

Land Use Permitting Policy

Town of Harrisville

Introduction

Land-use or land-development permits, including building permits, in the Town of Harrisville are issued by and are the responsibility of the Town to oversee. Some permits (such as dredge and fill or shoreland protection) may be issued by the State, but are of vital interest to the Town.

The Harrisville Board of Selectmen have adopted this policy to help insure a mutually understood and clear permit process system. The policy is needed to:

1. Provide a high level of public service
2. Improve employee efficiency
3. Reduce errors caused by miscommunication or lack of current and accurate information
4. Fairly secure compliance with Town Ordinances and Town Regulations.
5. Provide consistency for all applicants and in regard to all ordinances.

Harrisville is also characterized by two special features which embody much of what is valued and sought out by those choosing to live here. Harrisville has historic assets – the Village Historical District - and water resources (lakes, ponds and wetlands) that are the subject of special language in the Town's Zoning Ordinances. Land use permits that may impact these assets and resources are of particular interest to the Historic District Commission and the Conservation Commission.

Permit Process

The process of obtaining a permit that is granted by the Town will involve at least one and perhaps more of the following Harrisville boards, departments or functions:

1. Planning Board
2. Board of Selectmen
3. Building Inspector
4. Health Inspector
5. Zoning Board
6. Historic District Commission
7. Conservation Commission
8. Fire Department
9. Police and Fire Departments (911 data)

It will be the policy of Harrisville to link or coordinate the record keeping of each of these responsible parties as closely as possible. The PID files (Parcel Identification files identified by map and lot number) of the Assessing Department, maintained by the Selectmen's Administrative Assistant or Secretary and the Town's Assessor, acts as the primary common repository of records pertaining to individual

properties. Except for some instances of building permits and septic system approvals, little if any other permit information is stored in these central files.

Other records and permits related to land-use in the Town which are issued under the authority of the State and maintained by State agencies (typically and usually the NH DES) include:

1. Well records
2. Septic System Construction and Operation Permits
3. Dredge and fill activities
4. DES Shoreland Development Permits

Town copies of such records should be indexed by the Town's PID system wherever possible.

DES Shoreland Development Permits

Permits for activities inside protected shorelands are issued under the authority of the State and maintained by the NH DES. Harrisville has requested that the DES consider Harrisville as a Prior-Notification Town so that the Town's approval would be required before the State could consider the same application under RSA 483-B.

The NH statute governing Fill and Dredge in Wetlands, RSA 482-A, allows the Conservation Commission to request time to investigate an application for a dredge and fill permit filed with the NH DES Wetlands Bureau. The Conservation Commission is the ONLY municipal body with the authority to "intervene" (request this delay).

Permits Issued by Harrisville

Each parcel of land may have numerous permits associated with its use issued over many years. These records may not be stored in the same location, but a system (such as the PID files) should be maintained that indexes each parcel to all relevant records. This system is independent from legal Town Records maintained by the Town Clerk. Land-use or land-development permitting in Harrisville includes:

1. Land Development
 - o Subdivisions and other actions that create or modify lots
2. Land Use
 - o Zoning Board Special Exceptions granted
 - o Zoning Board Variances granted
3. Construction
 - o Demolition Permits
 - o Building Permits
 - o Occupancy Permits
 - o Driveway Permits
4. Resource Extraction
 - o Permits to Cut Timber
 - o Earth Excavation Permits

Most building permits can be routinely administered the Town Building Inspector and Town Office staff. Building permits are subject to more follow-on review and inspections than other permits. On the other

hand, zoning and planning applications are generally more complicated and involve more steps for review, analysis and ultimate approval. Few actions can be considered “routine;” nearly all land development applications are ultimately decided by actions of the Planning Board, the Zoning Board of Adjustment, or Town Selectboard (acting as the Zoning Enforcement Officer).

Land Development and the Planning Board

The Planning Board and the Selectboard share responsibility for managing land development within the guidelines established by the Town’s Masterplan, adopted Zoning and Subdivision Ordinances. The Selectboard should coordinate the land-use/development related activities of the Planning Board, Zoning Board of Adjustment and Town appointed advisory boards such as the Conservation Commission. However, it is the Planning Board that reviews and approves specific land development plans through the subdivision process. Subdivisions can be described as either ‘Major’ or ‘Minor’, and include boundary line adjustments. The result of any subdivision activity approved by the Planning Board legally must be recorded on a plat (plan) recorded at the Cheshire County Registry of Deeds.

1. Major Subdivisions
2. Minor Subdivisions
3. Lot Line Adjustments
4. Voluntary Mergers

Applications to the Planning Board

An owner or his/her agent submits an application form to the Office of Selectmen, where it is received by the Selectmen’s Administrative Assistant. The application form and copies of any supporting documents and submitted plans are manually transferred to the Chair and/or Secretary of the Planning Board, who have the responsibility to continue communication with the applicant and if appropriate bring the matter to the Planning Board at a noticed public meeting.

Application fees are set and revised periodically by vote of the Planning Board and collected when an application is submitted. The Planning Board Chair or Secretary accepts a check for the fees from the applicant and is responsible for delivering it to the Selectmen’s Administrative Assistant for deposit and entry into the Town’s accounting system.

Copies of the application form and supporting documents are shared with the following parties:

1. Town Clerk receives one copy for the Public Folder prior to any Public Hearing.

Copies of any decisions are shared with the following parties (in addition to the applicant):

1. Town Clerk
2. Selectmen’s Secretary
3. Assessor
4. Tax Collector

Land Use and the Zoning Board

All existing and proposed property (lots and buildings) in the Town can be characterized as ‘conforming’ or ‘non-conforming’ under current Zoning Ordinances. Occasionally property owners seek to change or use property in a manner that requires an Appeal to the Zoning Board. Additionally, the Selectboard acts

as the Zoning Enforcement Officer, and may refer specific situations to the Zoning Board for resolution. The Zoning Board has the power to act on a property-specific application for a Special Exception, a Variance, or an Appeal from an Administrative Decision. Where zoning issues arise, projects may only go forward where:

1. Zoning Board Special Exceptions are granted

or

2. Zoning Board Variances are granted

Applications to the Zoning Board

An owner or his/her agent submits an application form to the Office of Selectmen, where it is received by the Selectmen's Administrative Assistant. The application form and copies of any supporting documents and submitted plans are provided to the ZBA Chair, who, along with the Secretary to the ZBA, has the responsibility to continue communication with the applicant and bring the matter to the ZBA at a noticed public meeting.

Application fees are set and revised periodically by vote of the ZBA and collected when the application is submitted. The ZBA Chair or Secretary accepts a check for the fees from the applicant and is responsible for delivering it to the Selectmen's Administrative Assistant for deposit and entry into the Town's accounting system.

Copies of the application form and supporting documents are shared with the following parties:

1. Town Clerk receives one copy for the Public Folder prior to any Public Hearing.
2. Selectmen's Secretary receives one copy for the Public Folder prior to any Public Hearing.

Copies of any decisions affecting property (Special Exceptions and Variances) are shared with the following parties (in addition to the applicant):

1. Selectmen's Secretary receives one copy for the PID files.

Construction within the Historic District

Harrisville's Historic District is an 'overlay' zoning district that places additional constraints on property owners wishing to alter the exterior appearance of properties. An owner or his/her agent submits an application form to the Office of Selectmen, where it is received by the Selectmen's Administrative Assistant. The application form and copies of any supporting documents and submitted plans are provided to the Chair of the Historic District Commission, who, along with the Secretary to the HDC, has the responsibility to continue communication with the applicant and bring the matter to the HDC at a noticed public meeting.

Application fees are set and revised periodically by vote of the HDC and collected when the application is submitted. The HDC Chair or Secretary accepts a check for the fees from the applicant and is responsible for delivering it to the Selectmen's Administrative Assistant for deposit and entry into the Town's accounting system.

Copies of the application form and supporting documents are shared with the following parties:

1. Town Clerk receives one copy for the Public Folder prior to any Public Hearing.
2. Selectmen's Secretary receives one copy for the Public Folder prior to any Public Hearing.

Copies of any decisions affecting the property are shared with the following parties (in addition to the applicant):

2. Selectmen's Secretary receives one copy for the PID files.

Construction and Codes Enforcement

A Code Enforcement Officer exists to answer questions about building requirements and building permit applications. A Code Enforcement Officer typically reviews applications for building permits, issues building permits, conducts inspections of permitted work, and issues Certificates of Occupancy/Completion. He or she also investigates concerns about possible violations of Town regulations. In Harrisville these Code Enforcement Officer functions are shared between the Selectboard, Selectboard Administrative staff, and our Building Inspector.

The Harrisville Building Inspector is not truly the Code Enforcement Officer, nor, for the purposes of Zoning, the Zoning Enforcement Officer. Currently these responsibilities are borne by the Selectboard. The Town's Building Inspector conducts plan reviews, issues permits and performs inspection for all building construction and remodeling activities. Additionally, the Building Inspector tracks occupancy changes (by issuing certificates of occupancy) and conducts electrical inspections for all building construction and remodeling activities.

1. Demolition Permits
2. Building Permits
3. Driveway Permits (Construction which affects the Town and State roads and highways requires the approval of the Town Road Agent.)
4. Occupancy Permits

Applications for Building Permits

An owner or builder submits a permit application form to the Office of Selectmen, where it is received by the Selectmen's Administrative Assistant. Clerical staff transcribes the written permit application into a Microsoft Word form (and later into an Excel spreadsheet) and give it a simple application number which includes the 4-digit year. A printed copy of the transcribed application form and copies of the building and any site plans are manually circulated to building inspector for further review and approval.

Permit and application fee schedules are set and revised periodically by vote of the Selectboard. Application fees are collected when an application is submitted; permit fees are collected when the permit is granted. The Selectmen's Secretary accepts a check for the fees from the applicant and is responsible for for deposit and entry into the Town's accounting system.

Building Permit Application forms include language that attempts to alert the applicant to conditions that would delay or deny the issuance of a building permit, based on Zoning Ordinances and the circumstances of the property in question. In practice, it is often up to Harrisville's Building Inspector to realize that the submitted application cannot proceed without prior action by another Town entity,

usually either the Zoning Board of Adjustment or the Historic District Commission, or without evidence that necessary State approvals (an approved Septic System Construction Permit and where applicable a Shoreland Development Permit) have been obtained.

If the Building Inspector's review of the submitted application results in no unresolved issues, he informs the Selectmen's Administrative Assistant, who prepares a printed Building Permit, number and dated, for signature by the Building Inspector.

Copies of any Building Permit issued are shared with the following parties (in addition to the applicant):

1. A copy is placed in the Owner's PID file
2. A copy is provided to the Assessor.

It is the responsibility of the Building Inspector to review the plans with respect to requirements of the NH State Building Code, which incorporate the State Fire Code as well as Electrical, Mechanical, Plumbing and Energy codes. This includes a review of building ADA accessibility standards for all buildings other than private one and two family dwellings. Additionally, the Building Inspector administers FEMA flood plain regulations and, for buildings having 5,000 sq. ft. or more, sprinkler requirements.

Natural Resource Extraction

Permits in this category include Permits to Cut Timber and Earth Excavation Permits. By statute, RSA 155-E requires the Planning Board to process and grant Earth Excavation outside some narrowly defined exceptions. Permits to cut timber and earth excavation not within the scope of RSA 155-E is handled by the Board of Selectmen.

RSA 155-E:3 requires that an applicant for a sand and gravel excavation permit send a copy of the application to the Conservation Commission. This provides an opportunity for a Commission to make comments and recommendations on proposed excavation and restoration plans.

Amendments:

This Policy may, from time to time, be amended by a majority vote of the Board of Selectmen, at a regularly scheduled Board meeting. It will, at a minimum, be reviewed annually.

Effective Date:

This Policy and any amendments made thereto shall take effect immediately following a majority vote of the Board of Selectmen and being recorded by the Town Clerk.

Adopted by Harrisville Board of Selectmen, April 11, 2013

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