

**Site Plan Review Regulations
Town of Sugar Hill, New Hampshire**

**Revised in Conformity
With RSA 674:44 REVISED 1986**

Revision Date: July 12, 1988

Revision Date:

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I. Authority

Pursuant to the authority vested in the Sugar Hill Planning Board by the voters of the Town of Sugar Hill on the 8th day of March 1977, in accordance with the provisions of Title LXIV “Planning and Zoning”, Chapter 675:6 – New Hampshire Revised Statutes annotated, Revised 1986, the Sugar Hill Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development of tracts for non-residential and multi-family residential uses, whether or not such development includes a subdivision or re-subdivision of the site. These regulations shall be entitled “Site Plan Review Regulations, Town of Sugar Hill, New Hampshire.”

II. Purpose

The purpose of the Site Plan Review Procedure is to protect the public health, safety and welfare; to promote balanced growth; to protect property values, the natural beauty, and the environment which provide the primary basis for the Town’s tourist economy; to encourage uses that are in harmony visually and aesthetically with rural living and the recreational economy based on our natural resources; to ensure sound site utilization; to avoid unnecessary and adverse impacts on neighboring property and uses; and to guide the character of development.

The Site Plan Review Procedure in no way relieves the developer, his/her agent, or individual from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations. All site plans shall conform to the Town of Sugar Hill Subdivision Regulations requirements.

III. Types of Development Requiring Site Plan Review

An applicant shall obtain Site Plan approval from the Board for the following types of development or tracts for non-residential uses or for multi-family dwelling units containing more than two dwelling units, whether or not such development includes a subdivision or re-subdivision of the site.

- (A) All new principal buildings and accessory buildings for multi-family and non-residential use. Site Plan review shall not be necessary for accessory buildings containing less than 500 square feet, if erected independently, and not in connection with principal buildings.
- (B) Additions of more than 500 square feet of floor area to such existing principal and accessory buildings.
- (C) Any change in the use of a site or an existing structure, which requires off-street parking.

IV. Review Procedure

A. General Procedure

Whenever any development of a site regulated by this regulation is proposed; before any construction, land clearing or building development is begun; and before any permit for the erection of any building or authorization for development on such site shall be granted, the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure.

B. Preliminary Consultation and Review

1. The applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultation shall be informal and directed towards:
 - a. Reviewing the basic concepts of the proposal;
 - b. Reviewing the proposal with regard to the zoning Ordinance and Subdivision Regulations; and
 - c. Guiding the applicant relative to necessary state and local requirements.
2. Preliminary consultation and review shall not bind the applicant or the board. Such discussion may occur without a public hearing and formal public notice as provided in Sections F and G below. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described in Section G.
3. Preliminary consultation and review shall be separate and apart from formal consideration under Sections C and D below and the time limits for acting under Section E shall not apply until a formal completed application is submitted.

C. Completed Application

1. A completed application sufficient to invoke jurisdiction on the Board must include sufficient information to allow the Board to proceed with consideration and to make an informed decision
2. The following shall be required for and constitute a completed application: An application for Site Plan Approval property filled and executed by the applicant and filed with the Board in accordance with Section D below together with the following:
 - a. The names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the day of filing.
 - b. A check payable to the Board to cover filing fees, mailing, advertising, recording, and other costs provided in Section H below.
 - c. Three paper print copies of the Site Plan layout in accordance with and accompanied by the information required in Article VI.

D. Filing and Submission of Completed Application

1. The completed application shall be filed with the Chairman of the Board at least twenty (20) days prior to a regularly scheduled public meeting of the Board.
2. The completed application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification of applicant, abutters, and the general public of the date on which this will occur, as provided in Section G.
3. The Board will not formally accept an incomplete application.
4. Applications may be disapproved by the Board without a public hearing on grounds of failure of the applicant to supply information required by these regulations, including:
 - a. Abutters' identification
 - b. Failure to pay costs of notices or other costs and fees required by these regulations
5. When the Board accepts a completed application, the Board shall provide a receipt to the applicant indicating the date of formal acceptance. The Board should also indicate in its minutes that it has accepted the application as a completed application.

E. Board Action on completed application

1. The Board shall consider the completed application within thirty (30) days of its submission. After review of the completed application, and after a duly noticed public hearing as provided in Section F below the Board may grant a conditional approval of the completed application. The Board shall act to approve or disapprove the completed application within ninety (90) days after acceptance of the completed application, subject to extension upon application by the Board to the Selectmen for such extension not to exceed an additional 90 days before acting to approve or disapprove an application. The applicant may instead waive the requirement for Planning Board action within 90 days and consent to such extension as may be mutually agreeable.
2. Final approval of the Site Plan shall be certified by written endorsement on the Site Plan and signed by the Chairman or Secretary of the Board. In case of disapproval of any plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

F. Public Hearing

Prior to approval of a Site Plan, a public hearing shall be held, and notice to applicant, abutters and the public shall be given in accordance with Section G. The public hearing shall be held within thirty (30) days after acceptance of the completed application. The Planning Board may hold a

hearing on Site Plan Review in conjunction with a subdivision hearing if both are required for a project. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that a hearing for a Special Exception is held for the project by the Board of Adjustment, provided that these Boards shall have adopted procedural rules for such joint hearings under RSA 676:2.

G. Notices

1. Notice of the submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public at the same time by publication in a newspaper of general circulation. The notice shall give the date, time, and place of the Board meeting at which the application or item (s) will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application and location of the proposed site development.
2. For any public hearing on the completed application, the same notices as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of any adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing, and any adjournment shall be so noted in the minutes of the meeting.

H. Fees

1. A filing fee of \$25.00 shall accompany a completed application.
2. The applicant, whether mailed, posted or published, shall pay all costs of notices. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.
3. The Board may require special investigative studies, environmental assessments, and a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The applicant prior to final action on the Site Plan shall pay the cost of such studies and investigations. Before imposing such additional fees upon an applicant, the Board shall determine what special investigative study/review of documents are required by a particular application, together with an estimate of the cost to be incurred. The Board, by motion, shall determine the necessity of the additional fees. The Board shall require the applicant to pay the amount of estimated fees to the Town in advance. If the estimate of the additional fees is less than the actual cost, then the Board shall cause to be sent to the applicant a description and the reasons for the additional cost, and the applicant shall then pay the

total actual cost. In the event that it is necessary for the Town to take legal action against an applicant to collect unpaid fees, then the Town shall be entitled to an award of reasonable attorney's fees incurred in the collection of the unpaid amount.

4. A Site Plan Review fee is not required when the Site Plan application is carried out in conjunction with a subdivision application.

V. Performance Guaranty

- A. Period for Construction and Completion of Improvements: the applicant shall construct and complete all design and construction requirements in accordance with Article VII and any other applicable section of these regulations as required in the Site Plan approval.
- B. Bonding and Security: In the event that the applicant has completed all required improvements but for work which cannot be completed because of the time of the year, for example, landscaping and paving, due to cold weather, then the applicant may post a bond equal to the cost of completing the work. The Board of Selectmen shall determine the amount of the bond. The applicant shall sign and deliver a bond in the form required by the Town. The security shall be in the form of a letter of credit or escrow account or similar security, but shall not be in the form of a mortgage on real estate or a security interest in equipment or inventory. A bond issued by a surety company registered to do business in the State of New Hampshire shall satisfy any requirement.

The bond and security shall be released when the selectmen are satisfied that the applicant has complied with all requirements set forth in the Board's approval of the Site Plan. If the applicant has not complied within the period of time specified in the bond, then the Town shall enforce its rights under the bond and the security. In the event that the Town is required to take any legal action to enforce the bond and security, the Town shall be entitled to an award of reasonable attorney's fees incurred in the enforcement.

VI. Submission Requirements

A. General

1. Site Plan with the following characteristics
 - a. Scale: Not less than 1" = 50'
 - b. Submit three (3) copies of blue or black line prints, sheet size 22" x 34"
 - c. Date, title, north point, scale

- d. A vicinity sketch showing the location of the site in relation to the surrounding public street system (suggested scale 1" = 500')
- e. The names and addresses of owners of record of the site and of the abutting properties as indicated in the Town tax records, not more than five days before the day of filing. If the owner is not submitting the application, then the owner shall sign written authorization for the filing.
- f. Name and address of developer and applicant.
- g. Name and address of the New Hampshire Registered Engineer and/or land surveyor who certified the plan.

B. Site Plan Requirements

- 1. An accurate plan of site showing existing natural features including water courses and water bodies, various types of vegetation, topographical features, any other features which should be considered in the site design process.
- 2. The type, extent, and location of existing and proposed landscaping and open space areas indicating what existing landscaping and open space areas will be retained.
- 3. Existing and proposed grades, including topographic contours at intervals not exceeding two feet with spot elevations where grade is less than 20%, five-foot contours otherwise. All contours shall be referenced to USGS maps. A professional engineer or land surveyor shall prepare existing topographic information.
- 4. Soil types and boundaries.
- 5. The location of all buildings located on the site and within 200 feet of site and the location of all intersecting roads or driveways within 200 feet.
- 6. The location of all building setbacks required by the Zoning Ordinance.
- 7. Location of flood hazard areas.
- 8. The lot area, street frontage, and the zoning requirements for minimum lot size and frontage.
- 9. Location of off-street parking and loading spaces with a layout of the parking indicated.
- 10. The location, width, curbing and types of access ways and egress ways.
- 11. The location of all existing and proposed deed restrictions, covenants, rights of way, easements, etc.
- 12. Surveyed property lines showing their deflection angles, distances, and radius, lengths of arc, and control angles, and monument locations.

13. If the development is a subdivision, the lines and names of all proposed streets, lands, ways or easements intended to be dedicated for public use.

Streets shall be arranged within the site to coordinate with other existing or planned streets so as to compose a convenient system; they shall be suitably located and of sufficient width to accommodate existing and prospective traffic, and to afford adequate access to buildings for firefighting equipment. All subdivision regulations shall apply.

14. Plan views of all buildings, wither existing or proposed, with their use, size, location, and floor elevations indicated.
15. A typical elevation view of all existing and proposed buildings located on the site and within 200 feet of the site indicating their height and signing.
16. The type and location of solid waste disposal facilities.
17. The location, size, and design of proposed signs and other advertising or instructional devices.
18. A separate drainage plan showing:
 - a. The existing and proposed methods of handling normal and storm water runoff.
 - b. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
 - c. Engineering calculations used to determine drainage requirements.
19. An erosion and sediment control plan showing:
 - a. Property lines, wetlands, stream courses, and all proposed improvements, including buildings, driveways, parking lots, etc.
 - b. Existing and proposed topography at two (2) foot intervals.
 - c. Locations of areas to be stripped of vegetation and other exposed or unprotected areas.
 - d. Re-vegetation plans and specifications for all unprotected or un-vegetated areas.
 - e. Location and design of all erosion and sediment control measures.
 - f. General information relating to the implementation and maintenance of the sediment control measures.
20. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet.

21. The size and location of existing and proposed public and private utility connections, including provisions for fire protection.
22. The location and type of all existing and proposed lighting provisions for fire protection.
23. Copies of all applicable state approvals and permits.

VII. General Standards

In the review of any Site Plan conducted under these regulations, the Planning Board shall ascertain that the owner or his authorized agent for the following has made adequate provisions:

- A. Improvements to existing streets, traffic access to the site from town streets, on-site vehicular and pedestrian circulation, parking, loading facilities, and emergency vehicle access shall all be designed to ensure the safety of vehicles and pedestrians.
 1. Parking space facilities shall conform to Section 1504 and 1506 of the Sugar Hill Zoning Ordinance.
 2. Off-street loading facilities shall be provided where necessitated by the proposed use. These facilities shall be located so that delivery vehicles are parked outside of the street right-of-way.
- B. **Landscaping and Screening.** In the event that the applicant has obtained a special exception from the Zoning Board of Adjustment, and the Board determined landscaping and screening under the Zoning Ordinance, then the application shall not be required to comply with the requirements set forth below.

1. **Objectives:** The objectives of these landscaping and screening requirements are to: preserve the visual appearance of the Town; protect and preserve the appearance, character, and value of surrounding neighborhoods; provide landscaped areas within parking lots which are designed to facilitate safe movement of pedestrian and vehicular traffic; break up large areas of impervious surfaces; provide shade and buffer and screen adjacent properties; and promote energy efficiency and conservation in landscaping and site design. In any case, where appropriate, if the standards contained in this section conflict with landscaping and screening standards contained in the Zoning Ordinance, it is intended that the more restrictive standards shall apply.

2. **Minimum Landscaped Area:** the minimum landscaped area shall be a strip at least 15 feet in width in the front, side and rear yards. Landscaping installed in these areas shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas and ground cover. One shade tree, two to two and one-half inches (2" – 2 ½ ") in diameter, measured at a point six inches (6") above finish grade level, shall be planted no closer than eight feet (8') to any lot line for each three hundred (300') square feet of required landscaped area. In addition, one deciduous

shrub or evergreen shall be planted for each 200 square feet of required landscaped area. Evergreens may not be counted as shade trees. The type of specimen shall be the choice of the applicant.

3. Landscaping Requirements for the Interior of Parking Areas.
 - a. A minimum of five percent (5%) of the interior parking and maneuvering area shall be landscaped for all parking lots containing ten (10) or more parking spaces.
 - b. One (1) shade tree shall be provided for each three-hundred (300) square feet of landscaped area required or one (1) per each landscaped area if less than one hundred fifty square feet.
 - c. Each landscaped area or island shall be a minimum of one hundred (100) square feet in size with a minimum dimension of five (5) feet.
 - d. The landscaped area or island shall be: (a) dispersed within the parking lot to provide maximum shading, (b) should divide parking into bays and, (c) should be located at strategic points to guide traffic flow and direction.

4. Screening Requirements:

- a. In addition to the landscaping requirements described above, screening may be necessary to eliminate or reduce visual impacts and to provide for compatibility between dissimilar abutting uses. The Planning Board shall require screening of the following:
 1. Service areas and facilities including garbage and waste disposal containers, recycling bins, and loading areas;
 2. Outside storage areas;
 3. Electrical and mechanical equipment such as transformers and compressors.
 4. Commercial or industrial uses abutting land uses in a residential district.
- b. Screening shall be accomplished by the use of site obscuring plant materials (generally evergreens), earth berms, walls, fences, and building parapets, proper siting of disruptive elements, or other design techniques.

5. Maintenance.

The property owner shall be responsible for maintaining all landscaping in good, healthy condition as to present a neat and orderly appearance. The property owner shall replace any unhealthy or dead plant materials in conformance with the landscape plan approved by the Planning Board as part of the Site Plan.

6. Erosion Control.

- a. Graded areas shall be revegetated to ensure erosion control by seeding, mulching and fertilizing. Disturbed areas shall be planted with suitable plant materials.
- b. Maximum grading shall not exceed a ratio of 2 horizontal to 1 vertical, without special erosion control measures. Netting shall be provided on sloped exceeding a slope to 2:1 while ground cover is being established.

7. Existing Plant Material Credit.

Where healthy plant material exists on the site prior to development and provision is made to preserve the plant material on a permanent basis, credit may be given for such preserved natural plant materials against these landscaping requirements when such plantings meet the intent and purpose of these requirements.

8. Prohibition on sight-Obscuring Plantings.

All plantings, fences, and/or walks necessitated by these landscaping and screening requirements shall conform to the street intersection sign-obstruction requirements provided in the Sugar Hill Zoning Ordinance. All plant materials must be pruned as necessary to continue in compliance.

9. Encroachment on Landscaped Areas.

The storage, display or parking of vehicles, boats, mobile homes, travel trailers, or construction equipment within landscaped areas shown as such on the approved landscape or Site Plan is expressly prohibited and a violation of the Notice of Action.

10. Protection of Landscaping and Curbing.

Landscaped areas provided within and adjacent to all parking and maneuvering areas shall be protected through the installation of curbing. Islands shall be protected with either concrete or granite curbing.

11. Adjustments to Landscaping and Screening Requirements.

The applicant may request approval from the Planning Board for adjustments to these Landscaping and Screening Requirements as part of the Site Plan Review application. The specific nature of the adjustment (s) requested and the reason (s) supporting the requested adjustment (s) should be clearly presented in a letter accompanying the Site Plan Review application. Adjustments/waivers shall not be considered in cases where adequate parking areas cannot be provided due to landscaping requirements. In such cases, the application shall be scaled down to reduce parking requirements. Any adjusted plan shall meet the intent of these landscaping requirements and may exceed the minimum standards.

- C. Exterior Lighting. On-site lighting along roadways walkways and parking areas shall be designed with consideration to luminaire mounting, height, spacing and distribution of light to assure adequate illumination for the safety of vehicles and pedestrian travel. Exterior lighting shall be installed and operated in such a way that adjacent residential uses, if any, are suitably protected. Such lighting shall not interfere with traffic on nearby public highways. The standards and guidelines contained in IES Lighting Handbook, Section 14, shall be utilized to determine the appropriateness of exterior lighting and conformity with these regulations. The Board may require additional street lighting to meet safety needs on adjacent Town highways and require the applicant to pay the utility for the cost of service.
- D. Whenever practical, all elements of the site development shall maximize the amount of normal and storm water runoff that is allowed to percolate into the soil. Storm drainage for the site shall be designed for a 25-year flood and provisions shall be made for retention and gradual release of storm water, if the existing drainage system is inadequate.
- E. On-site waste and sewage disposal systems shall be designed to avoid polluting water supply systems, wetlands, river frontage and flood plains. Provisions shall be made for full protection of the quality of ground water for contamination from any source.
- F. For sites having land identified as Special Flood Hazard Areas on the map entitled "flood Hazard Boundary Map for the Town of Sugar Hill" all site plan proposals shall meet the following requirements:
1. Site plan proposals, including their utilities and drainage, shall be located and designed to be consistent with the need to minimize flood damage.
 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located and constructed to minimize or eliminate flood damage.
 3. Adequate drainage shall be provided to reduce exposure to flood hazards.
 4.
 - a. New and replacement water systems (including on-site systems) shall be located, designed and constructed to minimize infiltration and avoid impairment.
 - c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
 - d. On-site waster disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 5. In riverside situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the NH Office of State Planning and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said

notification to those adjacent communities as determined by the Planning Board.

6. Site Plan proposals greater than 5 acres shall include 100-year flood elevation data.

- G. Construction requirements for roads, parking, streets, drainage, and bridges shall be in accordance with the “Standard Specifications for Road and Bridge Construction” as published by the State of New Hampshire Department of Public Works and Highways and the road standards of the Town of Sugar Hill. Where alternative construction specifications are given, the Planning Board shall determine which shall be applicable. Adequate provision shall be made for winter snow removal and storage.
- H. All required erosion and sediment control measures should be designed to effectively manage surface and subsurface drainage, and effectively minimize accelerated soil erosion and resulting sedimentation during and after site development.
- I. There shall be located on site a water storage facility capable of delivering required fire flows as determined by using the ISO formula for required fire flow. Such storage and delivery systems will meet the requirements of NFPA #24, Water Tanks for Private Fire Protection, and NFPA #24, Private Fire Service Mains and Their Appurtenances. The supply of water for firefighting purposes shall be located and maintained so as to be accessible year-round to Fire Department apparatus. Such supply shall be within a 1,000 foot hose lay of all structures.
The Board shall obtain from the Fire Department its comments on compliance with these standards.
- J. The applicant, without excessive grades, inadequate drainage, and other hazardous conditions, shall of such character that it can be used safely for the construction and installation of the improvements propose the site. Site clearings shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the need for pedestrian and vehicular safety and the need for light and air. Natural cover shall be retained to supplement

landscaping to the extent possible and reasonable. Landscaping shall be provided which is in keeping with the character of the area where the site is located, the purpose of the development, and the location of buildings and improvements.

VIII. Definitions

- A. A development means the construction or improvements on a tract or tracts of land for non-residential use, or for multi-family residential use. One family and two family dwellings are specifically excluded from the application of these regulations
- B. The definitions contained in the Zoning Ordinance and the Subdivision Regulations shall apply to the Site Plan Review Regulations where applicable.

IX. Waivers

A. Upon written request of the applicant, the Planning Board may, in its discretion, waive any of the requirements for a Site Plan Review, and shall so notify the applicant of that action. Before granting such a waiver, the Planning Board must find that the imposition of certain Site Plan requirements in a particular case would:

- 1. Be inconsistent with the spirit and intent of these regulations and
- 2. That applicant has demonstrated that compliance would cause practical difficulties including, but not limited to, excessive and unreasonable expense, and
- 3. That the waiver, if granted, would not be detrimental to the Town or to abutters.

The Planning Board shall not waive the requirement for public hearing.

The Site Plan Review regulations in no way relieve any owner or his agent or individual from compliance with the Zoning Ordinance, Subdivision Regulations, or any other ordinance.

XI. Amendments

Amendments to these Site Plan Review Regulations shall be made in the same manner in which amendments to Subdivision Regulations are made.

XII. Separability

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

XIII. Appeals

Any person aggrieved by an official action of the Board may appeal there from to the Superior Court as provided by RSA 677:15.

XIV. Fines and Penalties

These regulations shall be enforced as provided by law, including, but not limited to, RSA Chapter 676 and in the event of any violation, the Selectmen shall authorize legal action for injunctive relief and/or such fines and penalties as may be provided by law, including but not limited to any and all remedies and relief as may be available under RSA Chapter 676.

XV. Effective Date

Date of Publication in Newspaper: Courier July 20, 1988

Date of Posting of the Notice in at Least Two Public Places

1. Meeting House July 20, 1988
2. Sugar Hill Post Office July 20, 1988

These Site Plan Review Regulations shall be legal and in effect on the date a copy of these regulations, certified by a majority of the Planning board is filed with the Sugar Hill Town Clerk.

The undersigned, being a majority of the Sugar Hill Planning, do certify that this document contains a true copy of the Site Plan Regulations adopted on the First day of August 1988.