



TOWN OF LYME, NEW HAMPSHIRE

SITE PLAN REVIEW  
REGULATIONS

Planning Board

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## **ARTICLE I. AUTHORITY**

1.1 The Lyme Planning Board hereby adopts Site Plan Regulations in accordance with the provisions of Chapter 674 New Hampshire Revised Statutes Annotated 1955, as amended, and pursuant to authorization from the Town of Lyme by Town Meeting action on March 14, 1989.

## **ARTICLE II. DEFINITIONS**

2.1 For the purposes of these Site Plan Review Regulations, the meaning of terms or words used herein shall conform to the definitions found in the Lyme Zoning Ordinance or Subdivision Regulations, with the provision that if there is a contradiction in meaning, the more stringent of the two shall apply. The word Board shall mean the Lyme Planning Board

Candela A basic unit of luminous intensity in the [International System of Units](#) (SI), formally defined as the luminous intensity of a source that emits monochromatic radiation of frequency  $540 \times 10^{12}$  hertz and that has a radiant intensity of 1/683 watt/steradian; adopted in 1979 as the international standard of luminous intensity.

Cutoff angle (of a luminaire)The angle formed by a line drawn from the direction of the direct light rays at the light source with respect to the vertical, beyond which no direct light is emitted.

Direct light Light emitted directly from the lamp, off of the reflector or reflector diffuser or through the refractor or diffuser lens, of a luminaire.

Fixture The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, ballast, reflector or mirror, and/or refractor or lens.

Floodlight and Spotlight Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

Footcandle A unit of illuminance amounting to one lumen per square foot. One footcandle is equal to the amount of light generated by one candle shining on a one-square-foot surface one foot away.

Fully Shielded a fully shielded luminaire is a luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below an angle of  $80^\circ$  below the horizontal plane through the luminaire's lowest light-emitting part as determined by photometric test or certified by the manufacturer. a fully shielded luminaire will perform as a full cut-off light.

Glare Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and, in extreme cases, causing momentary blindness.

Height of Luminaire The vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

Illuminance The quantity of light arriving at a surface divided by the area of the illuminated surface, measured in footcandles.

Kelvin A temperature scale. Each unit on this scale, called a Kelvin rather than a degree, is equal to a degree on the Celsius scale. The lowest number is 0 K, water freezes at 273.16 K and boils at 373.16K. Light bulb color temperature is a way to describe the light appearance provided by a light bulb. It is measured in degrees of Kelvin (K) on a scale from 1,000 to 10,000.

Less than 2000K: gives off a dim glow of light, similar to candlelight; best for low light areas where ambient illumination is appropriate.

2000K-3000K: gives off a soft white glow, often yellow in appearance; often used in living rooms, dining rooms, bedrooms and outdoor spaces.

3100K-4500K: gives off a bright amount of white light; best for kitchens, offices, work spaces and vanities where task lighting is needed.

4600K-6500K: gives off a bright amount of blue-white light, similar to that of daylight; best for display areas and work environments where very bright illumination is needed.

6500K and up: gives off a bright bluish hue of light, often found in commercial locations; best for bright task lighting.

Lamp The component of a luminaire that produces the actual light.

#### Landscaped Open Space.

That portion of the lot not covered by buildings, paving, walkways, driveways, parking lots, etc. Landscaping shall consist of any of the following or combination thereof: material such as grass, ground covers, shrubs, vines, annuals, perennials, hedges or trees; and non-living durable material commonly used in landscaping, such as rocks, pebbles, sand, walls, fences, but excluding paving and artificial plant materials.

#### Legal Interest Holders.

For purposes of legal notification of a hearing, legal interest holders include the following: the owner; applicant (if different from the owner); property owners within 200' of the subject property; holders of conservation, preservation, or agricultural preservation restrictions of the owner's property and properties within 200' of the subject property; and every professional whose seal appears on any plat submitted to the board. (See RSA 676:4.)

Light Trespass The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lumen A measure of light energy generated by a light source. One footcandle is one lumen per square foot. For the purposes of this regulation, the lumen output values must be the initial lumen output ratings of a lamp.

Luminaire A complete lighting system and includes a lamp or lamps and a fixture.

Outdoor Lighting The illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary Outdoor Lighting The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than seven days, with at least 180 days passing before being used again.

Uplighting Any light source that distributes illumination above a ninety-degree horizontal plane.

## **ARTICLE III. PURPOSE AND SCOPE**

### **3.1 Purpose**

These Site Plan Review Regulations authorize the Lyme Planning Board to review and approve or disapprove site plans for the development of commercial, non-residential, and multi-dwelling residential properties. The Regulations also prescribe the content and procedures for site plan preparation and submission to the Planning Board. The site plan review process is intended to assist in the protection and enhancement of the rural atmosphere, recreational facilities, existing natural environment, and the overall quality of life for residents and visitors to the Town of Lyme, while allowing for orderly growth and development. Specifically, it is intended to address items such as drainage, potential flooding, protection of groundwater, pollution control, fire protection, provision for open and green spaces, proper layout and construction of streets, traffic impacts, control of conditions dangerous to health and safety, minimization of the ecological impact, definition of requirements for Town services and facilities, and such other items as may apply to the specific application. The considerations apply equally to the protection and enhancement of the lakes, ponds, streams, wildlife, and the natural scenic beauty of the area.

### **3.2 Scope**

These Site Plan Review Regulations authorize the Lyme Planning Board to review and approve or disapprove site plans for the development or change or expansion of use of tracts for non-residential uses and for multi-dwelling units, whether or not such

development includes a subdivision or re-subdivision of the site. One-family and two-family dwellings are specifically excluded from the application of these Regulations. The purposes and scope of these Regulations are as follows:

- 3.2.1 to protect the health, safety, and welfare of citizens and the community through a review and analysis of the location on the site of buildings, roads and sidewalks, and of the interaction of the site with neighboring lots, public highways, and sidewalks;
- 3.2.2 to provide for the safe and attractive development or change or expansion of use of the site and to guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
  - 3.2.2.1 inadequate drainage or conditions conducive to increased flooding of the property or that of another;
  - 3.2.2.2 inadequate protection for the quality of groundwater;
  - 3.2.2.3 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 other properties;
  - 3.2.2.4 inadequate provision for fire safety, prevention, and control;
- 3.2.3 to require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with other features;
- 3.2.4 to provide for the harmonious and aesthetic development of the municipality and its environs;
- 3.2.5 to provide for open space and green spaces of adequate proportions;
- 3.2.6 to require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system; and
- 3.2.7 to require that the land indicated on plans submitted to the Planning Board shall be of such character that it can be used for purposes intended without danger to health or to the character of the land.

#### **ARTICLE IV. TYPES OF DEVELOPMENT REQUIRING SITE PLAN REVIEW**

- 4.1 A landowner shall obtain Site Plan approval from the Board for the following types of development:

- 4.1.1 all new principal buildings and accessory buildings for multi-dwelling and non-residential use;
  - 4.1.2 additions of more than 500 square feet of floor area to such existing multi-dwelling and non-residential principal and accessory buildings or 10%, whichever is less;
  - 4.1.3 a change in use or layout of multi-dwelling or non-residential property or building(s) which involves changes in traffic flow; parking; drainage; water, sewer, or other utilities; fuel storage; or toxic material storage; or
  - 4.1.4 cottage industry.
- 4.2 The Planning Board is responsible for interpreting whether or not a Site Plan Review is required for a particular development, change of use or change in site layout. The landowner should contact the Planning Board to be scheduled on the Planning Board's agenda whenever there is any question about whether Site Plan Review is required.

#### **ARTICLE V. COMPLIANCE WITH OTHER REGULATIONS**

- 5.1 The Site Plan Review procedure shall be used in conjunction with the Lyme Master Plan and shall in no way relieve an applicant from compliance with all Federal, State and Lyme Regulations. No Site Plan shall be approved unless such plan complies with all applicable local ordinances and regulations. Whenever the regulations governing site plan review differ from those prescribed by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or the higher standard shall govern, to the extent not contrary to state law.
- 5.2 National Flood Insurance Requirements (Applicable if in flood prone areas)
- 5.2.1 All necessary permits shall have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.
  - 5.2.2 All subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals base flood elevation data.
  - 5.2.3 Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
    - 5.2.3.1 all such proposals are consistent with the need to minimize flood damage;

- 5.2.3.2 all public utilities and facilities, such as sewer, gas, electrical and water systems are located, and constructed to minimize or eliminate flood damage; and
- 5.2.3.3 adequate drainage is provided so as to reduce exposure to flood hazards.
- 5.2.4 All new construction and substantial improvements shall:
  - 5.2.4.1 be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - 5.2.4.2 be constructed with materials resistant to flood damage;
  - 5.2.4.3 be constructed by methods and practices that minimize flood damage; and
  - 5.2.4.4 be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

## **ARTICLE VI. PROCEDURE FOR SITE PLAN REVIEW**

### **6.1 General:**

There are three possible phases in the site plan review process: Informal Review, Preliminary Review and Final Application.

#### **6.1.1 Informal Review (Optional):**

In order to save expense and unnecessary changes later on, a person is encouraged to request a consultation and/or request to be on the agenda of a regular meeting of the Board for a discussion of a proposed concept in general terms and for a review of applicable Site Plan Review Regulations and application forms. Detailed site specific maps or documents regarding the proposed change are not allowed during this meeting; they may only be presented during a publicly noticed hearing. There is no application fee, nor is this consultation and review binding in any way on either the applicant or the Board. Informal Review does not require abutter notification or a public hearing with the Planning Board.

#### **6.1.2 Preliminary Application Review (Optional or Required):**

If a person wishes a more detailed review of a project which goes beyond discussion of the proposed site plan in conceptual form, he/she shall apply to the

Board in writing on the appropriate Application Form and pay the required fees. The Board shall then give public notice of the preliminary site plan review hearing in accordance with these regulations, as listed below.

The preliminary review shall be conducted only at meetings of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. A copy of the appropriate minutes of the Board or such other communication as the Board may desire shall be a sufficient report. The applicant may feel that the Preliminary Review by the Board is not necessary and that he/she is willing to risk the expense of preparing a final Site Plan without review and comment by the Board. However, the Board may require a Preliminary Application Review for certain more complex cases.

### 6.1.3 Final Application Review (Required):

Any person desiring approval for site plan review must apply to the Board in writing on the designated Application Form (Appendix B) and pay the required fees.

The Board shall:

- 1) give public notice and notify the legal interest holders (see definition) of the public meeting at which the application will be considered for acceptance and the public hearing following acceptance;
- 2) give the applicant a receipt certifying acceptance of the application, but only if the application is complete and all costs of notice of the application have been paid.
- 3) give a formal response to the applicant with respect to the decision of the Board on the proposal.

A public hearing on the particular Final Review may be adjourned to continue on a specific date with no further notice of the reconvened meeting required.

## 6.2 Fees and Consultants:

6.2.1 Application Fees: The application will not be accepted for review until the filing fee, as set by the Selectboard is paid.

6.2.2 Application Review Consultation Fees: Additional fees may be imposed by the Board during the application review process to ascertain compliance with Town regulations, to cover fees and disbursement for consultants to the Board, including, but not limited to, engineers, surveyors, lawyers, and community planners.

This money shall be placed in an escrow account and disbursed by the Town to the consultants for the Board based on actual costs as detailed on invoices. If the escrow account is depleted, then the applicant shall reimburse the Town for any additional costs for consulting services prior to any final decision by the Board on the application. The applicant shall be reimbursed by the Town after a final decision by the Board if the money deposited in the escrow account exceeds the actual costs by the consultants for the Board.

- 6.2.3 Project Inspection Fees: Upon approval, the Planning Board may require inspection services to assure compliance with the approved plans and conditions, the cost of which shall be borne by the applicant. The Planning Board may require the inspection services to be provided by either Town employees or agents or by an outside firm(s) of the Planning Board's choice. If the Planning Board determines the need for outside inspection services and requires such as a condition of final plat approval, then prior to the start of construction, the applicant shall establish an escrow account for the inspection services. The applicant shall maintain a positive balance in the account at all times during construction to cover the expenses for inspection services or be subject to a "cease and desist" order by the Selectboard or such other enforcement measures as deemed appropriate. Any remaining balance in the account after approved completion of improvements shall be refunded to the applicant.

### 6.3 Formal Consideration and Time Limits:

In accordance with NH RSA 676:4, the Planning Board specifies in these Regulations what constitutes a completed application. The applicant shall file the application with the Planning & Zoning Administrator at least 15 days prior to the public meeting at which the application will be reviewed for completeness. The Board shall determine if the application is complete or not within 30 days of submittal. If the Board determines the application is incomplete, the Board shall notify the applicant within 144 hours of such vote of the determination including the information, procedure, or other requirement necessary for the application to be complete.

The Board shall act to approve, conditionally approve, or disapprove a complete application within 65 days. The Board may apply to the Selectboard for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove the application. The applicant may waive the requirement for Board action within the foregoing time periods and consent to such extension as may be mutually agreeable.

Upon failure of the Board to approve, conditionally approve or disapprove the application within 65 days, the Selectboard shall upon request of the applicant, immediately issue an order directing the Board to act on the application within 30 days. If the Planning Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the Selectboard shall certify on the applicant's application that the plat is approved pursuant to RSA 676: 4- I(c)(1), unless within those 40 days the

Selectboard have identified in writing some specific Subdivision Regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing RSA 676: 4- I(c)(1), shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

Failure of the Selectboard to issue an order to the Planning Board, or to certify approval of the plat upon the Planning Board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations and zoning or other ordinances. If the court determines that the failure of the Selectboard to act was not justified, the court may order the municipality to pay the applicant's reasonable costs, including attorney's fees, incurred in securing such order.

6.4 Public Hearings: Notice of Public Hearing:

No application which has been deemed complete may be denied or approved without a public hearing on the application. The Board shall notify the legal interest holders (see definition) by certified mail of the date upon which the completed application will be formally submitted to the Board. Such notice shall be mailed at least ten (10) days (not including the days of mailing and hearing) prior to such formal submission. At the same time the notice is mailed, such notice shall also be given to the general public by posting a copy of the notice in two public places in the Town. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the property which is the subject of the application. The Board may also give notice by regular mail to other landowners in the vicinity of the tract.

The Board may give notice of submission and notice of the public hearing in the same notice. Additional notice of an adjourned session of a public hearing is not required if the date, time, and place of the adjourned session is made known at the prior hearing. At the hearing, the applicant, any abutter or any person with a demonstrable interest in the matter may testify in person or in writing. The Board will receive written or oral input from any of the review entities outlined in Section 10.1 below. Other persons may testify as permitted by the Board at each hearing. Additional public hearings may be held at the discretion of the Board.

6.5 Notices of Decision:

If the application is approved, the Board shall issue a written decision which includes any and all conditions which have been required by the Board as a part of the approval decision. If the application is denied, the Board shall state the reasons for denial. Minutes of the Board meeting shall be a sufficient record of the Board's decision and shall be available to the public within 144 hours of the vote.

**ARTICLE VII. PROCEDURE WHEN SPECIAL EXCEPTION OR VARIANCE APPROVAL BY THE ZONING BOARD OF ADJUSTMENT IS REQUIRED**

7.1 When a Special Exception or Variance is required by the Zoning Ordinance, the applicant shall first obtain the Special Exception or Variance before applying for Site Plan approval. Additional conditions may be required by the Planning Board as part of the Site Plan approval.

**ARTICLE VIII. PROCEDURE WHEN CONDITIONAL USE APPROVAL IS REQUIRED**

8.1 When a Conditional Use Approval is required by the Zoning Ordinance, the Planning Board may hold the Site Plan Review at the same time as the hearing required for the Conditional Use Approval. The Planning Board will typically address the Conditional Use Approval first.

**ARTICLE IX. PROCEDURE WHEN SUBDIVISION APPROVAL IS REQUIRED**

9.1 When both Subdivision and Site Plan approvals are required on a proposed development, the Board may hold the Site Plan Review at the same time as the hearing required for the final plan by the Subdivision Regulations. The Planning Board will typically address the Subdivision first.

**ARTICLE X. APPLICATION REQUIREMENTS**

10.1 Department Review of Application: A copy of the Site Plan application shall be provided by the applicant for each of the entities outlined below at the same time the application is submitted. The Board may desire to have these entities review and provide written comment on the application prior to the Board making a decision on the application. The Planning Board will consider appropriate written waiver requests to the following requirements, especially for Cottage Industry applications.

- 10.1.1 Fire Department
- 10.1.2 Lyme Highway Department (as applicable)
- 10.1.3 Police Department
- 10.1.4 Lyme Selectboard
- 10.1.5 Conservation Commission (as applicable)
- 10.1.6 School District (as applicable)

10.2 Public Notice List: Provide a list of legal interest holders (see definition) with mailing addresses and corresponding tax map and lot numbers where applicable as shown in the Town records not more than five (5) days before the receipt of application. This is for public notification purposes. Only one copy need be provided with the application. The Town will send out the notices.

- 10.3 Summary of Proposal: A summary describing the proposed site development to include the proposed use(s) and associated building area for each use, the days and hours of operation, number of employees, the extent of normal customer/business traffic, including truck deliveries, the need for utility services by type and other descriptive information which will clarify the proposal to the Board. This shall include “lot size” and footprint and lot coverage allowance calculations based upon the Lyme Zoning Ordinance and the conservation district mapping required below. Ten copies of the summary shall be provided with the application provided as Appendix B.
- 10.4 Traffic & Parking Plan: Provide a traffic and parking plan including an estimate of the maximum hourly (or other appropriate period as determined by the Planning Board) traffic into and out of the premises, traffic flows on connecting roads, any special traffic problems, and how the applicant proposes to address them. Include parking plan for all users of the site such as employees, visitors, clients, and service and delivery vehicles. See Appendix A for on-site parking guidelines. Snow plowing, storage, and safe pedestrian circulation should also be addressed. Ten copies shall be provided with the application.
- 10.5 Site Plan General Map: Application to the Board for Final Site Plan approval shall be accompanied by 10 - 15 sets of the proposed Site Plan with a map drawn to the scale of 1"=20', or an alternative scale acceptable to the Board. The following information shall be included on the plan:
- 10.5.1 Reference to a perimeter boundary survey by a New Hampshire licensed land surveyor, including metes and bounds and the lot area. A new survey may be required if deemed necessary by the Planning Board.
  - 10.5.2 Tax map and lot numbers, names and street addresses of owners of record of properties within two hundred (200) feet of the subject property as shown in the Town records.
  - 10.5.3 A location map, shown as an inset on the Site Plan, which shall show the proposed development in relation to roads in the vicinity, bodies of water, or other landmarks of the town.
  - 10.5.4 North point, graphic scale, date of preparation and dates of any revisions.
  - 10.5.5 Zoning districts, including their lines of demarcation.
  - 10.5.6 The seal of any professional or firm preparing the Site Plan.
  - 10.5.7 Town of Lyme Conservation Districts as defined by the Lyme Zoning Ordinance including any existing streams or wetlands, marshes, lakes or ponds, whether natural or human-made, and extending at least 200 feet beyond the site plan boundary, when possible.

- 10.5.8 The location, area, and dimensions of all existing and proposed buildings, driveways, sidewalks, parking spaces, loading areas, storage areas (temporary or permanent) including for snow, open spaces, landscaping, buffer areas, large trees, open drainage sources, service areas and easements.
- 10.5.9 Existing and proposed utilities (underground utilities are encouraged whenever possible) showing location of and provisions for either private or municipal:
  - 10.5.9.1 fresh water supply, including necessary water supply for fire protection;
  - 10.5.9.2 sewage disposal system;
  - 10.5.9.3 electrical lines and equipment;
  - 10.5.9.4 exterior lighting and all signs, especially lighted signs, including height, beam direction(s), candle power or wattage, character, and composition;
  - 10.5.9.5 phone, cable, and communication lines;
  - 10.5.9.6 fuel storage, distribution lines and equipment; and
  - 10.5.9.7 air conditioning, including cooling towers.
- 10.5.10 Fire protection and response plan to be approved by the Planning Board and Fire Chief.
- 10.5.11 Rights-of-way and traveled surface of all fronting streets.
- 10.5.12 Landscaping plan, including buffering plans along adjacent properties and public highways. Such plan to include consideration of surrounding land uses.
- 10.6 Drainage & Erosion Control Plan: Application to the Board for Final Site Plan approval shall be accompanied by 10 sets of the proposed Drainage & Erosion Control Plan at the scale of 1"=20', or an alternative scale acceptable to the Board. The following information shall be included on the plan:
  - 10.6.1 Existing and proposed grades, drainage systems, structures, and topographic contours at intervals not exceeding 2 feet and extending 200 feet beyond the site plan boundary, when possible.
  - 10.6.2 the existing and proposed method of handling water runoff;
  - 10.6.3 the direction of flow of the runoff through the use of arrows;

- 10.6.4 the location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins, storm sewers, culverts and manholes; and
- 10.6.5 engineering calculations used to determine drainage requirements, including alteration of existing drainage patterns due to such factors as the amount of new impervious surfaces (such as paving and building area) being proposed based on a fifty (50) year storm frequency for box culverts and bridges, and a twenty-five (25) year storm frequency for all other drainage improvements.
- 10.7 Building Layout Plans: Application to the Board for Final Site Plan approval shall be accompanied by 10 sets of the proposed building layout plans drawn to the scale of 1"=20', or an alternative scale acceptable to the Board. The shape, size, dimensions, elevation, and location of existing and proposed structures on the property showing conceptual plans and elevations of all proposed structures on the site and a breakdown of the floor area and proposed use(s).
- 10.8 Federal, State, and Local Permits and Approvals: One copy each of all required federal, state, and local permits, and approvals (with or without special conditions and/or stipulations).
  - 10.8.1 Special Exception or Variance approval by the Zoning Board of Adjustment, if required.
  - 10.8.2 Any required federal and state permits. The Planning Board may provide a conditional approval subject to federal and state permit issuance where appropriate.
- 10.9 Additional Information: The Board may require such additional information as it deems necessary in order to evaluate the proposal in relation to the purposes and scope of these regulations.

**ARTICLE XI. STANDARDS AND REQUIREMENTS FOR PROPOSED DEVELOPMENTS**

- 11.1 The Planning Board shall approve the proposed Site Plan only upon determination that the following requirements have been met:

- 11.1.1 Site Characteristics:

The development shall conform, to the extent appropriate, to the natural topography of the site. Major cut and fill proposals shall not be considered to be appropriate. Site clearing 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 required 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.

11.1.2 Perimeter:

A landscaped buffer shall be provided to assure that the development of the project conforms at its boundaries with the character of the adjoining land and its uses. These buffer areas shall be of sufficient width to provide privacy and noise protection, but in no case shall the width of such buffer be less than the setbacks otherwise required in that zoning district.

11.1.3 Screening:

Storage areas, waste collection areas, satellite dishes, and service areas shall be fenced or screened from on-site and adjoining parking areas and from neighboring properties.

11.1.4 Parking, Loading and Safety:

- 11.1.4.1 There shall be adequate traffic access to and from public highways to ensure the safety of vehicles, pedestrians, and bicycles.
- 11.1.4.2 There shall be adequate access to each structure for fire, police, and medical emergency vehicles and personnel. Adequacy shall be established by approval in writing from the Town fire and police departments.
- 11.1.4.3 Traffic on affected roads and driveways shall not be significantly impeded or endangered by vehicles entering or leaving the site.
- 11.1.4.4 Provision shall be made for the safe accommodation of pedestrian traffic along fronting streets in the vicinity of the development.
- 11.1.4.5 There shall be adequacy of circulation and parking, including loading facilities, to ensure the safety of vehicles and pedestrians on the site.
- 11.1.4.6 Necessary traffic controls (signs, speed limits, lanes, lights, etc.) shall be established.

11.1.5 Water Drainage:

There shall be adequate provisions for handling surface and subsurface waters and storm drainage are adequate and will not adversely affect abutting properties or Town facilities. Drainage onto other properties shall not be increased. No

stream, brook, river, wetland, lake, pond, reservoir or aquifer shall be affected adversely.

11.1.6 Exterior Lighting and Signs:

11.1.6.1 The purpose of these regulations is to reduce the problems created by improperly designed and installed outdoor lighting. Specifically, these regulations are intended to eliminate problems of glare, light trespass and obtrusive light, protect the quality of Lyme's night sky and rural character, and conserve energy. The community goals of protecting the dark night sky and enabling darkness to settle into places are balanced with maintaining safety, security and productivity by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of multi-family and non-residential development located in the Town of Lyme.

(A) General exterior lighting requirements for site plan review

- (i) Lighting including emergency lighting is required to be fully shielded with a limit of intensity of light to 100 candela per 1000 lamp lumens at or above 80° and below 90°.
- (ii) Up-lighting by any method is prohibited; however, the Planning Board may allow limited use of upward lighting for iconic buildings.
- (iii) Non-cutoff-wall-pack-type fixtures are prohibited.
- (iv) Mercury vapor lamp fixtures and lamps for use as outdoor lighting are prohibited.
- (v) Laser source light is prohibited.
- (vi) The operation of searchlights is prohibited.
- (vii) Light-emitting diode (LED) lights must operate between 3,500 and 4,500 Kelvin.

(B) Control of glare; luminaire design factors

- (i) Any luminaire must not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire and must not exceed 0.1-foot lumen at the property line.
- (ii) Any luminaire with a lamp or lamps rated at a total of more than 1,100 lumens must be mounted at a height 15 feet or less.

(iii) Lighting must not exceed the minimum illuminance recommended for that purpose as defined in the most recent Illuminating Engineering Society's "Lighting Handbook/Reference & Application."

(C) Energy Conservation

In the interests of energy conservation, the Planning Board may require:

1. Specific lighting type, such as LED;
2. A device that regulates the period of operation; and/or
3. Installation of solar powered lights.

(D) Exceptions

Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property. Proposed streetlights or replacements for existing streetlights must be fully shielded.

11.1.6.2 All signs shall conform to the standards set forth in the Lyme Zoning Ordinance.

11.1.6.3 No flashing or animated signs having visible moving parts or intermittent lighting intended to create a visual effect of movement are permitted.

11.1.7 Dimensional Standards:

Dimensional standards shall conform to those contained in Table 5.1 of the Lyme Zoning Ordinance.

11.1.8 Recreational Areas:

A site plan for multi-dwelling structures shall make adequate provision for on-site recreational uses by the residents of the proposed development to minimize the likelihood that public safety will be endangered by the use of internal roads and parking areas for recreation.

11.1.9 Storage and Waste Areas:

Storage areas and waste collection areas shall be appropriately located and fenced or screened from on-site and adjoining parking areas and from neighboring properties.

11.1.10 Snow Removal and Storage:

Provision for adequate and safe snow storage and/or removal must be made. In general, an area equal to 20% of the parking, aisle, and driveway areas will be needed for on-site snow storage. It shall be the developer's responsibility to

eliminate snow hazards. Aspects to be considered will include: (a) accessibility, topography, and practicality; (b) width of snow storage area (ten feet minimum); (c) snow melt and runoff - not to adversely affect water quality, neighboring properties, landscaping, or traffic safety; (d) dangerous hazards resulting from snow storage.

11.1.11 Natural and Historical Resources:

Provision shall be made so that natural and historic or archaeological resources of national, state or local significance (e.g. stone walls) shall not be affected adversely.

11.1.12 Harmonious and Aesthetic Development:

The site shall be developed to provide for the harmonious and aesthetic development of the site and the neighboring properties.

**ARTICLE XII. OCCUPANCY AND BONDING**

12.1 Security for Construction of Improvements:

The Board shall specify in its approval of the Site Plan the amount of any security to be posted by the applicant for the development of the site in accordance with the Board's approval. Such security shall be in the form approved by the Board. The purpose of the security shall be to allow the Town to construct and install drainage, erosion control, landscaping, parking, traffic control and other non-building improvements as determined by the Board in the event of default by the applicant. The security shall be reduced at the discretion of the Board as improvements are made. The steps for issuing and releasing security shall be the same as required in the subdivision regulations, including, but not limited to, determining the amount, sufficiency, term and form of the security.

All necessary permits required by State law (e.g. fire safety) shall be obtained prior to occupancy.

**ARTICLE XIII. CONSTRUCTION**

13.1 Period for Construction:

The applicant shall commence construction of improvements within one (1) year from the date of approving the Site Plan and complete all construction and improvements within two (2) years from the date of commencing construction. The Board may extend the time for commencing or completing construction for a period not to exceed an additional six (6) months or such other time as deemed appropriate by the Planning Board. Failure to commence construction within one year of approving the Site Plan shall nullify the approval.

- 13.2 Changes and Alterations in an Approved Site Plan: No changes or alterations shall be made in an approved Site Plan without the consent of the Board. The Board may grant such consent for good cause upon request of the applicant and upon such notice and hearing as may be required.

#### **ARTICLE XIV. DEVELOPER'S RESPONSIBILITIES**

In addition to other requirements specified in these Site Plan Review Regulations, the applicant is responsible for the following:

14.1 Building Permit:

The developer shall obtain all other federal, state, and Town permits required prior to commencing construction.

14.2 Access Way Inspection:

Inspections by the Planning Administrator and/or the Town Road Agent, with or for the Board, are required when:

14.2.1 Right-of-way has been cleared and before base has been laid.

14.2.2 Culverts and other drainage improvements are installed.

14.2.3 Fine grading of the subgrade, side and back slopes.

14.2.4 Base course(s) of sand and/or gravel have been laid and compacted.

14.2.5 Finish course of crushed gravel and shoulders have been laid, compacted and fine graded.

14.2.6 Surfacing with bituminous courses is in progress.

14.2.7 Such other improvements as may be found necessary by the Road Agent or the Board or the Planning Administrator.

14.2.8 All inspection costs will be borne by the applicant.

14.3 Notice Before Inspection:

For required inspections during construction, the Contractor, Owner or Developer shall give at least 48 hours (2 working days) notice to the Board or Road Agent in order to coordinate schedules. The Board or Road Agent may make such additional inspections as they deem necessary.

14.4 Testing:

All testing requested by the Board or Road Agent will be done by a laboratory approved by the Board and shall be paid for by the subdivider.

14.5 Development As-Built Plans:

Following completion of all improvements, the developer shall submit As-Built Plan(s) to the Board. This plan shall be drawn to scale and shall indicate by angles and dimensions, all underground utilities and storage tanks, road profiles and centerline elevations and final grading plan showing swales and ditches. The plan shall show easements, dedicated roadways and road beds. This may be waived if there are no changes from the approved plan.

14.6 Guarantee Bond:

A certificate of performance may be issued by the Board as evidence of completion of improvements specified therein as of the date of the certificate. Acceptance of the roads and/or the utilities by the Town or other municipalities requires specific action by the respective bodies. Upon acceptance of the roads or utilities by the Town, surety bonds or other acceptable surety covering corrections of defects, omission or failure of installation to comply with those standards for construction of those roads or roads for a period of one (1) year will be required from the applicant in an amount to be determined by the Planning Board not to exceed 25% of the construction value of those improvements.

**ARTICLE XV. WAIVER OF REQUIREMENTS**

15.1 Upon request of the applicant, and for good cause, the Board may waive any of the requirements contained herein, except that no relaxation may be granted which is in conflict with the Lyme Zoning Ordinance or other applicable regulations. All such waivers shall be set forth in the decision of the Board as reflected in its minutes and shall be shown on the Site Plan as approved.

**ARTICLE XVI. SEPARABILITY**

16.1 If any provision in these Regulations shall be held to be invalid for any reason by any court, such holding shall not invalidate in any manner any other provisions contained herein.

**ARTICLE XVII. ENFORCEMENT, FINES AND PENALTIES, AND INJUNCTIVE RELIEF**

17.1 Enforcement: These regulations shall be enforced by the Selectboard as provided in RSA 676:17.

17.2 Fines and Penalties and Injunctive Relief: Enforcement of these regulations by the Selectboard shall follow the provisions of RSA 676:15 and 676:17.

**ARTICLE XVIII. CERTIFICATION**

Certified to be a true copy, attest:

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Adopted: July 10, 1997  
Amended: October 27, 2005  
Amended: April 11, 2019

**APPENDIX A**

**ON-SITE PARKING**

a. Density: The general guidelines regulating on-site, off-street parking are as follows:

<u>Land Use</u>	<u>Unit</u>	<u>Minimum Standard Parking Spaces</u>
Auditorium, Theater, Church	Seat	0.3
Hospital	Bed	1.2
Restaurant	Seat	0.3
Restaurant with Take-out	Seat	0.5
Industrial	Employee	0.6
Office	1000 sq.ft. gross floor space	4.0
Medical/Dental/Veterinary	1000 sq.ft. gross floor space	5.0 plus 1.0 per employee on the largest shift
Bank	1000 sq.ft. gross floor space	5.0
Retail	1000 sq.ft. gross floor space	5.0 plus 1.0 per employee on the largest shift
Shopping Center	1000 sq.ft. gross floor space	5.5
Hotel/Motel	Unit	1.0 plus 1.0 per employee on the largest shift
Bed & Breakfast	Room	1.0
	Owner's Unit	2.0
Elementary/Jr. High School	Classroom	1.0
College/University		By Board Review
Funeral Home	Seat	.25
Private Club	Member	.25
Multi-Dwelling	Dwelling Unit	
	Efficiency Unit	1.0
	1 & 2 Bedroom Unit	1.5
	3+ Bedroom Unit	2.0
Marinas & Docking Facilities	Slip, mooring and dry storage space	1.0

b. Multiple Use of the Same Site: The on-site parking requirement for each use of a multiple use site shall be added together to determine the total on-site parking requirement for that site.

c. Parking Space Size: Parking spaces on paved surfaces shall be at least 9 feet by 20 feet and on unpaved surfaces at least 10 feet by 20 feet. Cross aisles shall be at least 20 feet wide on paved surfaces; 24 feet on unpaved surfaces. On paved surfaces, parking spaces shall be lined.

d. Parking Lot Grade: The maximum grade of a parking lot shall be 2% for paved parking areas and 3% for unpaved parking areas.

e. Handicapped Parking: Provision shall be made for parking for handicapped persons as required by Federal and State law.

**APPENDIX B**

**APPLICATION FOR SITE PLAN REVIEW  
LYME, NH PLANNING BOARD**

This is an application for: \_\_\_\_\_ Application # \_\_\_\_\_  
\_\_\_\_\_ Preliminary Review \_\_\_\_\_ Final Application Review

Name of Site Plan \_\_\_\_\_

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Telephone Number (Daytime) \_\_\_\_\_

Name of Owner of Record \_\_\_\_\_  
(if other than applicant)

Address \_\_\_\_\_

Telephone Number (Daytime) \_\_\_\_\_

Location of Property \_\_\_\_\_

Located in Floodplain? \_\_\_\_\_ Yes \_\_\_\_\_ No      Regional Impact? \_\_\_\_\_ Yes \_\_\_\_\_ No

Cottage Industry? \_\_\_\_\_ Yes \_\_\_\_\_ No      Tax Map \_\_\_\_\_ Lot \_\_\_\_\_

Provide a list of legal interest holders (see definition) with addresses, as shown in the Town records, not more than five (5) days before the filing of the application has been provided to the Town.

The submission must contain but may not necessarily be limited to the following:

- 1) Plans indicating the location on the premises and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;
- 2) Description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices; and the description may include, but is not limited to, manufacturer's specifications and drawings (including sections where required)
- 3) Photometric data, such as that furnished by manufacturers or similar, showing the angle of cutoff or light emissions.
- 4) A visual impact photometric plan using iso-lumen lines to demonstrate both light coverage and light spillage resulting from the proposed lighting.

- 5) A plan showing lighting operations over a 24 hour and 7 day period showing seasonal differences, if any, and indicating the use of regulating devices, if proposed.
- 6) Additional submission. The above-required plans, descriptions and data must be sufficiently complete to determine whether compliance with the requirements of this regulation is met. If such plans, descriptions and data cannot enable this determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant must submit certified reports of field tests, provided that these tests must have been performed and certified by a recognized testing laboratory.

This site plan application and supporting documents have been completed in accordance with the Site Plan Review Regulations of the Town of Lyme.

\_\_\_\_\_  
Owner of Record signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant for Owner of Record signature (if applicable)

\_\_\_\_\_  
Date