the site plan review regulations. The planning board shall have the discretion to prescribe the type and amount of the bond or other security, require satisfactory evidence of the financial ability of any surety or financial institution to pay such bond or other type of security, and specify a period for completion of the improvements and utilities to be expressed in the bond or other security, in order to secure to the municipality the actual construction and installation of such improvements and utilities. The municipality shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.



OFF SITE EXACTIONS – 674:21.V.J

The failure to adopt an impact fee ordinance shall not preclude a municipality from requiring developers to pay an exaction for the cost of off-site improvement needs determined by the planning board to be necessary for the occupancy of any portion of a development. For the purposes of this subparagraph, "off-site improvements" means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the planning board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development. The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction. As an alternative to paying an exaction, the developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the planning board. Any exaction imposed pursuant to this section shall be assessed at the

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For the purposes of this subparagraph, failure of local legislative body to appropriate such funding or to construct any necessary off-site improvement shall not operate to prohibit an otherwise approved development.



OFF SITE EXACTIONS – 674:21.V.J

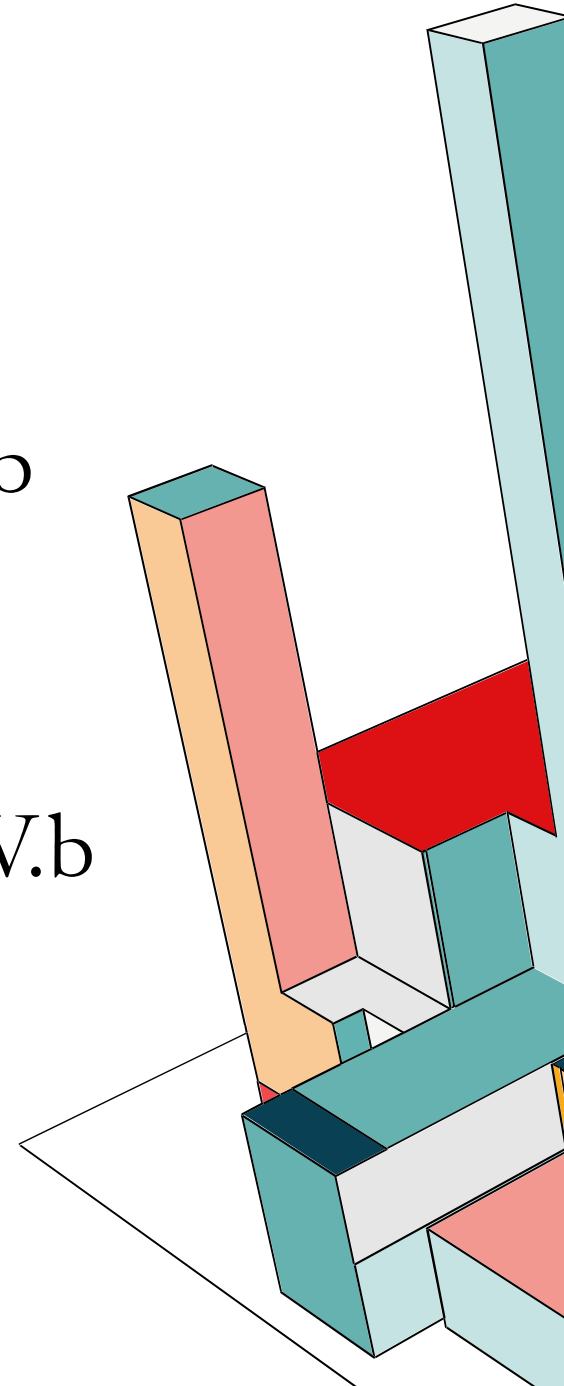
- 9) Off Site Exactions - Per RSA 674:21.V.j the Planning Board is allowed to require the developer to pay an exaction for the proportional share of municipal improvement costs of off site improvement needs determined to be necessary for occupancy of the development. Based on the sewer study conducted by Weston Sampson, an off site exaction of \$ \$107,368 is required for an upgrade of the pump station on Columbus Ave. In addition, an escrow of \$250,000 is due at the time of the first building permit Please see language in the MOU signed by the applicant.
- 10) Off site Improvements - Per RSA 674:21.V.j the Planning Board is allowed to require the developer to complete their proportional share of off site improvements determined to be necessary for occupancy of the development. This includes updates to Emerson Rd, including sidewalks and utilities, shown on sheets OFF2 – OFF6. These offsite improvements shall be completed prior to the issuance of the first CO in phase I.

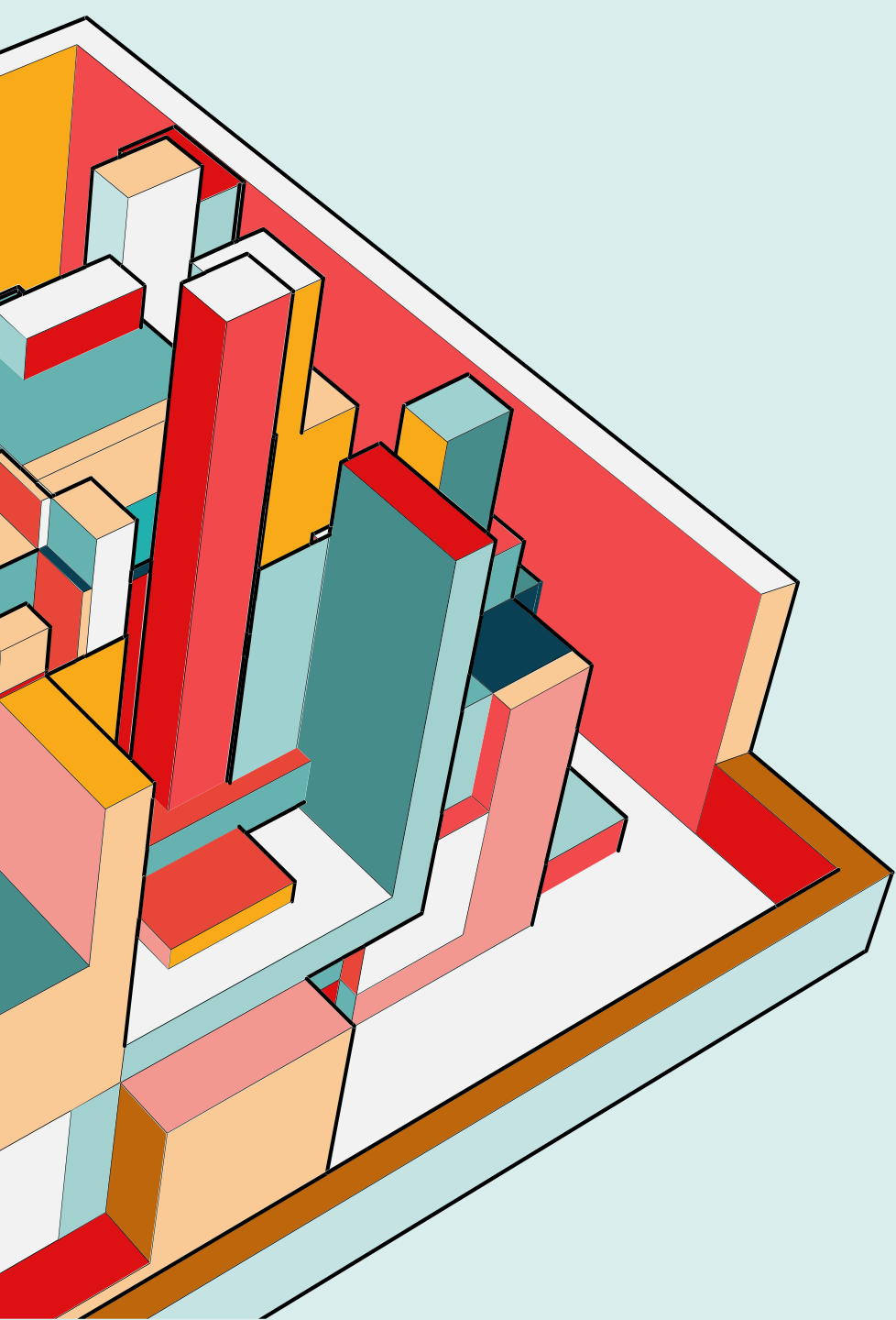
IMPACT FEES – 674:21.V

As used in this section "impact fee" means a fee or assessment imposed upon development, including subdivision, building construction, or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; municipal road systems and rights-of-way; municipal office facilities; public school facilities; public works facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities; and public recreational facilities not including public open space. No later than July 1, 1993, all impact fee ordinances shall be subject to the following...

PLANNING BOARD APPROVALS

- Site Plan 3rd Party Review – 674:44.V & 676:4-b
- Off Site Exactions – 674:21.V.j
- Bonding or Performance Guarantee - 674:44.IV.b
- Impact Fees – 674:21.V





QUESTIONS?

This Slide Presentation will be available on our website.



THANK YOU

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