

SITE PLAN REVIEW REGULATIONS

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INTRODUCTION

Pursuant to the provisions of New Hampshire Revised Statutes Annotated 674:44, the following constitutes the New Ipswich Site Plan Review regulations as enabled by the New Ipswich Town Meeting of 11 March, 1987, Warrant Article 16.

SITE PLAN REVIEW REGULATIONS

I. Authority

Pursuant to the authority invested in the New Ipswich Planning Board by the voters of the Town of New Ipswich in accordance with the provisions of RSA 674:43, the New Ipswich Planning Board adopts the rules governing the review and approval or disapproval of site plans for the development of tracts for nonresidential uses or for multi-family dwelling units other than one and two family dwellings, whether or not such development includes subdivision or resubdivision of the site. These regulations also apply to any additions or alterations that change the outward appearance of a non-residential or multi-family residential building.

II. Definitions

The definitions contained in the Zoning Ordinance and the Subdivision Regulations shall apply to the Site Plan Review Regulations, where applicable.

As used in this chapter, the following terms shall have the meanings indicated:

ADVERSE NOISE IMPACTS – Disturbances that interfere with: normal speech and communications both indoors and outdoors, talking, telephone conversations, reading, tasks requiring concentration, listening to music or television, and sleep.

AMBIENT NOISE – Noise or sound in the environment other than noise from the LWES.

AMPLITUDE MODULATION – Wind turbine noise (measured in 125-millisecond intervals at any location 3.5 to 25 meters outside a dwelling) is defined as exhibiting amplitude modulation (also referred to by AM or impulsive) when and if the A-weighted sound pressure level rises or falls by more than 3 dB within any 2-second period more than five times in any 1-minute period with an average sound level of 28 dBA or more, six or more times in any hour.

AUTOMATIC OBSTRUCTION LIGHTING SYSTEM – A lighting system that provides continuous 360 degree surveillance of the airspace around a wind farm from the ground level to aircraft flight altitudes, automatically activating obstruction lighting when aircraft are detected at a defined outer perimeter and course of travel.

A-WEIGHTED (dBA) – The unit of measure for the human response to noise using an electronic filter as specified by ANSI approximating the frequency response of the human ear from 20 Hz to 20 kHz.

CNR (COMMUNITY NOISE RESPONSE) – United States Environmental Protection Agency methodology to predict the community noise reaction to a new sound source introduced into the environment.

C-WEIGHTED (dBC) – An electronic filter with a band-pass frequency response 20 Hz to 20 kHz.

DAYTIME – Hours from 7:00 AM to 7:00 PM.

DEVELOPMENT – The construction or improvements on a tract or tracts of land for non-residential use or use for multi-family units other than one and two family dwellings.

EXCESSIVE NOISE – Any noise that causes a nuisance or disturbance or degrades health or well-being.

FREQUENCY – The number of occurrences of a repeating event per unit time; in cycles per second, expressed in Hz (Hertz).

HEALTH – State of complete physical, mental and social well-being and not merely the absence of disease or infirmity.

HERTZ (Hz) – A Unit of frequency equal to one cycle per second.

IMPACT(S) – Includes any effect on the environment, including sound and visual impacts such as changes in sound pressure, noise and light in the environment.

IMPULSIVE SOUND – Single or multiple noise events lasting one second or less; measured with the un-weighted peak sound pressure level and “Impulse” (35 msec) or “Fast” (125 msec) meter response.

INFRASOUND – Sound energy below 20 Hz.

Ldn – The day/night level is the 24 hour average of continuous “A-weighted” sound energy

having a 10 decibel penalty added to the nighttime hours of 10 p.m. to 7 a.m.

Leq – The equivalent continuous sound level that has the same acoustic energy for a constant sound level as for a fluctuating or intermittent level in the same period of time.

LOAEL – The “Lowest Observed Adverse Effect Level”; 40 dBA, WHO 2009.

NATURAL ENVIRONMENT – Includes navigable waters, waters of a contiguous zone, ocean waters and any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States, including wildlife, ecosystems and habitat, historical, cultural, recreational and archeological resources.

NIGHTTIME – Hours from 7:00 PM to 7:00 AM.

NOEL – The “No Observed Effect Level”; 30 dBA, WHO 2009.

NOISE – Unwanted or any sound that is not part of the natural environment.

NOISE EMITTER – Any man-made piece of LWES equipment that is audible beyond the property line of a Participating Landowner.

NOISE LEVEL – Energy-equivalent sound pressure level (Leq) over a minimum of a ten-minute interval.

NON-PARTICIPATING LANDOWNER – Any landowner except those on whose property all or a portion of a Large Wind Energy System is located pursuant to an agreement with the Applicant/Owner/Operator.

OCTAVE BAND – A band of sound covering a range of frequencies such that the highest is twice the lowest, as defined in ANSI Standard S1.11.

ONE-THIRD OCTAVE BAND – A band of sound covering a range of frequencies such that the highest frequency is the cube root of two times the lowest, as defined in ANSI Standard S1.11.

PARTICIPATING LANDOWNER – Any landowner on whose property all or a portion of a Large Wind Energy System is located pursuant to an agreement with the Applicant/Owner/Operator.

PURE TONE – Sinusoidal sound energy for a single frequency or pitch.

SODAR – A meteorological instrument used to measure the wind speed profile at various heights above the ground, and the atmospheric thermodynamic (lower layer) structure (Sonic

Detection And Ranging).

SOUND LEVEL – The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in ANSI specifications for sound level meters (ANSI SI.4-1971, or the latest revision).

SOUND POWER LEVEL – L_w . Ten times the logarithm to the base ten of the ratio of the sound power radiated by the source to a reference sound power, expressed in decibels (dB). The reference sound power is 1 picowatt (pW).

SOUND PRESSURE LEVEL - L_p . Twenty times the logarithm to the base ten of the ratio of the given sound pressure to a reference sound pressure of 20 microPascals (uPa), expressed in decibels (dB).

UN-WEIGHTED (dBL) – A sound pressure level obtained without a weighting filter.

WELFARE – A state of well-being.

WELL-BEING – A good or satisfactory condition of existence; a state characterized by health, happiness, and prosperity.

WIND SHEAR – The difference in atmospheric wind speed and direction occurring over relatively small increases in altitude (wind gradient).

III. Procedure

Whenever any development of a site governed by these regulations is proposed or whenever any changes are proposed which differ from an existing site plan as approved by the Planning Board; before any construction, land clearing, building development or change is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; and before any site plan be filed with the Office of the Register of Deeds of Hillsborough County, the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure:

1. An applicant may submit a plat for Site Plan Review to the office of the Planning Board, Town Office, New Ipswich, NH on the form provided by the Planning Board. The application shall be made by the owner of the property or his duly authorized agent. A complete application includes conformance to the specifications contained in the Site Plan Review regulations, the presentation of all drawings, layouts, reports, or other technical data, the payment of all fees that may be imposed by the Board in accordance with their fee schedule and the names and addresses of abutters as indicated in town records. Two full sets of plans and seven sets of reduced copies of

the plat, drawings, and documents along with a readable PDF copy of submission must be in the office of the Land Use Secretary for at least 21 days before the public hearing is scheduled so that they can be reviewed for completeness by the Board's designee. Expense for such review will be borne by the applicant. When a hearing is continued, revised paper plans, additional supporting documentation, and a readable PDF copy of the submission if required must be submitted in writing or electronically to the Land Use Secretary at least 7 days prior to the next scheduled meeting.

Applications may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information required by these regulations, including but not limited to:

- (a) Abutters' identification and information required for the Site Plan.
 - (b) Failure to pay costs of notices or other costs and fees required by these regulations.
 - (c) Failure to meet any reasonable deadline established by these regulations.
- 2. The applicant and abutters shall be notified of said hearing by certified or registered mail return receipt requested, at applicant's expense, stating the time and place of such hearing, not less than ten (10) days before the date fixed therefore.
 - 3. If the Board shall vote to disapprove, the owner or his duly authorized agent shall be notified in writing and the specific causes of disapproval shall be noted.
 - 4. The Board shall consider and take action on site plans within the same time period and under the procedures specified by the New Ipswich Subdivision Regulations.
 - 5. The Planning Board may 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 review of documents and other matters which may be required by particular applications.
 - 6. The Board recognizes the desirability of being able to meet with a potential applicant prior to the submission of a formal application to discuss concepts of a particular proposal. An owner or his duly authorized agent may request a Preliminary Conceptual Consultation under the procedures specified by the New Ipswich Subdivision Regulations. The Board shall not conduct Design Reviews as specified in RSA 676:4 II (b).
 - 7. The Planning Board may provide for an Expedited Review when the external modifications to the footprint of a structure are minor (less than 800 square feet) and/or when the proposed activities are expected to cause little or no impact on such

factors as traffic, parking, noise, lighting, or the environment. Under the Expedited Review procedure the Board may waive any submission requirements, including the need to submit a plan prepared by a certified engineer, or one to be filed with the Registry of Deeds.

8. The Planning Board will grant a waiver to a provision of these regulations only if the Board finds, by majority vote, that 1) strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations; or 2) specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

An applicant must submit all waiver requests individually and in writing. Each waiver request must identify the specific article of the regulation from which a waiver is requested, why the waiver is needed, and why the waiver should be granted within the guidelines established above. Any waiver involving technical issues must be supported by a recommendation from a New Hampshire licensed Professional Engineer or other recognized expert on the subject. The Board will rule on the waiver request based on the written evidence presented after review by Town counsel and/or Town Engineer (if required).

If a waiver request is for a completeness (checklist) item not provided, then the Board will act upon the waiver prior to acceptance. If the waiver request is for a requirement that is provided but does not meet the design requirements of the regulations, then the waiver will be acted upon after acceptance, during the public hearing.

IV. Submission Requirements

A Site Plan submitted for Site Plan review shall be submitted in triplicate and shall be in full compliance with the requirements listed herein. All plans submitted shall include the following:

A. EXISTING DATA AND INFORMATION

1. Location of site, names and addresses of owners of record and abutting landowners.
2. Name and addresses of the applicant, of persons or firm preparing the map, the scale of the map (1 inch equals 40 feet suggested), north arrow and date. Such map shall be prepared and stamped by a licensed land surveyor or licensed professional engineer. Name and address of persons or firm preparing other data and information, if different from the preparer of the map. The size of each sheet submitted shall be 22 x 34 inches with a one

inch margin all around.

3. The surveyed boundary lines of the area included in the site, including angles or bearings of the lines, dimensions, street frontage, and the lot area. Similar data for internal lots, if any, in the site, are required. All easements shall be shown.
4. The existing grades, drainage systems, structures and topographic contours at intervals not exceeding five (5) feet with spot elevations where grade is less than five (5) percent.
5. The shape, size, height, and location of existing structures located on the site and within two hundred (200) feet of the site.
6. Natural features including watercourses and water bodies, various types of vegetation and topographical features. Man-made features such as, but not limited to, existing roads and structures. Such map shall indicate which of such features are to be retained and which are to be removed or altered.
7. Use of abutting properties shall be identified with approximate location of structures thereon, including access roads.
8. The size and location of all existing public and private utilities including, but not limited to, gas, fire alarm, power, telephone (overhead or underground) and all existing landscaping. This shall include the location and size of existing utilities that are located off-site, with which connection is planned or located within one hundred (100) feet of the site.
9. A vicinity sketch (suggested scale one inch equals five hundred feet) showing the location of the site in relation to the surrounding public street system. The boundaries for the site and zoning districts within one thousand (1,000) feet of the site shall be shown. One hundred year flood elevation line shall be included where applicable together with identification of wetlands.
10. Soils overlay as certified by the Hillsborough County Conservation District.

B. PROPOSED DEVELOPMENT

1. The proposed grades, drainage systems, structures and topographic contours at intervals not exceeding five (5) feet with spot elevations where grade is less than five (5) percent.
2. The shape, size, height, and location of the proposed structures, including expansion of existing buildings, with typical elevations and floor plan.

3. Proposed streets, driveways, parking spaces, sidewalks, with indication of direction of travel for one-way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown. In addition, loading spaces and facilities associated with the structure on the site shall be shown. All proposed development shall comply with the construction requirements of the New Ipswich Subdivision Regulations.
4. The design (including calculations) and location of all proposed utilities including, but not limited to water supply, waste disposal facilities, septic tanks and leach field systems, or methods of waste water disposal, and provision for future expansion of sewage and waste water facilities.
5. The location, type and size of all proposed landscaping and screening including fences and walls.
6. Exterior lighting plan and proposed signs or instructional devices to be located on the site, including sign orientation, size, height, and elevation view.
7. Plans for snow removal and storage.
8. A circulation plan of the interior of the lot showing provision for both auto and pedestrian circulation. An access plan showing means of access to the site and proposed changes to existing public streets including any traffic control devices necessary in conjunction with the site development plan.
9. Construction drawings including but not limited to pavements, walks, steps, curbing and drainage structures.
10. Provisions for control of erosion and sedimentation both permanent and temporary (for construction phase). See New Ipswich Subdivision Regulations Erosion and Sediment Control Plan.
11. Location of any common lands and/or dedication of land for public or common ownership.
12. The phasing of the project's construction, if staged.
13. Provisions for fire safety, prevention and control.
14. Stormwater drainage plan showing:

- a. The existing and proposed methods of handling storm water runoff.
 - b. The direction of flow of the runoff through the use of arrows.
 - c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - d. Engineering calculations used to determine drainage and piping requirements all the way to the receiving body of water based on a ten (10) year storm frequency if the project will significantly alter the existing drainage pattern due to such factors as the amount of or new impervious surfaces (such as paving and building area) being proposed.
15. The location of all existing and proposed deed restrictions, covenants, etc.
16. The location of all building setbacks required by the Zoning Ordinance.
17. The applicant may be required to conduct a community facilities impact analysis which takes into consideration the following information to the extent the Planning Board deems applicable:
- a. Demographic Description: The analysis must identify the demographic market the project intends to serve, including:
 - i. Type of family;
 - ii. Average family size;
 - iii. Anticipated time period to fill all units or lots.
 - iv. Anticipated numbers and ages of children.

Associated data, such as anticipated income levels, type of employment, and projected housing costs may also be presented to support projections associated with the above demographic description. If transfers from existing town families and homes are expected, the impact on the secondary market must be projected. The basis for all projections must be provided.
 - b. Community Facilities Impact Analysis: The applicant shall conduct analysis of the following:

- i. Estimated impact on sewage disposal systems, including flow estimates and assessment of capacity;
- ii. Estimated impact on water systems, including flow estimates, capacity and assessment of existing or potential water pressure;
- iii. Estimated impact on traffic systems, including the impact of projected trips on flow characteristics and the impact of traffic on the immediate existing road structures;
- iv. Estimated impact on the school system;
- v. Estimated impact on public safety providers including police, fire and ambulance;
- vi. Estimated impact on the public works department, including solid waste disposal;
- vii. Estimated impact on existing storm water management system, including flow and water quality;
- viii. Estimated impact on the recreation resources, with proposals to meet the additional needs imposed on the town by the proposed project;
- ix. Any other study deemed appropriate by the Planning Board. Once these analyses have been completed, the applicant shall present appropriate projections and impact assessments and submit maps and inform the appropriate Town departments for review and comment.

18. Soils and Erosion

The applicant may be required to submit a soil erosion and sediment control plan, maps and information and otherwise comply with the provisions of the New Ipswich Subdivision Regulations Erosion and Sediment Control Plan.

19. Special Flood Hazard Areas

Section XII., Land Designated as Special Flood Hazard Areas, of the Subdivision Regulations, shall apply to site plan review applications.

20. Exemptions and Vesting

A note on the Plan stating "Active and substantial development or building under RSA 674:39, I, relative to the 4-year exemption to regulation changes shall be _____, and substantial completion of the improvements as shown on the subdivision plat plan under RSA 674:39, II, relative to final vesting shall be _____." The note may either specify conditions or reference a development agreement as a separate document.

C. SUPPORTING DOCUMENTS

All necessary support documents shall be submitted with the plat, including draft contracts for public improvements, draft deeds of dedication, including roads, common ownership or maintenance, organizational and contractual drafts, draft party wall agreements, draft condominium documents and other documents necessary to the review of the plat.

D. BOARD DISCRETION

The Planning Board may at its discretion withhold approval of any Site Plan that will require an increase in municipal services.

E. ADDITIONAL REQUIREMENTS FOR LARGE WIND ENERGY SYSTEMS (LWES)

1. Visual Impact Assessment. Detailed computer and photographic simulation(s) overlaid on photographs of the existing environment showing the proposed LWES project area fully developed with all proposed wind turbines and related facilities, including the routing for any and all transmission lines. The assessment shall include the following:
 - a. A viewshed analysis map showing potential project visibility within the Town of New Ipswich based on the highest point of all project turbines at blade tip. The viewshed analysis should distinguish between potential visibility within open areas (e.g. meadows, marshes, water bodies) and forested areas. More detailed studies for individual turbines may be requested. Software specifically designed for viewshed analysis based on GIS should be used.
 - b. Photographic simulations shall be provided for potentially sensitive public viewpoints. The Planning Board may request that particular viewpoints be illustrated. Simulation photographs should be taken at 50mm (or digital equivalent) and illustrated on 11 x 17" printed copies for each simulation. If several photographic frames are

required to illustrate the breadth of the project from a particular viewpoint, illustrations shall be provided of each 50mm frame, plus a combined panorama view. Any visible roads, site clearing or other project infrastructure shall be depicted on the simulations.

- c. The report shall identify all possible public viewing locations with a description of how the project would appear, how many turbines would be visible, and a photograph of the LWES from each location. These locations should include the center of Town, public recreation areas, historic sites, trails used by the public, and scenic sections of Town or State roads. Visibility of all project components, including roads, clearings resulting from regarding, and transmission lines shall be addressed.
 - d. The report shall employ a standard visual impact assessment methodology, conducted by a qualified Landscape Architect or person with similar training and experience, for explaining what the visual impacts of the project would be and why these may be acceptable or unacceptable. Of particular concern are public recreation areas where there is an expectation of a natural setting. An indication of impacts to private residences shall also be discussed.
 - e. The report will identify all mitigation methods proposed by the applicant, if any, to address the potential visual impacts of the LWES. These methods may include turbine relocation, reductions in turbine height or numbers, hazard lighting mitigation by employing automatic obstruction lighting systems, underground placement of collector lines, or other methods.
 - f. The Planning Board may require additional mitigation measures to ensure that the project will not impact the scenic resources of the town.
2. Sufficient Wind Resource Study Results. Since the site shall have documented annual wind resources sufficient for the operation of the LWES (this requirement shall not apply to an anemometer tower), a study indicating these resources for a minimum of one year is required. Said study shall indicate the long-term commercial economic viability of the project. Anemometers to be placed shall be calibrated regularly to ensure a measurement of error of 1% or less. All anemometers shall be placed at the expected hub height of the wind turbine to be used. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The study shall include a wind resource map identifying wind characteristics, including prevailing wind direction and

minimum, maximum, and average wind speeds. The Planning Board may retain the services of an independent, recognized expert, at the applicant's expense, to review the results of the wind resources study prior to acting on the application.

3. Site Plan. Vicinity maps and site plans showing the physical features and land uses of the project area. In addition to other requirements of Article IV in these regulations, the vicinity maps and site plans shall also include maps, plans, section and elevation drawings and written specifications in sufficient detail to clearly describe the following:
 - a. Existing zoning districts, land uses, including all dwellings, public and private airstrips within two (2) miles of the boundary of the property upon which the LWES is to be located.
 - b. Planned land uses (based on the *New Ipswich Master Plan*) within two (2) miles of the boundary of the property upon which the LWES is to be located.
 - c. Location of all proposed new infrastructure above and below ground related to the project including meteorological and wind testing towers.
 - d. Location of existing and proposed electrical lines and related facilities.
 - e. Required setbacks.
 - f. Identification and location of sensitive areas and sensitive environmental resources that are in the vicinity of the proposed wind turbine, including but not limited to endangered or threatened flora or fauna or their critical habitats, and other significant habitats identified by *The New Ipswich Natural Resource Inventory*, and other government and other authoritative sources.
 - g. Soils on site delineated and described in a soil survey map accompanied by a geotechnical report of the soil conditions prepared by a firm that specializes in soil borings that shall at a minimum include: soils engineering and engineering geologic characteristics of the site based on on-site soil borings and testing; foundation design criteria for all proposed structures; slope stability analysis; and grading criteria for ground preparation, cuts and fills, and soil compaction. The proposed plans for the foundation shall be certified by a New Hampshire licensed Professional Engineer who is practicing

in his or her area of competency.

- h. Location, height, and dimensions of all existing and proposed structures and fencing.
 - i. Drawings and specifications, bearing the seal of New Hampshire licensed Professional Engineer, of all proposed new infrastructure above and below ground related to the project including meteorological and wind testing towers.
 - j. Lighting on site described with a lighting plan to minimize light pollution as specified in Article XIII-2 of the New Ipswich Zoning Ordinance and specifications that show location, color, type, intensity, direction, shielding and control of all on-site lighting.
4. Historical, Cultural, Archeological, Resource Map. The map shall show the locations of recognized historical, cultural, or archeological resources within the project boundary and a two (2) mile radius beyond the project boundary on which the LWES is to be located.
5. A Description of the Specific Access Route(s) to include:
- a. All State, and Town-maintained roads to be used within the Town to transport equipment and parts for construction, operation or maintenance of the LWES.
 - b. A pre-construction inventory of roads in their as-built conditions. The inventory shall identify road surface materials stating the type and amount of surface cover, the existing width and condition of the traveled way, and photographic or video documentation, performed by a New Hampshire licensed Professional Engineer approved by the Planning Board. Engineered drawings showing all easements and the as-built conditions shall be included.
 - c. Dust and erosion control procedures.
 - d. A road maintenance schedule or program.
 - e. Location, grades, dimensions and surfacing materials of all temporary and permanent on-site and access roads. Any new roads shall comply with appropriate construction standards.
 - f. Evidence of compliance with standards required for year-round emergency access.

6. Wind Turbine Information and Certification. Specific information on the type, manufacturer and model, size, total installed height, rotor material, rated power output, performance history, safety history, electrical system, rotor overspeed control system, and noise characteristics of each type of Wind Turbine. Identify the length of service of the proposed components. The following information also shall be provided.
 - a. An engineering certificate from the manufacturer's engineer or another qualified engineer certifying that the LWES as proposed is within accepted professional standards given local site, climate and other conditions, including cold weather conditions.
 - b. Ice Throw Calculations: A report from a New Hampshire licensed Professional Engineer that: a) calculates the maximum distance that ice from the turbine blades could be thrown (the basis of the calculation and all assumptions must be disclosed); and b) states the incidence of reported ice throws and the conditions reported at the time of the ice throw.
 - c. Blade Throw Calculations: A report from a New Hampshire licensed Professional Engineer that: a) calculates the maximum distance that pieces of the turbine blades could be thrown (the basis of the calculation and all assumptions must be disclosed); and b) states the incidence of reported blade throws and the conditions at the time of the blade throw.
 - d. Wind Turbine Specifications: Photographs or detailed drawings of each Wind Turbine model including the tower and foundation.
 - e. The type and quantity of all hazardous materials used in the operation of all equipment.
 - f. Certification of the non-reflecting properties of the external surfaces of the LWES.
7. Catastrophic Failure Report and Test Results. Data from the tower and turbine manufacturers stating the wind speed and conditions that the turbine and tower are designed to withstand (including all assumptions), and the incidence of catastrophic failures both within and outside the United States, including but not limited to, blade throw, blade disintegration, fire, and tower collapse. The report shall include the conditions reported at the time of failure, and the effectiveness of all automatic electrical and mechanical shutdown devices.

8. Existing Water Quality Study. A pre-construction baseline study conducted by a water quality professional of all wells, springs and water resources, including by not limited to, those identified in the *New Ipswich Open Space Plan* (Chapter XI of the *New Ipswich Master Plan*) which may be impacted by the LWES. Tests shall be performed in accordance with all applicable laboratory standards and protocols by a state-approved testing laboratory. Testing shall include, but is not limited to, levels of arsenic, nitrates, nitrites, phosphorus, calcium, magnesium, iron, lead, atrazine, hydrocarbons, VOC, bacteria, turbidity, total dissolved solids and documentation of flow rates. Test results shall be submitted to the Planning Board and the owners of tested well sites. The study shall include overlay maps showing the locations of all wells, springs and water resources which may be impacted by the LWES.

The applicant shall receive written permission from property owners prior to water sampling. It shall be understood that when permission is denied, all responsibility for water quality remains with the property owner.

9. Noise Compliance Report. For any proposed LWES, the applicant shall submit a Noise Compliance Report prepared by a professional acoustical engineer approved by the Planning Board who is a Full Member of the Institute of Noise Control Engineering (INCE) or who possesses some comparable qualification. The report will confirm that the LWES will not exceed the maximum permitted sound levels nor create adverse community noise reactions (CNR) as defined by the United States Environmental Protection Agency Document titled “Information On Levels of Environmental Noise Requisite To Protect Public Health And Welfare With An Adequate Margin of Safety, 550/9-74-004, March 1974” (Levels Document). The study at a minimum shall include:
- a. A Wind Turbine Noise Model which shall predict the dBA (Leq) and unweighted octave band levels from 31.5 Hz to 8 kHz at all Non-Participating Landowners’ properties within two (2) miles of any Wind Turbine. The Noise Model shall represent all Wind Turbines and shall use the following parameters:
 - i. Each Wind Turbine shall be considered as an individual noise emitter,
 - ii. The prediction model shall use the Manufacturer’s highest sound power levels,
 - iii. The prediction model shall use a wind shear (wind profile power law exponent, alpha) of no less than 0.50, where wind

shear is defined as the difference in atmospheric wind speed and direction occurring over relatively small increases in altitude,

- iv. No attenuation (zero) for ground cover since a Wind Turbine is an elevated noise emitter,
 - v. No attenuation (zero) for foliage since trees have no leaves from November to April.
 - vi. Add a plus 5 dB design margin to the predicted noise levels to account for variations in atmospheric propagation due to refraction (the bending of sound waves in the atmosphere due to changes in air temperature or wind gradient).
- b. A scaled map with:
- i. All Wind Turbine locations clearly marked,
 - ii. Topographic elevation contours,
 - iii. All Participating Landowners' properties and Non-Participating Landowners' properties and lot lines clearly marked within two (2) miles of the nearest Wind Turbine,
 - iv. LWES predicted maximum Leq noise level contours in 5 dBA increments.
- c. A community noise reaction (CNR) assessment for each property using the United States Environmental Protection Agency's "Levels Document" normalization methodology adjusted to the equivalent Leq value as shown in Figure 1 and Table 1. The LWES developer shall locate the LWES predicted noise level on the x-axis of Figure 1 and determine the highest associated CNR on the y-axis; or determine the highest associated CNR for the predicted LWES noise level using Table 1.

Figure 1.
Community Noise Reaction (CNR) Assessment Chart.

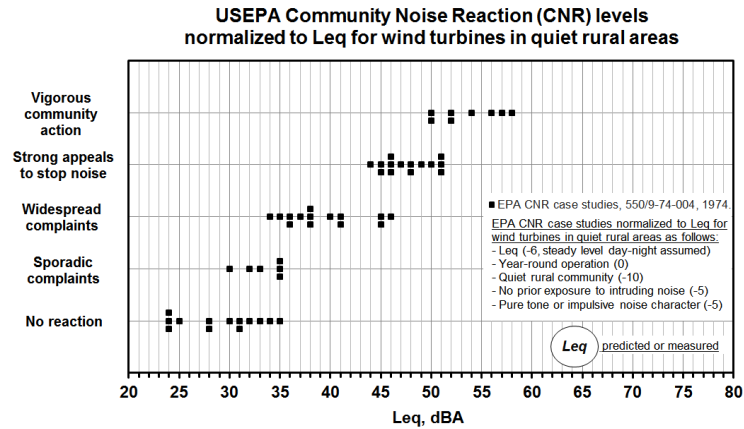


Table 1. Community Reaction Levels for Wind Turbines in Rural Areas

Community Noise Reaction (CNR)	Leq
Vigorous Action	50 - 58
Appeals to Stop the Noise	44 - 49
Widespread Complaints	34 - 43
Sporadic Complaints	30 - 33
No Reaction	24 - 29

- d. Each and all properties within two (2) miles of any Wind Turbine shall be tabulated by:
 - i. Address,
 - ii. Distance to nearest Wind Turbine,
 - iii. LWES predicted maximum noise level, and
 - iv. LWES predicted community reaction level (CNR).
10. Shadow Flicker, Tower Shadowing and Blade Glint study. For any proposed LWES, the applicant shall submit a Shadow Flicker, Tower Shadowing and Blade Glint analysis and computer simulation or model prepared by a registered Professional Engineer who is qualified to do so based on training, education and experience. The model shall:
- a. Model and describe the locations where Shadow Flicker, Tower Shadowing and Blade Glint will likely be present; include the topography, existing residences and locations of their windows,

locations of other structures, wind speeds and directions, and existing vegetation and roadways; and represent the most probable scenarios of wind constancy, sunshine constancy, and wind directions and speeds.

- b. Calculate the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year, and calculate the total number of hours per year of flicker at all locations.
- c. Identify problem zones where Shadow Flicker, Tower Shadowing and Blade Glint will interfere with existing or future residences and roadways and describe proposed measures to mitigate these problems, including but not limited to a change in siting of the LWES, a change in the operation of the LWES, or grading or landscaping mitigation measures.
- d. Include the name and address of property owners within Shadow Flicker, Tower Shadowing and Blade Glint zones.

11. Critical Communications Study. For any proposed LWES, the applicant shall submit a critical communications study prepared by a New Hampshire licensed Professional Engineer who is qualified to do so based on training, education and experience, which affirmatively demonstrates the LWES will not interfere with critical communications (e.g., radio, telephone, cellular telephone, microwave, satellite, navigational, and/or television signals). The study will include certification that no LWES will be installed in any location where its proximity to existing critical communication systems would produce interference (electromagnetic or other) with signal transmission or reception. If the study identifies potential signal interference, the applicant shall provide a plan for necessary remedial measures (e.g., a replacement signal) that will restore reception to at least the level present before installation and/or operation of the LWES.

The applicant shall receive written permission from property owners prior to communications interference testing. It shall be understood that when permission is denied, all responsibility for communications reception quality remains with the property owner.

12. Environmental Impact Study. The applicant shall have a qualified wildlife biologist conduct pre-construction field studies following accepted scientific procedures, to identify and assess any potential Impacts on the Natural Environment including but not limited to, endangered or threatened wildlife and plant species, their critical habitats, and other significant habitats identified in The New Ipswich Master Plan and Natural Resource Inventory.

Sites requiring special scrutiny include Rare and Exemplary Natural Communities (as classified in the New Hampshire Natural Heritage Bureau publication *Natural Communities of New Hampshire*), wildlife refuges, wetlands, areas where birds are highly concentrated, bat hibernacula, wooded ridge tops that attract wildlife, significant bird migration pathways, and areas that have landscape features known to attract large numbers of raptors. The study shall:

- a. contain a description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks or ponds;
- b. identify natural features that will be retained, removed and/or modified, including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. (A description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.);
- c. include appropriate measures to minimize, eliminate or mitigate adverse Impacts identified in the analysis;
- d. identify and evaluate the significance of any net effects or concerns that will remain after mitigation efforts;
- e. demonstrate consistency with development, design and operation recommendations contained in the US Fish and Wildlife Service's "Wind Turbine Guidelines Advisory Committee Recommendations," dated March 4, 2010, or subsequent updates and with applicable parts of the document "Proposed Wind Power Siting Guidelines – May 29, 2007" (which was developed by the Wind Energy Facility Siting Guidelines Working Group and forwarded to the NH Energy Policy Committee Wind Siting Subcommittee);
- f. demonstrate compliance with applicable parts of the *US Endangered Species Act of 1973*, the *New Hampshire Native Plant Protection Act of 1987* (RSA 217-A), *The New Hampshire Endangered Species Conservation Act of 1979* (RSA 212-A), *The New Hampshire Water Management and Protection Act of 1989* (RSA 482-A) and with applicable permits and Rules of The New Hampshire Department of Environmental Services (including, but not limited to, Env-Wt 302.04 and Env-Wt 803.06).

13. Erosion Control Plan. The plan shall comply with all state statutes and local ordinances to minimize the potential adverse impacts on wetlands streams

and the banks and vegetation along those streams and wetlands and to minimize erosion or sedimentation. The plan should include but is not limited to the following practices:

- a. Structures and access roads should use natural contours and avoid areas of steep slopes where high cuts and fills are required. If fills are required, the fill shall be compacted to at least 90% density, and finished grades shall not exceed a gradient of 2:1. Cut slope shall not exceed a gradient of 1.5:1.
- b. The smallest practical area of land should be exposed for the shortest practical time during development. The amount of vegetation removed during construction shall be the minimum necessary to operate equipment. Areas where vegetation is removed during construction shall be replanted prior to project startup.
- c. Measures shall be used to prevent erosion until vegetation is re-established on areas from which it is removed, such as seeding and sodding, stockpiling and reuse of topsoil, temporary use of straw or fabric cover, aggregate cover, diversions authorized by state permit, sediment basins and filters.
- d. No soils shall remain un-stabilized for more than two days during the period from October 1 through April 30. From May 1 through September 30, no soils shall remain un-stabilized for more than seven days.

- 14. Storm Water Runoff Control Plan. This plan should comply with the requirements of Appendix B, Section B:02 of the New Ipswich Subdivision Regulations.
- 15. Blasting Plan. A blasting plan consistent with applicable laws and regulations as specified in Article XIII-2 of the New Ipswich Zoning Ordinance.
- 16. Plan for Disposal of Liquid, Solid and Any Hazardous Wastes (e.g., crates, packaging material, damaged or worn parts, used oils and lubricants). The purpose is to insure that any solid and hazardous wastes are removed from the site promptly and disposed of in accordance with all applicable local, state and federal regulations.
- 17. Hazard Prevention and Emergency Response Plan. The plan shall consider the construction, operation and decommissioning of the LWES and at a minimum include the following:

- a. A statement of all potential scenarios relating to tower collapse, fire and accidental or emergency discharge of hazardous substances (e.g. petroleum products).
 - b. Certification by a New Hampshire licensed Professional Engineer that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire or stray voltage hazard.
 - c. Certification by a New Hampshire licensed Professional Engineer that the turbine has been designed to contain any hazardous fluids and a statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released or leaked from the turbine or any other equipment or on the site.
 - d. A list of hazardous materials that may be encountered and manufacturers' material safety data sheet(s).
 - e. A landscape plan designed to avoid spread of fire from any source on the turbine.
 - f. Plans to prevent or minimize human health or environmental damage, including spill prevention, control, and counter-measures.
 - g. Identification of necessary equipment and training for local fire protection and rescue personnel.
 - h. Emergency contact information.
18. Life Cycle and Decommissioning Plan. The applicant shall submit a life cycle and decommissioning plan, prepared by a competent person (e.g., professional engineer, contractor capable of decommissioning, or other person with suitable experience or expertise in decommissioning) outlining the anticipated means and cost of removing the LWES at the end of its useful life or upon becoming a discontinued use. The plan shall include the following.
- a. The anticipated life of the LWES.
 - b. The anticipated type and frequency of maintenance.
 - c. A cost estimate for decommissioning and site restoration at the end of the LWES useful life, expressed in current dollars.

- d. The method of ensuring that funds will be available for decommissioning and restoration, per Article XIII-1 F of the New Ipswich Zoning Ordinance.
 - e. The anticipated manner in which the project will be decommissioned and the site reclaimed/restored, including removal of all materials above and below ground and all re-grading and re-vegetation necessary to return the subject property to the condition existing prior to establishment of the wind energy facility. The restoration shall reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features and shall be completed within one year.
 - f. Erosion and storm water control during decommissioning.
19. Signed copies of leases, agreements, and recorded easements from all affected landowners and governing municipalities, including but not limited to, permitting easements for:
 - a. Right-of-ways for all overhead and underground control and distribution systems.
 - b. Required setbacks.
 - c. Impacts from Sound, Shadow Flicker, Tower Shadowing and Blade Glint.
 20. Complaint Resolution Process. A process to resolve complaints as specified in Article XIII-2 of the New Ipswich Zoning Ordinance.
 21. Abandonment Liability. Signed and notarized legal document stating the landowner will be held liable for removal of the wind turbine(s) should the owner or operators' LLC (or other corporate distinction) become liquidated or the posted bond not be sufficient to cover the costs associated with removal.
 22. Proof of Insurance as specified in Article XIII-2 of the New Ipswich Zoning Ordinance.
 23. Proof of Financial Assurance as specified in Article XIII-2 of the New Ipswich Zoning Ordinance.
 24. List of Experts and Evidence of Qualifications. The applicant shall supply the name, address and resume or other written summary of the education, experience, and other qualifications of each expert providing information concerning the wind energy system or anemometer tower project.

25. Electrical Interconnection Plan. A plan for electrical interconnection showing methods and standards for interconnection and copies of contracts or letters of intent with the electric utility and the electric transmission service provider.
26. Certification of Compliance. The applicant shall provide certification that the applicant has complied or will comply with all applicable Town, state and federal laws and regulations including but not limited to:
 - a. Copies of all such permits and approvals that have been obtained or applied for at time of the application.
 - b. Written documentation that the applicant has notified the Federal Aviation Administration and any other applicable state and federal regulatory agencies of the proposed.
27. Fees and Reimbursements. An application fee established by the Planning Board. The applicant also shall reimburse the actual, direct and necessary out-of-pocket fees and expenses incurred by the Town of New Ipswich in processing the application, including any further evaluation, deemed necessary by the Board, of studies submitted with the application.”

F. **ADDITIONAL REQUIREMENTS FOR TELECOMMUNICATIONS FACILITIES** (defined as any antenna, tower, or other structure intended for use in connection with the transmission or reception of radio or television signals or any other electromagnetic transmission/receptions, excepting amateur radio and receive-only antennas)

1. Photographic documentation of the balloon test(s) from all roads from which the site is visible.
2. Propagation maps showing proposed radio frequency (RF) coverage.
3. Detailed maps showing all of the carrier's current or planned externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive.
4. Site descriptions for each of the above locations showing the antenna height and diameter, and all externally visible structures.
5. A description of why less visibly intrusive alternatives for this facility was not proposed.

6. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency exposure guidelines.
7. The applicant shall submit written proof that it has conducted an evaluation of any requirements of the National Environmental Policy Act (NEPA) pertaining to the proposed facility, as may be required under applicable FCC rules, and the results of any such evaluation. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and/or NEPA, the applicant shall submit the EA or EIS to the Planning Board prior to the beginning of the federal 30-day comment period; the Town proceedings with respect to the proposed facility shall become part of the FCC application requirements.
8. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. The evidence may consist of:
 - a. substantial evidence that no existing towers or structures are located within the geographic area needed to meet the applicant's requirements;
 - b. substantial evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable;
 - c. substantial evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing towers, or that existing towers or structures would cause electromagnetic interference with the applicant's proposed antenna;
 - d. information on the number of sites for wireless telecommunication facilities each provider will require;
 - e. information on sites outside of the Town for the particular coverage area that are being considered; and
 - f. information on how the siting of a wireless telecommunication facility will affect the ability to allow a competitor's antennas on the same property.
9. It is mandatory that the applicant provide the Planning Board with studies of alternative sites in Town that have been considered for siting.
10. The applicant will provide the Planning Board with any copies of the federal license from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Telecommunications Act of 1996.

11. The applicant will submit an agreement to the Town to the effect that the Town will be held harmless and indemnified for any extraordinary fire or safety events.

V. Performance Bonds

Where any plat provides for construction of improvements, installations for facilities, including but not limited to streets, water, sewer or utility mains, pipes or connection, which shall be subject to provision of these regulations governing the manner in which they shall be laid out, installed or constructed, the Planning Board may make final approval of a plat otherwise found to be in conformance with these regulations contingent upon the applicant filing with the Selectmen security for the performance of such work, as follows:

The applicant shall provide a bond or other security in an amount and with surety and conditions satisfactory to the Planning Board and Selectmen and reviewed by Town Counsel, providing for and securing to the Town of New Ipswich the actual construction and installation of such improvements and utilities within a period specified by the Planning Board and expressed in the bond or other security; and further, the Town of New Ipswich shall have the power to enforce such bonds or other securities by all appropriate legal and equitable remedies.

VI. Inspection, Approval and Acceptance of Improvements, Installations or Facilities

Site Plan Review approvals are granted subject to a certification of compliance upon completion of construction and prior to any use of the approved project. The certificate of compliance shall be issued by the Selectmen or their designated agent after final inspection affirms the project, as completed, to be in conformity with all permits theretofore issued by the Town and other governmental agencies and all plans and information on which the permits were issued. All construction procedures under Site Plan Review regulations shall be observed, inspected, and certified to the Selectmen or their designated agent by a registered professional engineer paid for by the applicant. Minor necessary changes may be required by the Selectmen or their designated agent. An inspection shall be completed within seven (7) working days of the request. A performance bond or other acceptable security for the completion of minor unfinished work may be accepted by the Selectmen, in lieu of the total completion of the project at that time, and thereupon a certificate of compliance may be issued.

VII. Purposes, General Standards and Requirements

1. PURPOSE--The purpose of the Site Plan Review shall be to assure the orderly, safe, attractive and proper design, use and layout of sites within the scope of the granted authority consistent with the public health, safety, comfort, and welfare of the town of New Ipswich.

2. GENERAL STANDARDS AND REQUIREMENTS--The following general standards and requirements shall govern site plan review:
- A. The proposed use, building design and layout shall meet the provisions of the Zoning Ordinance and other regulations and ordinances of the Town and shall meet the intent of the Master Plan.
 - B. The proposed use, building design and layout shall adhere to the principles of good design and, as such, contribute to the economic, aesthetic, harmonious and orderly growth of the town.
 - C. The proposed use, building design and layout will be of such a location and in such a size and character that it will be in harmony with the appropriate and orderly development of the surrounding area.
 - D. The proposed use and design layout will be of such a nature that it will make vehicular or pedestrian traffic no more hazardous than is normal for the area involved. Factors for the Planning Board to consider in this determination are the turning movements in relation to the traffic flow, proximity to and relationship to intersections, adequacy of sight, distance, location and access to off street parking, street width, emergency vehicle access, and provisions for pedestrian traffic. To satisfy these requirements and to achieve maximum safety of traffic access and egress, the applicant may be required, as a condition of approval, to improve existing roadways and/or install public improvements and amenities at the expense of the applicant in order to adequately serve the proposed site.
 - E. The proposed use, building design and layout shall be so located and shall be of such a size, intensity and layout so that possible nuisances emanating there from are minimized.
 - F. The proposed location and height of buildings or structures, location, nature and height of walls and fences, parking, loading and landscaping shall be such that it will not interfere or discourage the appropriate development in the use of land adjacent to the proposed site or unreasonably affect its value since these factors should be a positive influence on surrounding properties. The Planning Board in its discretion may require appropriate screening in order to shield and protect adjacent property.
 - G. Signs shall be in accordance with the regulations of the Zoning Ordinance and in addition shall be designed and located so as not to present a hazard, glare or unattractive appearance to either adjacent property or motorists.

- H. The land indicated on the plan shall be of such character that it can be used for building purposes without danger to health.
- I. The proposed use shall provide for open spaces and green spaces of adequate proportions.
- J. The proposed use shall provide for adequate protection for the quality of groundwater.
- K. The Site Plan shall provide adequate safeguards against undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures or adjacent properties.
- L. The landscape shall be preserved in its natural state insofar as practical by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- M. Proposed development shall be related harmoniously to the terrain and to the use, scale, and proportions of existing and proposed buildings in the vicinity that have functional or visual relationship to the proposed buildings.
- N. The proposed buildings shall be related harmoniously to each other with adequate light, air, circulation, privacy, and separation between buildings.
- O. All open space shall be designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- P. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points, to the public street (especially in relation to the existing traffic controls), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practical, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.
- Q. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas, and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that

it will not obstruct the flow of the vehicular or pedestrian traffic, and will not create puddles in the paved areas.

- R. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings, and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- S. Screening consisting of a solid fence, wall or evergreen planting, in all cases not less than six (6) feet in height or as specified by the Planning Board shall be provided, erected and maintained to shield the business and light industrial uses of land from any adjoining residential property.
- T. In approving any application, the Planning Board, for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39, may specify the threshold level of work which constitutes "active and substantial development or building" and "substantial completion of the improvements as shown on the site plan".
 - 1. Active and Substantial Development, unless otherwise defined by the Planning Board at the time of approval, shall mean the following has occurred in accordance with the approved plans, as applicable:
 - a. Construction of and/or installation of basic infrastructure to support the development (including all of the following: foundation walls and footings of proposed buildings; roadways, access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures); and
 - b. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.); and
 - c. All erosion control measures are in place and maintained on the site; and
 - d. Items a, b, and c shall be reviewed and approved by the Planning Board or its agent.

Movement of earth, excavation, or logging of a site without completion of items a, b, c, and d above shall not be considered "active and substantial development."

Plans approved in phases shall be subject to this definition for the phase currently being developed. The Planning Board may, for good cause, extend the 12-month period.

2. Substantial completion for this project is defined as follows: the establishment of all on-site and off-site improvements specified in the site plan approval, except for those improvements which are specifically deferred by recorded vote of the Planning Board prior to the expiration of the five (5) year period specified in SA 674:39. To the extent that the Planning Board calls a bond or other security for such improvements and the funds are paid to the Town, substantial completion of the improvements described on the site plan shall be deemed to have occurred.

U. The proposed use shall comply with the commercial and industrial noise standards found in the New Ipswich Zoning Ordinance Article XIII, Section O. Instrumentation used to measure commercial and industrial noise shall meet Current ANSI or IEC Class 1 (Type 1) standards. Outdoor measurement methods shall comply with the applicable sections of ANSI S12.9, Part 3, Short-Term Measurements with an Observer Present.

V. The Planning Board may determine during the hearing process that the proposed development creates the need for off-site improvements, all or part of which are rationally related to or occasioned by the proposed development. In accordance with RSA 674:21 the Planning Board may impose the requirement that the applicant install or pay for all or part of such off-site improvements.-

1. The overall construction and site development components that could be considered for off-site improvements shall be limited to any necessary Street, drainage, sewer and water upgrades pertinent to that development.
2. When imposing such requirement, the Board shall consider the degree to which the proposed development is benefited by such off-site improvements. Such deliberations shall include whether other properties would also benefit from the upgrading of such off-site improvements. In such cases the Board shall determine the amount to be paid by applicant, taking into consideration the following:

- a. the standard to which the town presently maintains the road;
- b. the frontage of the proposed site plan;
- c. the potential traffic increase necessitated by the proposed site plan;
- d. the character and potential for development of the neighborhood;
- e. the number of residences presently fronting on and putting traffic on the road;
- f. any other factor that the Board deems appropriate to establish a rational connection to the needs created by the development to the amount to be paid by the applicant.

VIII. Revoked 12/15/2010.

IX. Building Permits

For any plat approved hereunder, a building permit must be obtained within twelve (12) months of said approval and failure to do so shall render approval null and void and no building permit shall be issued except, however, when a construction schedule has been previously approved by the Planning Board.

X. Separability

The invalidity of any provision of these regulations shall not affect the validity of any other provisions.

XI. Amendment

These regulations may be amended by the Board from time to time but only following public hearings on the proposed amendment(s).

XII. Enforcement

The Board of Selectmen is charged with the responsibility to enforce the provisions of these regulations.

XIII. Filing

Upon enactment, these regulations or any amendments thereto shall be signed by the Chairman or Secretary of the Board, endorsed by a majority of the Board and will be recorded with the Register of Deeds for Hillsborough County and filed with the New Ipswich Town Clerk and the New Ipswich Board of Selectmen.

XIV. Penalties

A violation of any provision contained in these regulations may be punishable by a civil fine of one hundred dollars (\$100) a day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the Town of New Ipswich that he is in violation of these regulations, whichever date is earlier. In addition, nothing herein shall prohibit the Town of New Ipswich from seeking injunctive or equitable remedies as provided by law.

Amended April 24, 1991

Amended September 6, 2000

Amended October 17, 2002

Amended July 16, 2009

Amended October 7, 2009

Amended January 6, 2010

Amended December 15, 2010

Amended November 14, 2011

Amended December 7, 2011

Amended January 15, 2014

Amended November 16, 2016

Amended December 18, 2019