



# **SITE PLAN REVIEW REGULATIONS**

***CITY OF LEBANON, NEW HAMPSHIRE***

**ADOPTED: MAY 13, 1991**  
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## **ARTICLE I – ENACTMENT AND GENERAL PROVISIONS**

### **Section 1.1 – Authority**

Under the general authority granted in the New Hampshire Revised Statutes Annotated Title LXIV, these Regulations are adopted by the Lebanon Planning Board, procedurally under RSA 675:6, after having adopted both a zoning ordinance and subdivision regulations as required under RSA 674:43, and as authorized by the City Council on July 16, 1986 and on March 21, 1990. Pursuant to RSA 674:43, the Planning Board will review and may approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as containing more than two dwelling units.

### **Section 1.2 – Short Title**

These Regulations shall be known and may be cited as the “Site Plan Review Regulations” for the City of Lebanon, New Hampshire.

### **Section 1.3 – Interpretation, Conflict, and Separability**

- A. In the interpretation and application of these Regulations, the provisions shall be held to be minimum requirements, except where they are expressly stated to be maximum requirements. More stringent provisions may be required if it is demonstrated that different standards are necessary to promote the public health, safety, and welfare.
- B. Where the conditions imposed by any provisions of these Regulations are either more restrictive or less restrictive than comparable conditions imposed by these Regulations or other ordinances, laws, or regulations, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. The provisions of these Regulations are separable. If a section, sentence, clause, or phrase of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the remaining portions of these Regulations.

### **Section 1.4 – General Purpose**

It is the purpose of these Regulations to protect the public health, safety, and general welfare while allowing for cost-saving efficiencies. The provisions shall be administered to ensure orderly growth and development and to supplement and facilitate the provisions in the City of Lebanon’s Master Plan, Zoning Ordinance, and capital budget. Site plan standards are to ensure that the design of new development will respect the site’s natural environment, give appropriate consideration to the scale and character of existing neighborhoods, and be an asset to the community.

### **Section 1.5 – Specific Purposes**

- A. Provide for the safe and attractive development or change or expansion of use of the site, and guard against such conditions as would promote danger or injury to health, safety, or prosperity by reason of, but not limited to:

1. Inadequate drainage or conditions conducive to flooding of the property, or that of another property;
  2. Inadequate protection for the quality of groundwater and other water resources;
  3. Undesirable and preventable elements of pollution, including but not limited to noise, smoke, soot, particulates, soil erosion, or any other discharge into the environment which might prove harmful to the environment, persons, structures, or adjacent properties;
  4. Inadequate provision for fire safety, prevention, and control.
- B. Provide for the harmonious and aesthetically pleasing development of the municipality and its environs by:
1. Protecting existing historic and environmental features as much as feasibly possible on the site reviewed, and minimizing the impact on adjacent areas that contain historic and environmental resources;
  2. Assuring compliance and consistency with zoning districts and overlay zones and the determinations of other commissions that have or will have jurisdiction over the site;
  3. Assuring that suitably located streets and sidewalks of sufficient width are provided to accommodate existing and prospective motor vehicle, bicycle, and pedestrian traffic, and to afford adequate light, air, and convenience of access to properties;
  4. Assuring that the site plan provides for open spaces and green spaces of adequate proportion;
  5. Assuring that the intensity of development of a site is harmonious with the community, the neighborhood surrounding the site, and the adjacent properties.
- C. Provide guidance and management for orderly municipal growth that allows for the appropriate provision of services to the citizens of the community, to include but not limited to:
1. Police protection, fire protection, and ambulance service;
  2. Water and sewerage facilities;
  3. Educational facilities.
- D. Provide for prosperity and protection of property investments for the citizens of Lebanon by:
1. Assuring that land is used in a manner that is harmonious with the surrounding areas such that it does not interfere with the prosperity of neighboring lands;

2. Assuring that the type and intensity of proposed use is appropriate for the area in which it is situated.

### **Section 1.6 – Compliance**

- A. No site plan shall be approved by the Planning Board unless such plan complies with all applicable local ordinances and regulations, and state and federal laws.
- B. No Building Permit shall be approved for a building or structure on a site that does not comply with these Regulations.
- C. The Building Inspector shall not issue a Certificate of Occupancy under the Lebanon Building Code for any building on a site plan that does not comply with the Notice of Action on the approved site plan. Any requirement of the Notice of Action to be performed in the future and that has been bonded under Section 8.2 of these Regulations will satisfy the condition for the issuance of the Certificate of Occupancy.

## **ARTICLE II – DEFINITIONS**

For the purpose of these Site Plan Regulations, in addition to the terms included in this Article, the meaning of terms used herein shall be as defined in the Lebanon Zoning Ordinance and the Lebanon Subdivision Regulations.

**Accessory Building (or Accessory Structure).** A building (or structure) subordinate and customarily incidental to the principal building or structure on the same lot. The term “accessory building”, when used in connection with agriculture shall include all buildings customarily used for farm purposes.

**Accessory Use.** A use subordinate and customarily incidental to the principal use of a lot.

**Best Management Practices (BMPs).** Structural, non-structural, and managerial techniques that are recognized to be the most effective and practical means to prevent and/or reduce increases in storm water volumes and flows, reduce point source and non-point source pollution, and promote storm water quality and protection of the environment. BMPs are selected on the basis of site-specific conditions that reflect natural background conditions and political, social, economic, and technical feasibility.

**Board.** The word “Board” shall mean the Lebanon Planning Board.

**Buffer.** landscaped or naturally vegetated area running generally parallel to the boundaries of a parcel or water feature, and intended to lessen the negative impact of a land use on neighboring parcels or nearby areas.

**Certified Soil Scientist.** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Certified Wetlands Scientist.** A person qualified in wetlands classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Curve Number (CN):** A numerical representation used to describe the stormwater runoff potential for a given drainage area based on land use, soil group, and soil moisture, derived as specified by the U.S. Department of Agriculture, Natural Resources Conservation Service (USDA/NRCS).

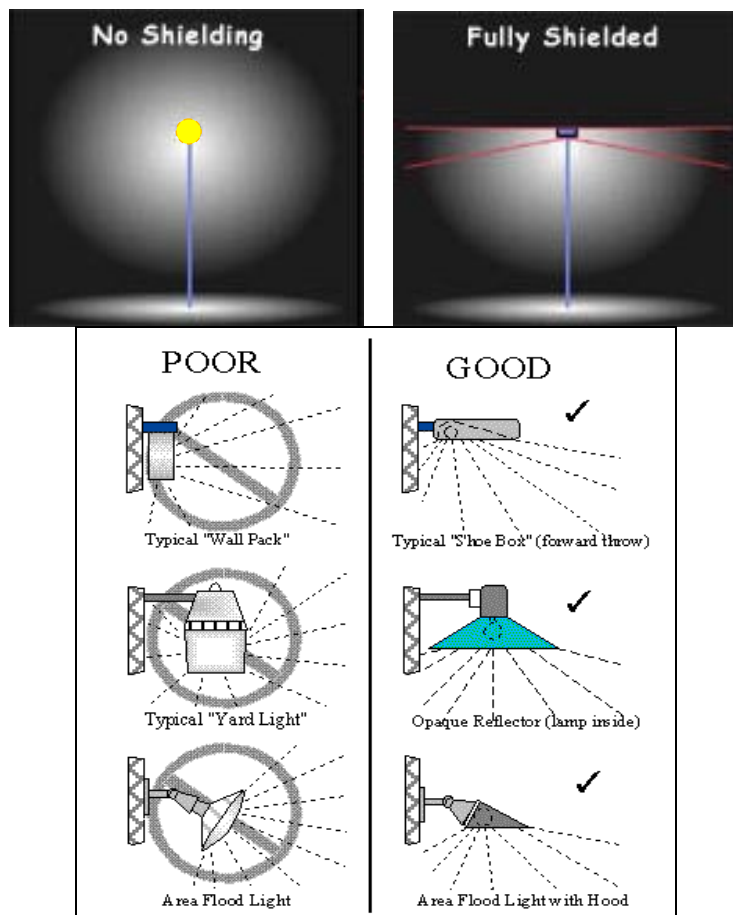
**Direct Light.** Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

**Disconnected Impervious Cover:** Impervious cover that does not contribute directly to stormwater runoff from a site, but directs stormwater runoff to on-site pervious cover to infiltrate into the soil or be filtered by overland flow so that the net rate and volume of stormwater runoff from the disconnected impervious cover is not greater than the rate and volume from undisturbed cover of equal area.

**Effective Impervious Cover (EIC):** The total impervious surface areas less the area of disconnected impervious cover (areas where runoff is captured and infiltrated or otherwise treated).

**Floodlight or 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.

**Fully-Shielded Fixture.** A fixture which emits zero light above the horizontal plane drawn through the lowest light-emitting part of a luminaire. Fixtures that comply with IESNA standards for full cut-off lighting are considered fully-shielded. (Such fixtures are often labeled as *Dark Sky Certified or Compliant.*) Examples of fully-shielded fixtures are depicted below:



**Glare.** Light emitted from a luminaire with a level of intensity great enough to cause annoyance, distraction, discomfort, or loss in visual performance or visibility.

**Gross Floor Area.** The total square footage of all floors of a building devoted to the principal use, or accessory to that use, as measured using exterior building dimensions.

**Ground Cover.** A tightly interlaced protective layer of low, dense-growing plants over the soil.

**Historic Structure.** An aged structure listed on the National Register of Historic Places, or located in the City's historic district, or designated by the City as a historic landmark.

**IESNA.** Illuminating Engineering Society of North America.

**Impervious Cover:** A structure or land surface with a low capacity for infiltration, including but not limited to pavement, roofs, roadways, and compacted soils, that has a Curve Number of 98 or greater.

**Infiltration:** The process by which water enters the soil profile (seeps into the soil).

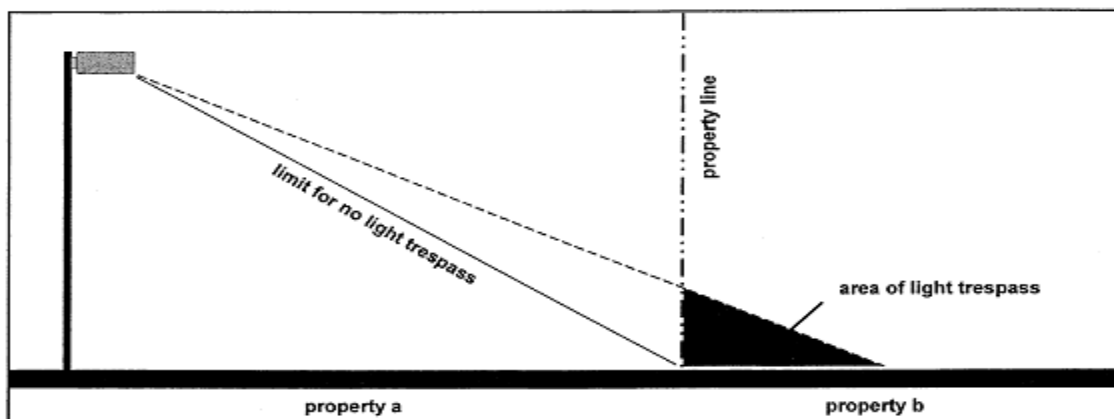
**Indirect Light.** Direct light that has been reflected or has scattered off of other surfaces.

**Invasive Species.** Those plants identified as invasive or restricted by the Invasive Species Committee of the New Hampshire Department of Agriculture, Markets & Food (DAMF).

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

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

**Light Trespass.** The distribution of light beyond the boundaries of the property on which the source luminaire is located.



(2009) Image from City of Boulder, CO Revised Code Definitions

**Low Impact Development (LID):** Site planning and design strategies intended to maintain or replicate predevelopment hydrology through the use of source control and relatively small-



scale measures integrated throughout the site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

**Material Change.** Any proposed alteration to a previously approved Site Plan and/or previously developed property, which necessitates or results in significant changes to access, parking, circulation, drainage, lighting, or required landscaping on the site. (See Section 3.1)

**Maximum Extent Practicable (MEP):** To show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented. Pervious Cover: A land surface with a high capacity for infiltration.

**Mounting Height.** The height of a light fixture measured as the vertical distance from the grade elevation directly below to the luminaire to the lowest direct light-emitting part of the light fixture (i.e., luminaire).

**Multifamily Dwelling Unit.** Any structure containing more than two dwelling units.

**Native Species.** Plant species indigenous to the northeastern United States, including those species identified as such by the University of New Hampshire Cooperative Extension.

**Opaque.** Excludes all visual contact between uses, such as between a commercial use and a residential use, and creates a strong impression of spatial separation.

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

**Planning Director.** The Director of Planning and Zoning for the City of Lebanon, or his or her designee.

**Planning Office.** The Planning Division within the Department of Community Development and Preservation for the City of Lebanon. The Planning Office is the Administrative Office for the Planning Board.

**Principal Building (or Principal Structure).** The building (or structure) which houses the principal use of a lot.

**Principal Use.** The primary purpose for which a lot or structure is used.

**Recharge:** The amount of water from precipitation that infiltrates into the ground and is not evaporated or transpired.

**Redevelopment:** Any construction, alteration, or improvement where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Building demolition and expansion is included as an activity defined as “redevelopment”, but building renovation is not. Similarly, removing of roadway materials down to the erodible soil surface is an activity defined as “redevelopment,” but simply resurfacing of a roadway

surface is not. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain, is not classified as redevelopment.

**Screen.** Landscaping or fencing, or both, designed to conceal from view all or part of a structure or site that, in the judgment of the Planning Board, is unattractive or otherwise warrants mitigation of the effect of its appearance.

**Semi-opaque.** Partially blocks visual contact between uses, such as between a commercial use and an office use, and creates a strong impression of spatial separation.

**Shrub.** A low, woody plant that does not exceed 10 feet in height at maturity.

**Site Plan.** A drawing(s) on paper, or other permanent material commonly used for architectural or engineering plans, showing and fully describing the proposed development of a tract or parcel of land.

**Stormwater:** Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other drainage facility.

**Stormwater Management Plan (SMP):** Plan describing the proposed methods and measures to prevent or minimize water quality and quantity impacts associated with a development or redevelopment project both during and after construction. It identifies selected LID source controls and treatment practices to address those potential impacts, the engineering design of the treatment practices, and maintenance requirements for proper performance of the selected practices.

**Total Impervious Cover:** The sum of Disconnected Impervious Cover plus Effective Impervious Cover.

**Total Suspended Solids (TSS):** The total amount of soils particulate matter which is suspended in the water column.

**Tree, Shade.** A deciduous or evergreen tree that can attain a height of more than 30 feet, and whose branches and foliage create a ceiling or upper limit for the other foliage on site.

**Tree, Understory.** A small tree, being single or multi-stemmed, that does not normally attain a height greater than 30 feet.

**Water Quality Volume (WQv):** The storage needed to capture and treat 90% of the average annual stormwater runoff volume. In New Hampshire, this equates to 1-inch of runoff from impervious surfaces. WQV should be calculated using the following equation:  $WQV = (P)(R_v)(A)$ , where:  $P = 1$  inch  $R_v =$  the unitless runoff coefficient,  $R_v = 0.05 + 0.9(I)$   $I =$  the percent impervious cover draining to the structure, in decimal form, and  $A =$  total site area draining to the structure.

**Water Quality Treatment:** the capture of sediment, nutrients, metals and hydrocarbons suspended in stormwater runoff from impervious surfaces before being conveyed to a storm sewer network or to another water quality treatment system. In most cases where no other local water body impairments exist, adequate treatment refers to documenting the treatment systems ability to remove 80% of the total suspended solids (TSS) on an annual basis. Where water quality impairments do exist adequate treatment refers to a system's

ability to meet maximum load allocations or not further impair the receiving water. U. Water Quality Volume (WQv): The storage volume needed to capture and treat the runoff from the 1-inch 24-hour rainstorm for a specific contributing area. WQv shall be calculated using the following equation:  $WQv = (P)(Rv)(A)$ , where:  $P = 1$  inch,  $Rv =$  the unitless runoff coefficient,  $Rv = 0.05 + 0.9(I)$ , where  $I =$  the percent impervious cover draining to the discharge point, in decimal form, and  $A =$  total site area draining to the discharge point.

### **ARTICLE III – ADMINISTRATION**

#### **Section 3.1 – Site Plan Review Jurisdiction**

Site plan review and approval shall not be required for one-family and two-family dwelling units or associated accessory uses, in accordance with RSA 674:43, I.

An Applicant shall obtain site plan approval from the Board for any of the following types of development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units, which are defined as any structures containing three (3) or more dwelling units,, whether or not such development includes a subdivision or re-subdivision of the site (RSA 674:43, I) Threshold criteria for determining when Site Plans are to be reviewed by the Planning Board are as follows:

- A. Construction of any new principal building(s), including reconstruction of existing principal building(s), for multi-family or non-residential use, regardless of size.
- B. Establishment of any new non-residential principal use(s), and/or material changes or expansions of existing non-residential principal use(s), subsequent to the effective date of these Site Plan Review amendments, in which no buildings are proposed, including uses such as gravel pits, cemeteries, golf courses, parking lots, communications towers, or other non-residential uses.
- C. Construction or installation of any combination of the following, where the total of new construction, subsequent to the effective date of these Site Plan Review amendments, is 1,000 gross square feet or more:
  1. Any new accessory building(s), and/or any series of additions to or expansions of existing principal or accessory building(s), or;
  2. Any new paved or improved surfaces, and/or any series of additions to or expansions of existing paved or improved surface(s), including, but not limited to, gravel or paved parking areas, driveways, walkways, or other improved surfaces, whether or not such surfaces are pervious or impervious.
- D. Conversion of any existing building(s), in whole or in part, whether or not the thresholds listed above in Paragraph C are exceeded, as follows:
  1. From a residential use containing one or two dwelling units to a multi-family use of three or more dwelling units;
  2. From a residential use to a non-residential or mixed use;

3. From an existing non-residential or mixed use to another non-residential or mixed use if the new use increases the intensity of on-site or off-site impacts;
  4. From a non-residential or mixed use to a multi-family use of three or more dwelling units.
- E. Any other material change to a previously approved Site Plan and/or previously developed property, which in the judgment of the Planning Director warrants review and approval by the Planning Board. Whenever the Planning Director determines that a proposed change warrants review and approval by the Planning Board, a written statement of the reasons for such recommendation shall be provided to the property owner and the Board.

### **Section 3.2 – Information Required and Jurisdictional Determination**

- A. Any person proposing a development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units which results in exterior site alterations, and which otherwise requires a Zoning Permit pursuant to Section 901 of the Zoning Ordinance, shall also be required to submit a site plan drawing and project description to the Planning Office prior to the issuance of such permit, regardless of whether or not Site Plan Review is required by the provisions of Section 3.1 of these Regulations.

The purpose of such submission shall be to allow for review by the City Staff: I) to ensure compliance with the City's Zoning Ordinance, applicable development regulations, and utility standards; ii) to verify whether Planning Board review is or is not required, and; iii) to provide a record of such change on the property. Copies of plans and information submitted to the Zoning Administrator pursuant to Section 901.2 of the Lebanon Zoning Ordinance shall normally be sufficient to comply with this paragraph; however, the Planning Office may request additional information, if necessary, for the above-described purposes.

- B. The initial determination of whether Site Plan Review and approval is or is not required by the provisions of Section 3.1 of these Regulations shall be made by the Planning Director based on the submission under Section 3.2.A above. However, the landowner, any Board member, or any person aggrieved may, within 30 days of such determination, make a written request for determination on this issue by majority vote of the Planning Board. The Board shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required.

## **ARTICLE IV – PROCEDURE**

### **Section 4.1 – Purpose**

The purpose of this article is to set forth the procedure for Planning Board review and action on applications for site plan approval. The procedure is intended to facilitate the orderly and expeditious processing of such applications.

### **Section 4.2 – Fees**

The Planning Board has established, and from time to time may amend, a schedule of fees, which is hereby attached to these Regulations and made a part hereof.

### **Section 4.3 – Conceptual Review**

- A. For any site development, the Applicant may request an informal discussion with the Board, to be conducted in general terms, of the basic concept of the proposed development. The Applicant may end the conceptual discussion at any time. Public notice of the conceptual discussion is not required, but such discussions shall only take place at a formal meeting of the Board. Such conceptual consultation shall not bind either the applicant or the Board in any manner, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.

While a Conceptual Review is optional, it is strongly recommended, particularly for larger developments, as it can help identify and resolve issues at an early stage and save the applicant the time and cost of changes at a later date.

- B. Not less than two weeks before the date of the scheduled conceptual review, the Applicant shall provide a project description, a written statement addressing how the concept conforms with the Master Plan, and a sketch plan of sufficient accuracy and quality, based on a United States Geological Survey map or similar map, showing the following:
1. Existing property lines of the parcel(s) under review;
  2. General topography, to include highlight of slopes in excess of 25%;
  3. Prominent natural features of the site, including but not limited to: tree lines, watercourses, flood plains, wetlands, and ledge outcrops;
  4. The approximate location and size of existing and proposed buildings, parking areas, roadways, and other improvements.
- C. The conceptual review shall be limited to a discussion of the concept in general terms, for the purpose of familiarizing the Board with the location and type of development, and familiarizing the Applicant with the issues and concerns of the Board. The Board shall consider whether the proposed development is an allowed use in the Zoning Ordinance and in accordance with the Master Plan. The Board shall determine whether the development is compatible with any plans for existing or future roads, utilities, and services. The Board shall focus on the characteristics of the site and its relationship to the surrounding area to determine how well the proposed development fits into the natural environment and the cultural landscape, including historical resources.

### **Section 4.4 – Procedure When Approvals from the Zoning Board of Adjustment Are Required**

When approvals from the Zoning Board of Adjustment (ZBA) are required by the Lebanon Zoning Ordinance, such ZBA approvals shall be obtained before the Site Plan application will be deemed complete by the Planning Board. Any conditions imposed by the Zoning

Board of Adjustment shall not be diminished by the requirements contained in these Regulations. The condition that imposes the greater restriction or higher standard shall be controlling.

Any Site Plan application submitted prior to submission for necessary ZBA approvals will not be accepted by the Planning Office.

#### **Section 4.5 – Procedure When Subdivision Approval Is Required**

When separate Subdivision and Site Plan Review approvals are required for a proposed development, the final subdivision or boundary line adjustment plat establishing the property boundaries shall be approved by the Planning Board before a subsequent Site Plan application shall be considered complete and a public hearing commenced.

Notwithstanding the above, for development projects involving a single application, such as a Planned Unit Development, the Board may, in its discretion, elect to hold both the Site Plan and final Subdivision reviews at the same time, provided that the Board has completed Design Review of the Preliminary Subdivision layout, if applicable, as set forth in the Subdivision Regulations. In such case the Board shall review and determine that the application is complete according to all applicable Regulations before commencing a public hearing. The provisions of both Regulations shall be satisfied.

#### **Section 4.6 – Determination of Potential for Regional Impact**

Upon receipt of an application for development, the Board shall review the application promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact, pursuant to RSA 36:54, et seq. Doubt concerning regional impact shall be resolved in a determination that the development has a potential for regional impact.

A development of regional impact means any proposal, which, in the determination of the Board, could reasonably be expected to affect on a neighboring municipality because of factors such as, but not limited to, the following:

- A. The relative number of dwelling units as compared to existing stock. Any proposal that involves 50 or more residential units shall be deemed to have the potential for regional impact;
- B. The relative size of the development. Any proposal that involves 50,000 square feet or more of new non-residential gross floor area shall be deemed to have the potential for regional impact;
- C. The proximity of the development to the borders of a neighboring community.
- D. High-intensity traffic impact on regional transportation networks;
- E. The anticipated emission of excessive light, noise, smoke, odors, or particulates;
- F. The proximity of the development to aquifers or surface water, which transcend municipal boundaries.



- G. The impact on shared facilities, such as schools and solid waste disposal facilities.

The Board may, in its discretion, determine that any project has the potential for regional impact, whether or not the project meets or exceeds the criteria listed above.

#### **Section 4.7 – Review for Complete Application**

All required application materials shall be submitted as a single inclusive package, including any appropriate waiver requests as permitted by the Regulations. Submission of a complete application package ensures that the review process by City Staff is as efficient and effective as possible.

- A. A complete application shall address or consist of the documents and information required by Article V, (Submission Requirements) and Section 6.6.C (Stormwater Management) of these Regulations.
- B. For submission requirements which the applicant wishes the Board to waive, the applicant shall provide waiver requests in accordance with Article VII of these Regulations in lieu of providing the information or documents.

The applicant shall submit a completed checklist form, provided by the City, indicating all information that has been submitted and any appropriate waivers that have been requested.

- C. An application for site plan review shall be filed with the Planning Office no later than 12 Noon of the second Monday of the month (or the following business day if the office is closed) for hearing on the second Monday of the following month, on forms designated by the Planning Office. The Applicant shall pay, in advance, all applicable fees, including the costs of notice to abutters. Failure to pay such fees shall render the application incomplete.

The purpose of the above filing deadline is to provide adequate time for City review under Paragraphs D and E below. Submission of any altered, additional, or substitute application materials required by Article V of these Regulations, subsequent to the filing deadline set forth in this paragraph, other than as directed by City Staff, shall cause the application to be deemed untimely filed, and such application shall not be heard until a subsequent month.

- D. Review by the Planning Office:

The Planning Office shall review the application for completeness pursuant to the requirements of these Regulations. If the Planning Office finds that the application is complete, or lacks only those items or documents for which waiver requests have been submitted, then the Planning Office shall make a preliminary determination of whether the waiver requests meet the standards of Section 7.2 of these Regulations, and if so, then the Planning Office shall recommend to the Board acceptance of the application for review.

If the Planning Office finds that the application is not complete or that one or more of the waiver requests do not meet the standards of Section 7.2, the Planning Office shall so advise the Applicant, who can elect to complete the

missing submission requirements. Missing submission requirements, including any necessary waiver requests, shall be delivered to the Planning Office by close of business on the fourth Monday of the month (or the following business day if the office is closed) for submission to the Board the following month. Submission of additional or revised materials by this date is necessary to ensure that the Planning Office has adequate time to review application materials and to prepare a staff report, as needed, for each application listed on the Board's agenda.

If the applicant elects not to complete the missing requirements or fails to deliver all missing submission requirements prior to the deadline as described above, the Planning Office shall recommend that the Board deem the application incomplete. Prior to acting on the recommendation, the Board shall give the applicant a reasonable opportunity to be heard on the limited issue of completeness.

E. Review by the Planning Board:

The Board shall, at its next regular meeting or within 30 days following receipt of an application, determine if the submitted application is complete and shall vote upon its acceptance. Only applications accepted by the Board as sufficiently complete to invoke jurisdiction will be reviewed at a public hearing.

When an application is submitted to the Board for acceptance as a completed application sufficient to invoke jurisdiction, public notice shall be sent in accordance with Section 4.8 of these Regulations. The notice may provide that, in the event that the application is accepted as complete, the public hearing on the application may commence at the same meeting. In the event that the Board deems the application incomplete, the public hearing for the application shall be cancelled.

F. Additional Fees:

The Board shall have the right to require that the Applicant pay necessary and reasonable fees, in addition to the fees described in Section 4.2 above, sufficient to cover the City's expenses for the costs of investigative studies, review of documents, extraordinary or unusual legal expenses, and other matters that may be required by particular applications.

Before imposing such additional fees upon an Applicant, the Board shall determine what special investigative studies, review of documents, extraordinary or unusual legal expenses, or other matters are required for the application. The Board, by motion, shall determine the necessity of the additional review and shall provide the applicant with an estimated cost for such additional review. The Board shall require the Applicant to pay the amount of estimated fees to the City in advance. Failure to pay the additional review fee shall result in disapproval of the application for lack of adequate information. If the estimate of the additional fees is less than the actual cost, then the Board shall send the Applicant a description and the reasons for the additional cost. The Applicant shall then pay the total actual costs. If the estimate of the additional fees is greater than the actual cost, the difference shall be refunded to the Applicant.



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

#### **Section 4.8 – Procedure for Site Plan Review**

A. A proposed site plan shall be reviewed according to the standards contained in Article VI, “Design and Construction Requirements” of these Regulations.

B. Public Hearing Required

As specified in Section 4.7 of these Regulations, if an application is deemed complete by the Board, the Board may begin the public hearing immediately, if public notice has been given, or shall schedule a public hearing.

The Board shall give notice as follows:

1. The notice shall include a general description of the proposed site plan that is the subject of the application; shall identify the Applicant and the location of the site plan; and shall state the day, time, and place of the public hearing/meeting.
2. Notice shall be sent by certified mail to the Owner; Applicant, if different from Owner; Abutters; Holders of conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property; the holders of easements, rights-of-way, and other restrictions; every engineer, architect, land surveyor, or soil or wetlands scientist whose seal appears on any plan submitted to the Board; and any other persons required by RSA 676:4, I(d). The names and mailing addresses shall be furnished by the Applicant.
3. Notice shall be mailed at least 10 days prior to the public hearing/meeting. For the purpose of these Regulations, in counting days, the day on which the Notice is given and the day of the public hearing/meeting shall be excluded.
4. Notice to the general public shall be given by one publication in a local newspaper of general circulation, at least 10 days prior to the public hearing/meeting.
5. The applicant shall erect a sign along each principal frontage of the lot or project site, as determined by the Planning Office, providing notice of the impending action. Such sign shall be of a design, size, and color approved by the Planning Office in order to maximize visibility of the sign and to call attention to its purpose. At a minimum, the sign shall include the applicant's name, the project type, the project location, and the time, date, and location of the public hearing on such actions, and instructions for contacting the Planning Office for further information on the action. Any sign required by this section shall be erected at least 10 days prior to the hearing on such matter, and shall be kept in good repair by the applicant (as determined by the Planning Office) until the date and time of the last hearing notified by the sign. The lack of proper signage shall not

be deemed to be insufficient notice of hearing unless the Board finds, based on a recommendation by the Planning Office, that the applicant has not made a good faith effort to keep the required sign(s) posted and in good repair, in which case the Board may, at its discretion, continue the hearing to a later meeting to permit time for additional notice by such reasonable means as the Board may specify.

As provided by law, any public hearing/meeting for which Notice was required and provided may be continued without additional Notice. The Board shall announce at the prior public hearing/meeting that such public hearing/meeting shall be continued to a fixed day, time, and place. For a continuance, the records of the Board must contain a statement that such announcement was made and include also the day, time, and place when the continued public hearing/meeting is to be held.

C. Action of the Board

The Board shall act to approve, approve with conditions, or disapprove the proposed site plan within 65 calendar days following the completeness finding by the Board, except that the Board may apply to the City Council for an additional 90 calendar days within which to act upon the application. A waiver of the time period may be agreed to by the Applicant. If the Board has not acted within the 65-day period, the Applicant may obtain from the City Council an order directing the Board to act within 30 calendar days.

If the Planning Board does not act on the application within that 30-day time period, then within 40 calendar days of the issuance of the order, the City Council shall certify on the Applicant's application that the plan is approved pursuant to RSA 676:4, I(c)(1), unless within those 40 calendar days the City Council has identified in writing some specific site plan regulation, or zoning, or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, 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.

D. Notice of Action

For the purposes of these Regulations, the date of the action by the Board is equivalent to the date of the Board's vote for approval, approval with conditions, or disapproval of the site plan.

The Board shall notify the Applicant, in writing, by means of a Notice of Action, sent by certified mail, of its action on the final site plan. The Notice of Action will be derived from the final approved minutes of the Board and shall be sent to the applicant within 10 days of the minutes receiving final acceptance. In case of disapproval, the Board shall clearly set forth in the Notice of Action the reasons for disapproval, with specific reference to standards contained in these Regulations.

The Notice of Action shall set forth the following:

1. A description of the approved site plan indicating title, date, project number, and preparer of the plan;
2. A description of all specific conditions required by the Board;
3. A description of any modifications or waivers granted by the Board pursuant to Article VII;
4. All requirements for off-site improvements and impact fees, as provided in Section 6.8;
5. All agreements, if any, between the Applicant and Board concerning matters not required by these Regulations, but to be performed by the Applicant;
6. In the case of conditional approvals, a designation of which conditions, if any, must be met prior to the approval becoming final (conditions precedent), and whether or not a public hearing shall be required under RSA 676:4, I(l) to determine if the condition(s) have been met.
7. A reminder of the time limits set forth in Section 4.10 of these Regulations, and where appropriate, any additional time parameters, such as deadlines within which particular conditions must be fulfilled, the threshold levels of work which shall constitute “active and substantial development” or “substantial completion” for purposes of RSA 674:39, or a phased development timetable pursuant to Section 4.9 of these Regulations.
8. Any other provisions deemed necessary by the Board.

The approved site plan and all representations contained thereon or in other documents, plans, reports, materials, or correspondences submitted by the Applicant shall be considered incorporated by reference into the Board’s Action.

#### **Section 4.9 – Phased Developments**

The review and approval procedure for phased developments shall be as follows:

- A. For purposes of these Regulations, “phased development” shall mean a project which the applicant intends to construct in phases over a total period of time which may be in excess of the time limits set forth in Sections 4.10, 8.3.B, or 8.3.C of these Regulations or those in RSA 674:39. Phased development may also include a project for which the Planning Board has imposed a phasing requirement pursuant to Sections 501.1(D) or 502.2(D) of the Zoning Ordinance, or otherwise, in order to mitigate the impact of a development on community facilities, services, or utilities.
- B. The development shall be reviewed and approved as a whole under these Regulations, and shall be treated as a whole for purposes of applying all development review standards, criteria, and submission requirements.

- C. The applicant shall submit with the application a proposed phasing schedule, which, if approved by the Board, shall be included as part of any approval. The phasing schedule shall include the following information, for each phase:
1. A specification of all improvements, on-site or off-site, to be installed as part of that phase;
  2. A deadline for the posting of any required security for that phase;
  3. A deadline for the completion of such improvements subsequent to the posting of such security, and;
  4. A date by which a Building Permit must be obtained to prevent the approval for that phase from being considered void pursuant to Section 4.10 of these Regulations.

The phasing schedule may also specify threshold levels of work and time lines which must be completed, in order for the project, as a whole, or particular phase(s) of the project, to be considered “vested” pursuant to RSA 674:39, or the New Hampshire common law of vested rights.

The approval for a particular phase shall not be considered “final” under RSA 676:4, I(i), nor shall any plan of that phase be recorded in the Grafton County Registry of Deeds, until the security for the improvements which are part of that phase has been properly posted with the City or until such required improvements have been completed, inspected, and approved by the City.

- D. In determining whether to grant an applicant’s request for phased development, or to approve a proposed phasing schedule, the Board shall consider the totality of the circumstances, including but not limited to the following factors:
1. The extent to which review of the development in its totality is logical and reasonable due to the degree to which the proposed phases are well-integrated, both as to their use and development scheme, and as to common infrastructure and other improvements, by contrast with a series of superficially-related projects, which could just as effectively be reviewed individually.
  2. The extent to which phasing will benefit the City by mitigating and making more predictable the impacts of the complete development upon community facilities, services, utilities and other City goals as set forth in the Master Plan.
  3. The degree to which the integration of the phases, as described above, would make private investment in such improvements unlikely without the predictability of a phased approval.
  4. The extent to which the proposed phasing schedule represents a realistic timeline for active and substantial development progressing at a steady pace, in light of the type and complexity of the project as a whole, rather than an attempt to maintain “vesting” during significant periods of non-development.

5. The total length of time proposed, and the degree of unpredictability or Board uncertainty involved, with respect to whether a later phase or phases will continue to meet current regulations at the time of construction, and in light of potential changed conditions which might occur in the meantime within the neighborhood or the City as a whole.
- E. Prior to obtaining a Building Permit for each later phase, the applicant shall submit to the Planning Director a copy of the Building Permit application. The Planning Director shall then determine whether the application is in accordance with the approved phasing schedule, and whether any required security for that phase has been provided to the City.

If the development is proceeding in accordance with the approved phasing schedule, the later phase(s) shall normally be presumed to be “vested” against changes in City land use ordinances and regulations, except as otherwise specified by the Board as part of its approval. However, the Planning Director may determine that, due to specific circumstances, including but not limited to non-compliance with applicable regulations or conditions of approval, a later phase or phases should not be considered “vested” under RSA 674:39 or the New Hampshire common law of vested rights. In such a case, the Planning Director may forward to the Planning Board a recommendation to initiate proceedings, using the procedures of RSA 676:4-a as applicable, to revoke approval of an unbuilt phase or phases.

- F. If the applicant anticipates being unable to meet any time deadline(s) set forth in the approved phasing schedule with respect to any phase, he or she may apply to the Planning Board for an extension of up to two years for the particular phase, pursuant to Section 4.10 of these Regulations. The request for an extension shall be submitted to the Planning Office prior to the expiration of the deadline(s) involved.

If the applicant fails to meet any such deadline, or extension thereof, then the approval of that phase and all subsequent phases shall be considered void, and such phase(s) shall no longer be presumed “vested.” However, the applicant may resubmit the application for such phase(s) to the Board for further review and re-approval in light of changes in ordinances, regulations, or other material circumstances which have occurred in the City of Lebanon since the original approval.

#### **Section 4.10 – Expiration of Site Plan Approval**

- A. Any approved site plan for which a Building Permit has not been obtained within two (2) years of the date of the original approval shall be considered void; however, the Board may, for good cause, specify in the original Notice of Action some alternative time limit for obtaining a Building Permit. The voiding of an approval under this paragraph shall terminate the vesting of the application against changes in regulations, as set forth in RSA 676:12,VI and RSA 674:39.
- B. Notwithstanding paragraph A above, the Board may grant an extension of up to two (2) additional years beyond the original expiration date. A request for such an extension must be submitted by the Applicant to the Planning Office prior to such

expiration date, and requests for extension of the site plan approval received after the expiration date will not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.

- C. In determining whether to grant such an extension, the Board shall consider the totality of the circumstances, including the extent and complexity of the conditions precedent, the extent of the progress made by the Applicant toward satisfying the conditions-precedent and/or starting construction, and whether the need for more time is attributable to unusual circumstances beyond the control of the Applicant, rather than to the Applicant's neglect or failure to proceed with reasonable promptness. The Board shall indicate in its minutes the reason(s) for its decision on an extension request under this Section. The Board shall grant no more than one extension for any site plan, unless it determines, based on legal advice, that such extension is required in order to prevent a violation of constitutional rights.
- D. For applications subject to both Site Plan and Subdivision review, expiration of Board approvals shall occur as set forth in the Subdivision Regulations.
- E. For approved phased developments, the deadlines for obtaining a Building Permit for each phase, as stated in the approved phasing schedule in accordance with Section 4.9.C(4) of these Regulations, shall be substituted for the time limitation set forth in Section 4.10(A). Any request for an extension of time for a particular phase, as described in Section 4.9.F of these Regulations, shall only apply to the particular phase, and such extension shall not automatically apply to any later phases of the development.

#### **Section 4.11 – Permission to Visit Property**

- A. For the City to effectively and efficiently review Site Plan applications, City Staff, members of the Planning Board, abutters, and others providing testimony must have the ability to enter the property that is the subject of an application.
- B. Submission of a Site Plan application shall be deemed as the granting of permission for City staff, Lebanon Planning Board members, and others attending the public hearings, to enter onto the property for purposes of review, during orderly visits, subject to reasonable notice. It shall be assumed that this permission is extended until the Board has acted to formally approve or disapprove an application. If for any reason an applicant wishes to place some limitation upon such access, the applicant shall so inform the Planning Office at the time of submission of the Site Plan application.
- C. The property owner retains all rights to withdraw permission to enter onto the property at any time. However such withdrawal of permission prior to the completion of the Site Plan Review process may result in the Board's disapproval of the application for lack of sufficient information.

### **ARTICLE V – SUBMISSION REQUIREMENTS**

#### **Section 5.1 – Drawings and Other Submittals**

Applications shall contain sufficient information to enable the City Staff and the Planning Board to evaluate the proposed development for compliance with the Zoning Ordinance,

the Planning Board's Regulations, and other applicable City Codes, and for the Planning Board to make an informed decision.

An application for Site Plan Review shall include the following information:

- A. A properly completed and signed application form.
- B. The appropriate fees as established by the Board's fee schedule.
- C. A written project description.
- D. A list of the name(s) and address(es) of all persons to be notified by certified mail in accordance with RSA 676:4, I(d), including the following:
  - 1. The Applicant(s);
  - 2. The Owner(s) of record of the site;
  - 3. The Owners of abutting properties;
  - 4. Every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board;
  - 5. All persons holding conservation, preservation, or agricultural preservation restrictions (as defined under RSA 477:45) on the subject property. (NOTE: When there are no such restrictions on the subject property, the applicant shall provide a definitive statement to that effect.);
  - 6. The holders of any easements, rights-of-way, or other restrictions on or over the subject property. (NOTE: When there are no such easements, rights-of-way, or other restrictions on the subject property, the applicant shall provide a definitive statement to that effect.).
- E. Paper copies of the proposed Site Plan drawing (the number to be determined by the Planning Office on an as-needed basis).

Plans shall be submitted on sheets no larger than 24" x 36". Plan sets with multiple sheets shall include sheets of uniform size and be bound on the left edge. When more than three (3) sheets are required, an additional cover sheet of the same size shall be attached including a table of contents. A scale of not smaller than one (1) inch equals 40 feet is suggested. All lettering shall be of a size and type that is legible.

In order to facilitate the use of the City's Geographic Information System (GIS) for planning purposes, all surveys and engineered plans submitted for Site Plan Review shall utilize the NH State Plane Coordinate system and shall reference the North American Vertical Datum of 1988 (NAVD 88), unless prior approval to use an alternate coordinate system and/or vertical datum is granted by the Planning Office.



Site Plan drawings shall include the following information (NOTE: The submission requirements described in paragraphs E.1 through E.4 below shall not be waivable under the procedures set forth in Article VII - "Waiver Procedure" of these Regulations):

1. A vicinity sketch showing the location of the site in relation to the surrounding public street system (suggested scale: one (1) inch equals 500 feet).
2. The names and mailing addresses of the Applicant; the Owner(s) of record of the site; the Owners of abutting properties; and the Holders of any easements, rights of way, or other restrictions, based on the current records of the City Assessor available at City Hall, not more than 5 days before the date of filing of the application.
3. The names and business addresses of the preparer(s) of the plan and every surveyor, engineer, architect, soil scientist, or wetlands scientist whose professional seal appears on any plan or document submitted to the Board.
4. The following information shall be provided on the first page (or cover page, if applicable) of the Site Plan:
  - a. The name of the City and County in which the development is proposed;
  - b. A north arrow;
  - c. The scale of the plan;
  - d. The date of the plan and of any revisions to the plan;  
(NOTE: The date on the plan at the time of the initial submission to the City for application review shall be included on all subsequent submissions to the City. Any subsequent change(s) to the plan shall include a revision date and description of the revision(s).)
  - e. The following basic site information in TABLE FORM:
    - (1) Zoning designation for the subject property;
    - (2) Tax Map and Lot number(s) for the subject property;
    - (3) Area of lot;
    - (4) Gross floor area of existing and proposed buildings/additions;
    - (5) Number of existing and proposed off-street parking spaces;
    - (6) Number of existing and proposed loading spaces;
    - (7) Height of existing and proposed buildings/additions;
    - (8) Number of stories and gross square footage of each;
    - (9) Proposed use;
    - (10) Required and proposed front, side, and rear yard setbacks;
    - (11) Maximum allowable lot coverage with existing and proposed calculations, and;
    - (12) Indication as to whether or not the parcel is subject to any City Overlay Districts pursuant to Article IV of the Zoning



Ordinance (for example, the Wetlands Conservation District or Flood Plain District) or to NHDES Comprehensive Shoreland Protection jurisdiction.

5. A current survey certified by a land surveyor licensed in New Hampshire, depicting the perimeter boundaries of the lot(s) of the proposed site, including compass bearings, distances, and lot areas, and depicting the location of any existing improvements on the property and the width and location of any rights-of-way and/or easements on the property.
6. Existing and proposed grades, including topographic contours, with spot elevations. Where the grade is less than 20%, the contours shall be at 2-foot intervals; otherwise they shall be at 5-foot intervals. All contours shall be referenced to USGS or FEMA Flood Insurance Rate Map (FIRM) datums, as appropriate. Existing topographic information shall be prepared by a professional engineer registered in New Hampshire or land surveyor licensed in New Hampshire.
7. The shape, size, height, and location of all existing structures, located on the site and within 200 feet of the site. Elevation views indicating shape, size, height, and location of all proposed structures, including expansions of or additions to existing buildings. Such elevation views shall provide sufficient detail to allow for review by the Board and City staff of the adequacy of proposed access and egress points, walkways, lighting, and other site-related improvements.
8. The location of existing natural features such as streams, marshes, lakes, ponds, wetlands, rock outcrops, or wooded areas, and existing man-made features such as roads and structures. The plan shall indicate those natural and man-made features that are to be removed, retained, or altered. Wetlands on the property shall be delineated by a NH Certified Wetlands Scientist, whose seal and signature shall appear on the plan. In addition, documentation in the form of the U.S. Army Corps of Engineers New England District Wetlands Delineation Data Sheets and/or other field notes and materials concerning the delineation shall be submitted to the Planning Office.
9. The Zoning District, Tax Map and Lot number, and use of abutting properties within 200 feet of the site boundary; the location of roads, streets, and driveways within 200 feet of the site boundary.
10. Proposed streets, driveways, parking spaces, and sidewalks, with indication of direction of travel, width, and the inside radii of all curves. Parking spaces shall be numbered. Loading spaces and facilities used in connection with any structures on the site shall be shown. The total square footage and percentage of the lot covered by impervious cover shall also be shown.
11. The size and location of all existing and proposed public and private utilities. Applications may not be submitted that rely on the use of utilities planned or under construction unless the proposed utilities are part of the application.

12. A plan for outdoor lighting showing the proposed location mounting height, fixture type, lamp type, and wattage of all exterior free-standing or building-mounted light fixtures, as well as analyses and illuminance-level diagrams, to include average and minimum foot-candle measurements, showing that the proposed installation conforms to the lighting level standards in these Regulations. Manufacturer's specification information shall be provided for each proposed light fixture and lamp. The plan shall also include drawings of all relevant building elevations, showing the location and height of all building-mounted fixtures, the portions of any walls or architectural features to be illuminated, the illumination levels of the walls or architectural features, and the aiming points for any remote light fixtures.
13. A plan for the location of free-standing or building-mounted signs, including the location, mounting, aiming, and shielding of any remote light fixtures for externally-lit signs. For internally-lit signs, relevant information concerning the method of illumination and the opacity of the sign background shall be provided, showing that the proposed installation conforms to the requirements of these Regulations.
14. The 100-year flood elevation, floodway, and flood plain limits, where relevant.
15. A landscaping plan showing proposed new plantings to be installed and existing natural vegetation to be retained. The combination of existing and new plantings must meet or exceed the required total as set forth in these Regulations. The plan shall show in detail the number, size (height and/or caliper), and species (botanical and common names), of all proposed shrubs and trees. Existing trees over 12 inches in diameter, measured 4.5 feet above the ground surface, and within 25 feet of the disturbed area, must be counted and shown on the plan, if included towards fulfilling the landscaping requirements. All calculations for square footage of perimeter landscaping shall be shown. All landscape plans shall show parking lot shading calculations by depicting new trees and shrubs at their 10-year crown size.
16. All existing and proposed surface and subsurface storm drainage facilities, including City storm drainage facilities located within 200 feet of the site. Plans for retention, detention, slow release, and treatment of storm water shall be provided, in accordance with the requirements of section 6.6.
17. See Section 6.6. (Stormwater Management) for additional submission requirements
18. Plans for snow removal and storage.
19. A plan for the development showing provisions for automobile, public transit, bicyclist, and pedestrian access and circulation. Such plan shall show means of access to the site and any proposed changes to existing public streets or sidewalks. Plans shall include any traffic control devices

necessary in conjunction with the site development, as well as the location of all existing transit routes and transit stops located or passing within 1/4 mile (1,320 feet) of the property.

20. Construction detail drawings including, but not limited to, pavements, walks, steps, curbing, drainage structures, water and/or sewer utilities, and other site systems or structures. Where applicable, roadway, drainage, water and sewer utility profile drawings shall be provided at a scale of 1"=40 feet (horizontal) and 1"=4 feet (vertical) and typical cross-section drawings shall be provided at a scale of 1"=5 feet (horizontal and vertical), unless prior approval to use an alternate scale is granted by the City Engineer. (NOTE: Ordinarily, only two (2) sets of such construction drawings shall be provided to the Planning Office with the application submission.)
  21. Where applicable, phasing lines and schedules for construction and completion of buildings, parking facilities, landscaping, and other required improvements.
  22. For multi-family structures, plans for on-site recreational facilities.
  23. Plans for fire protection, if the site is not connected to a City water main.
- F. A digital copy of the Site Plan drawings (.PDF format) shall be provided depicting the information required under Paragraph E above.
- G. The following supporting documents and information:
1. An estimated timetable, to include phasing schedules (where applicable), for construction and completion of buildings, parking facilities, landscaping, and other required improvements.
  2. Any development estimated to generate a net increase of 100 peak hour trips or 1,000 average daily trips (based upon the most current edition of the Institute of Transportation Engineers' Trip Generation Manual) shall prepare and submit a Traffic Impact Study in accordance with standard traffic analysis conventions as set forth by the NH Department of Transportation. The Board may, in its discretion, require the submission of a Traffic Impact Study for developments estimated to generate less than 100 peak hour trips or 1,000 average daily trips if the Board has reason to believe such development could adversely affect levels of service or have other adverse impacts.
  3. Written requests for waivers from all applicable provisions of these Regulations shall be provided pursuant to Article VII - "Waiver Procedure."

## **Section 5.2 – Additional Information**

The Board may require such additional information as may be reasonably necessary for the purpose of these Regulations including, but not limited to, the information noted below:

- A. Where deemed appropriate, the Planning Board may require the applicant to obtain and provide a letter stating agreement by the public utilities and cable television companies to serve the site. This letter shall include the size and location of existing off-site public utilities with which connections are planned or located within 100 feet of the site.
- B. Depending on the complexity of the proposed project, the Board may require the submission of a digital copy of the site plans in a CAD .dwg file or similar format for City Staff to more effectively and efficiently review the proposed development.
- C. Such investigative studies or reviews as deemed necessary by the Board in accordance with Section 4.7(F) of these Regulations.

In the event that additional information is so required, and if the Board's request is not made to the Applicant prior to the public hearing, the Board may continue the public hearing to a specified date, time, and place. Additional information provided by the applicant, whether or not such information was required by the Board, shall be submitted to the Planning Office at least two (2) weeks prior to the date to which the Board continued the public hearing in order to provide City staff with sufficient time to review and comment on the information. Submitting information to the Board less than two (2) weeks prior to the date to which the Board continued the public hearing may result in a delay in the review of such information by City staff and the Planning Board.

## **ARTICLE VI – DESIGN AND CONSTRUCTION REQUIREMENTS**

The Planning Board shall approve the proposed site plan only upon determination that the following requirements have been met:

### **Section 6.1 – General Requirements**

The site shall be of such character that it can be used safely for the construction and installation of the improvements, proposed by the Applicant, without excessive grades, inadequate drainage, and other hazardous conditions. 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 natural light and air. Natural cover shall be retained to the extent possible and reasonable. The overall intensity of site development shall be harmonious with the municipality, the neighborhood, and adjacent properties.

### **Section 6.2 – Landscaping Standards**

#### A. Purpose

Landscaping shall be required around the perimeter of the parcel, in the parking area, and around the buildings to meet the following objectives:

1. To enhance the overall visual attractiveness of the building, the site, and the City;
2. To protect and preserve the appearance, character, and value of surrounding neighborhoods by improving the compatibility between

different land uses in the City and by buffering neighboring properties and areas from any adverse effects of site development;

3. To mitigate the appearance and aesthetic impact of accessory uses (such as loading areas, dumpsters, utility equipment and areas, storage areas, and parking areas) with appropriate screening and landscaping as warranted;
4. To facilitate safe movement of pedestrian and vehicular traffic onto, around, and over a site, and to protect pedestrian movement in areas with vehicular traffic;
5. To mitigate increased temperatures caused by large expanses of unshaded asphalt;
6. To reduce erosion and protect wetlands, surface waters, and aquifer recharge areas;
7. To promote energy efficiency and conservation through landscaping and site design; and,
8. To soften glare, filter noise and air pollution, create privacy, and provide an attractive boundary between properties.
9. To reduce storm water peak flow rates and maintain existing water quality

**B. Perimeter Landscaping**

1. On all parcels subject to these Regulations, a minimum landscaped area along the front, side, and rear property lines shall be provided, except within the Central Business District where proposed development of the site does not allow. This area shall be a minimum of 15 feet in width for the length of each property line, and shall total at least 20% of the entire lot area. Landscaping around buildings or in parking lots that does not fall within the perimeter zone shall not be counted toward this requirement.
2. The perimeter landscaped area shall be planted with intermittent vegetation from the ground level to at least 30 feet in height at maturity, and shall be planted at a minimum with one (1) shade tree plus a mix of shrubs and understory trees totaling at least 5 plants for each 600 square feet, unless the Planning Board determines that a semi-opaque or an opaque buffer is required.
3. Within the landscaped areas, the Applicant shall propose a mix of shade trees, understory trees, shrubs, well-kept grassed areas, and ground cover that is appropriate for the site, its environment, and its surroundings. All new plant material shall be nursery-grown stock. During site plan review, the Planning Board may require a different mix and/or different treatments, including additional trees, if it determines that such changes further the objectives of these Regulations.

4. At the time of planting, all deciduous trees shall be a minimum 2.5 to 3 inches in caliper, measured 6 inches above the finish grade level; all evergreen trees shall be a minimum of 6 to 7 feet in height. Where appropriate, the Planning Board may require larger trees at the time of planting. Said trees shall be planted no closer than 8 feet to any property line. New trees may include evergreens not to exceed 25% of the total, unless determined by the Planning Board to be necessary for screening.
5. Shrubs shall be planted as a mix, ranging from 50% to 70% flowering, with the remainder being evergreen. At the time of planting, all shrubs, whether deciduous or evergreen, shall be 24 to 30 inches in height and/or 18 to 24 inches in spread.
6. Where necessary to mitigate the impact of a land use on neighboring properties or the neighborhood, the Planning Board will require that all or some of the perimeter landscaping required herein be planted as an opaque or semi-opaque buffer, and increased in width pursuant to the following chart:

Additional Width and Opacity for Perimeter Landscaping

PROPOSED LAND USE	EXISTING LAND USE				
	Retail	Office	Industrial	Multi-family	Single-family
Retail	*	0'/s	5'/s	10'/o	10'/o
Office	0'/s	*	5'/s	5'/o	5'/o
Industrial	5'/s	5'/s	*	10'/o	10'/o
Multifamily	10'/o	5'/o	10'/o	*	0'/s

Legend: o = opaque; s = semi-opaque; \* = perimeter landscaping

Example: If a retail development is proposed to be constructed on land next to a residential development, then the width of the perimeter landscaping along the common boundary line must be increased by 10 feet over the basic 15-foot requirement, for a total of 25 feet, and the planting must meet the requirements for an opaque buffer.

7. Buffers and screens shall be either opaque or semi-opaque, as determined by the Planning Board, based on the width of the landscaped area and the extent of negative impact of the use or facility being screened or buffered.
  - a. The opaque buffer is opaque from ground level to 6 feet in height, with intermittent vegetation from 6 feet to at least 30 feet in height. It shall be planted at a minimum of one (1) shade tree or evergreen tree with conical shape and one (1) understory tree per

300 square feet, with as many evergreen shrubs as necessary to exclude all visual contact from ground level to 6 feet in height.

- b. The semi-opaque buffer is opaque from ground level to 3 feet in height, with intermittent vegetation from 3 feet to at least 30 feet in height. It shall be planted at a minimum of one (1) shade tree and one (1) understory tree per 300 square feet, with as many shrubs as necessary to partially block visual contact from ground level to 3 feet in height.
8. Screens at least 5 feet in width shall be provided for service areas and facilities (such as garbage and waste disposal containers, recycling bins, and loading areas; outside storage areas; and electrical and mechanical equipment, such as transformers and compressors), or for any other similar facilities or areas required by the Planning Board. Screens may be incorporated within any of the minimum landscaped areas required herein.
9. A buffer or screen may include fencing, subject to the approval of the Planning Board. A buffer or screen may be combined with storm water infiltration strips and bio-filtration areas as long as the requirements of both the perimeter landscaping and storm water management are met.
10. Trees spaced no greater than 40 feet on center shall be provided along all street frontages in order to create a definition of the street with regularly spaced shade trees appropriate to the neighborhood. These trees may be counted toward the amount of planting required in the perimeter landscaped area.
11. Plants, other than trees along street frontages, should be placed in a random manner to blend with the natural landscape and to avoid a linear plantation appearance, unless designed by a landscape architect. Plants shall be placed at intervals appropriate to the size of the plant at maturity. Shrubs shall be spaced to achieve touching of branches in 3 years when used for opaque or semi-opaque buffers.

C. Additional Buffers

The Planning Board may require wider buffers when required by overlay districts or when required by special circumstances associated with the parcel, such as roadways of special character or those designated by the City as scenic roadways, commercial development abutting residential development; and proximity to natural resources and historic landmarks.

D. Landscaping Around Buildings

1. Landscaping around buildings shall be provided to a minimum width of 10 feet and planted with trees, shrubs, and ground cover appropriate to the architecture in order to buffer parking areas, define entrances, provide foundation planting, and soften large expanses of walls or long roof lines.



2. As part of the landscape design, functional features (such as patios, entrance walks, and loading areas that cross through the landscaped area to the building) may be permitted if they are necessary for the normal functioning of the building.

E. Landscaping of Parking Areas

1. In order to moderate summer temperatures due to heated pavement and to minimize the visual effects of parking areas, those areas containing one or two rows of parking spaces shall be planted with deciduous trees along the perimeter, so placed to shade 30% of the total parking area, and supplemented with shrubs, perennials, or understory trees to visually screen the parking area. The end of each row of parking shall have a landscape bed to protect any vehicle parked next to a travel lane. End beds shall be at least 8 feet in width, except for corner radii, and shall be long enough to protect vehicles parked in the adjacent parking space, and be planted with deciduous trees for shade.

Any parking area containing three or more rows of parking shall be planted along the perimeter as stated above, and also shall have landscape islands placed between each double row of parking spaces, exclusive of aisles. These landscape islands shall have a minimum width of 8 feet, shall extend the length of the row of parking spaces, shall be planted with deciduous trees for shade, and shall terminate on each end with a landscape bed. If linear landscape islands are not practicable, then other interior landscape islands of equivalent size and evenly distributed throughout the parking lot may be allowed.

2. The perimeter of the parking area shall be delineated by the curbing, pavement edge, and fencing that encircles the parking area.
3.
  - a. The number of trees required to meet the 30% shading requirement for parking areas shall be calculated on a minimum crown diameter of 30 feet, which each tree shall have attained within 10 years from planting.
  - b. Trees at maturity must have a trunk diameter of at least 12 inches, measured 4 feet above the ground surface.
4. The perimeter of the parking area, parking islands, and medians shall incorporate Low Impact Development (LID) design features to the maximum extent practicable. Bioretention features, such as vegetated swales, and rain gardens, located in these areas shall be designed to retain, degrade, and absorb pollutants. Appropriate soil mix and vegetation that is suitable for high salinity and moisture shall be used. Curb cut inlets shall be located in strategic locations to allow for infiltration before stormwater conveyance. Reference New Hampshire Stormwater Manual, Volume 1 & 2 (December 2008 or current version), for specific design guidelines for stormwater best management practices.

F. Erosion Control



1. Graded areas shall be vegetated to insure erosion control by seeding, mulching, and fertilizing. Disturbed areas shall be planted with suitable plant materials.
2. Grading shall not exceed a ratio of 3 horizontal to 1 vertical without special erosion control measures. Netting or similar material shall be provided on slopes with a ratio greater than 3:1 while ground cover is being established.

G. Protection of Surface Water

The Planning Board may require retention of natural vegetation and/or establishment of vegetation and plantings along wetlands, rivers, streams, and other bodies of water in order to protect surface water quality and enhance the riparian habitat.

H. Maintenance and Materials

1. The Property Owner shall be responsible for maintaining all landscaping, to include grass and mulch, in good, healthy condition so 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 Board as part of the site plan.
2. The Property Owner shall plant materials appropriate to the soil and moisture conditions of the particular location. All plant stock intended to fulfill these landscaping requirements must be hardy to Zone 4 or lower.

Plants tolerant of salt shall be planted in areas where they are likely to be exposed to dust and salt, such as in parking areas or along driveways. Suggested salt-tolerant species are listed below:

**Shade Trees for Dusty, Salty Locations**

<i>Acer ginnala</i>	Amur maple
<i>Crataegus spp.</i>	Hawthorne
<i>Fraxinus pennsylvanica</i> ‘Patmore’	Patmore ash
<i>Fraxinus pennsylvanica</i> ‘Summit’	Summit ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Gleditsia triacanthos</i>	Honey locust
<i>Tilia cordata</i> ‘Greenspire’	Greenspire linden
<i>Tilia cordata</i>	Littleleaf linden

**Evergreen Trees for Dusty, Salty Locations**

<i>Pinus nigra</i>	Austrian pine
<i>Pinus resinosa</i>	Red pine
<i>Pinus sylvestris</i>	Scotch pine

**Shrubs for Dusty, Salty Locations**

<i>Caragan arborescens</i>	Siberian peashrub
<i>Forsythia spp.</i>	Forsythia
<i>Ilex verticillata</i>	Winterberry

<i>Potentilla spp.</i>	Potentilla
<i>Rosa rugosa</i>	Rugosa rose
<i>Spirea nipponica var.</i>	'Snowmound' & 'van Houttei' spirea
<i>Syringa</i>	Dwarf Korean lilac
<i>Syringa patula</i>	'Miss Kim' lilac
<i>Syringa vulgaris</i>	Common lilac

3. Native plant species are preferred. Invasive exotic plants cannot be used to satisfy the landscaping requirements. Such exotic plants include, but are not limited to, the following species:

<i>Acer plantanoides</i>	Norway maple
<i>Aedopodium podagraria</i>	Bishopsweed, goutweed
<i>Ailanthus altissima</i>	Tree-of-heaven
<i>Ampelopsis brevipedunculata</i>	Porcelain berry
<i>Berberis thunbergii</i>	Japanese barberry
<i>Berberis vulgaris</i>	European (or common) barberry
<i>Celastrus orbiculatus</i>	Asian bittersweet
<i>Coronilla varia</i>	Crown vetch
<i>Cytisus scoparius</i>	Scotch broom
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Elaeagnus umbellata</i>	Autumn olive
<i>Euonymus alata</i>	Burning bush
<i>Euonymus fortunei</i>	Climbing euonymus, wintercreeper
<i>Hedera helix</i>	English ivy
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Lonicera maackii</i>	Amur honeysuckle
<i>Lonicera morrowii</i>	Morrow's honeysuckle
<i>Lythrum salicaria</i>	Purple loosestrife
<i>Phragmites</i>	Common reed
<i>Rhamnus cathartica</i>	Common buckthorn, tallhedge
<i>Rhamnus frangula</i>	European buckthorn
<i>Rosa multiflora</i>	Multiflora rose, baby rose

I. Existing Plant Material Credit

1. The Applicant shall save and protect, to the greatest extent practicable, all existing large trees on the site having a trunk diameter of at least 12 inches, measured 4 feet above the ground surface.
2. Where healthy plant material exists on the site prior to development and provision is made to preserve the plant material on a permanent basis, the Planning Board may give credit for such preserved plant materials against these landscaping requirements, when such plantings meet the intent and purpose of these requirements.

J. Prohibition of Sight-Obscuring Landscaping Features

All plantings, fences, and walls necessitated by these landscaping and screening requirements shall conform with the street intersection sight-obstruction requirements provided in Section 206 of the Lebanon Zoning Ordinance. All such plant materials must be pruned as necessary to maintain compliance.

K. Encroachment on Landscaped Areas

After the issuance of a Certificate of Occupancy, the storage, display, or parking of motor vehicles, boats, mobile homes, trailers, or construction equipment within landscaped areas, buffers, or screens, shown as such on the approved landscape plan, is expressly prohibited and a violation of the Notice of Action.

L. Protection of Landscaped Areas

Landscaped areas provided within and adjacent to all parking and vehicular areas shall be protected by curbing, wheel stops, or fencing.

M. Low Impact Design (LID) Features

1. LID design features may replace required landscaping components as approved by the Planning Board.

### **Section 6.3 – Utilities and Fire Protection**

Provisions shall be made for the site to be serviced by necessary utilities, which may include water for fire and domestic use. In the event that a site is not serviced by City water mains, then the following standards shall apply in order to provide minimum requirements for water supply for firefighting, and a reasonable degree of protection to life and property.

- A. There shall be located on site a water-storage facility capable of delivering required fire flows as determined by using the Insurance Services Organization (ISO) formula for required fire flow. Such storage and delivery systems shall meet the requirements of National Fire Protection Association (NFPA) Standard #22, *Water Tanks for Private Fire Protection*, and NFPA Standard #24, *Private Fire Service Mains and Their Appurtenances*.
- B. If proper improvements to be constructed are to be sprinklered, either by building code requirements or the Applicant's choice, water-storage capacity shall be determined by NFPA Standard #13, *Installation of Sprinkler Systems*, or NFPA Standard #13D, *Residential Sprinkler Systems for One- & Two-Family Houses*, or NFPA Standard #13R, *Residential Sprinkler Systems*. In no case shall storage capacity be less than 10,000 gallons of usable water.
- C. 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.
- D. The Board shall obtain from the Fire Department its comments on compliance with these standards and any other life safety codes.

Nothing contained herein shall relieve the Applicant of complying with applicable provisions of the Lebanon Building Code adopted by the City of Lebanon under Ordinance #23.

## **Section 6.4 – Fees and Assessments in Effect at Time of Connection**

The Applicant/Landowner shall pay all entrance fees, benefit assessments, and similar fees or assessments, that are required by any applicable City ordinance for connection to any City utility, and that are in effect at the time an application is made for connection.

## **Section 6.5 – Coordination of Roads, Parking, Loading, Recreation, and Safety**

### A. Construction Standards

Construction requirements shall be in accordance with *Standard Specifications for Road and Bridge Construction*, as published by the State of New Hampshire Department of Transportation, and the *Guide for the Development of Bicycle Facilities*, as published by the American Association of State Highway and Transportation Officials.

### B. Access and Traffic

1. The public highways providing access to the site shall be sufficient and have adequate capacity and features for the safety of vehicles, pedestrians and bicycles. This will include the main traffic arteries that must be utilized for travel to and from the site. The Board shall not approve a proposed site plan without such sufficient and adequate access capacity and features.
2. The traffic patterns on, at, and around the site shall be coordinated so as to compose a safe and efficient system for vehicles, pedestrians, and bicyclists. There shall be proper arrangement of roadways, loading areas, and parking areas within and around the site, in relation to existing and planned streets, so the proposed development of the site shall not endanger the safety or welfare of vehicles, pedestrians, or bicyclists. There shall be adequate traffic access to and from City streets to ensure the safety of vehicles, pedestrians, and bicyclists.
3. Improvements to off-site existing streets may include signal devices, sidewalks, and other features if necessary to mitigate the increased traffic generated by the development of the site.
4. All projects proposed for development, except for those in rural lands and heavy industrial zoning districts, shall install sidewalks along the street frontage(s).
5. Each site shall provide adequate access from public highways and sufficient maneuvering room for fire, police, and other emergency vehicles. The Fire Department shall provide information indicating whether or not this requirement is satisfied by the proposed plan. Minimum access requirements shall include a 50-foot turning radius and 22-foot fire lanes at the rear of the buildings.

### C. Parking and Loading Areas

1. At its discretion, the Board may require that parking areas and areas for internal circulation on the site shall be physically delineated (for instance, by curbing or wheel stops) so as to protect adjacent vegetation and pedestrians.
2. Parking areas shall be finished with improved materials. Porous or pervious surfaces shall be designed and constructed in accordance with NH Stormwater Manual, Volumes 1 & 2 (December 2008 or current version), Stormwater and Antidegradation for specific design guidelines for stormwater best management practices. Impervious cover cross-sections shall include a minimum of 2 inches of bituminous pavement over 6 inches of crushed stone and 12 inches of bank-run gravel for light-duty parking areas (for example, small retail uses, office uses, and multifamily uses); and 3 inches of bituminous pavement over 6 inches of crushed stone and 18 inches of bank-run gravel for heavy-duty parking areas (for example, large retail uses, shopping centers, and industrial uses). The Planning Board may modify the requirements contained herein when it is appropriate because of water quality, drainage, and/or aesthetic considerations, so that the safety of pedestrian and vehicle traffic is assured.
3. Parking spaces shall measure a minimum of 9 x 18 feet. Where the parking spaces are perpendicular to a landscape bed, they may measure 16 feet in length on the pavement, with an additional 2 feet of unobstructed overhang into the landscape bed. Parking spaces perpendicular to a sidewalk area may overhang the sidewalk, provided that the sidewalk is a minimum of 6 feet wide, excluding curbing.
4. Aisles between parallel rows of spaces shall be a minimum of 24 feet wide.
5. Alternative parking designs may be considered as recommended by the City Engineer. The Board may modify the requirements contained herein when it is appropriate to use a substitute for paving because of water quality, drainage, and/or aesthetic considerations, so long as the safety of pedestrian and vehicular traffic is assured.
6. All loading areas shall be designed so as not to interfere with other planned circulation on the site and so as to provide adequate space and facilities.

D. Snow Removal, Curbing, and Floodproofing

1. Curbing used in the Central Business District shall be granite. Curbing in all other zones shall be concrete or granite. The Board may modify the requirements contained herein when it is appropriate because of water quality, drainage, aesthetic, or practical considerations, so long as the safety of pedestrian and vehicular traffic is assured.
2. Provisions shall be made for snow storage or removal during winter months.

3. Provisions shall be made to assure that the proposal is consistent with the need to minimize flood damage. For example, sewer, gas, electrical, and water systems should be elevated and constructed to minimize or eliminate flood damage, and adequate drainage should be provided so as to reduce exposure to flood hazards.
4. Design provisions shall also be made to minimize or eliminate infiltration of floodwaters into new or replacement water supply systems and/or sanitary sewer systems and, conversely, to minimize or eliminate discharges from these systems into floodwaters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

E. Groundwater Protection

The quality of groundwater shall not be adversely affected by the proposed development. This requirement shall be established by the Applicant showing that the proposed development will not violate the rules and regulations of the New Hampshire Division of Water Supply and Pollution Control with regard to groundwater.

## **Section 6.6 – Stormwater Management**

A. PURPOSE

The provisions and standards of this section are implemented for the purpose of:

Managing stormwater runoff by establishing minimum requirements and procedures to control the adverse affects of increased post-development stormwater runoff, decreased groundwater recharge, and non-point source pollution associated with new development and redevelopment.

- Causing no increase in contribution of a pollutant for which a water body is impaired.
- Treating runoff discharged to a municipal drainage system, surface water body or wetland.
- Causing no discharge of runoff to an adjacent property in excess of runoff discharged in the existing developed or undeveloped condition.

B. GENERAL REQUIREMENTS

All proposed development projects shall provide adequate management of stormwater runoff and prevent the discharge of stormwater runoff from creating or contributing to water quality impairment.

All reasonable efforts shall be made to incorporate low-impact, non-structural site design techniques to minimize runoff due to development such as maintaining natural buffers,

minimizing site disturbance, minimizing and disconnecting impervious cover, utilizing Low Impact Development (LID) design features, and minimizing soil compaction.

All applications shall provide a permanent (post-construction) Stormwater Management Plan (SMP), describing all proposed stormwater management system elements, practices, and associated designs, including all calculations and analyses of said designs. All elements of the SMP must be prepared and designed in accordance with the design standards set forth within this section, by a New Hampshire Registered Professional Engineer, whose seal and signature shall appear on the plan(s).

In addition to the Site Plan review checklist, all applicants are required to provide a completed stormwater checklist as part of the development review application.

## C. STORMWATER MANAGEMENT PLAN SUBMISSTION REQUIREMENTS

### C.1. PLAN SUBMISSION REQUIREMENTS

1. An Existing Conditions S.M.P showing all pre-development:
  - a. surface water bodies and wetlands
  - b. drainage patterns
  - c. flood plains and floodways (with elevations)
  - d. watershed boundaries
  - e. buffer zones
  - f. topographic contours with minimum 2-foot intervals
  - g. buildings / structures
  - h. pavement
  - i. utilities
  - j. soils information with coding as HSG-A, B, C, or D  
(High Intensity Soil Survey (HISS) mapping may be required per request of the City Engineer).

Additionally, the plan shall include the following elements: scale bar, north arrow, title block with project name, applicant's name, and map and parcel number, designer's stamp, soil and/or wetland scientist's stamp (if applicable), legend, locus plan, benchmarks, and appropriate notes with datum and other plan references, instructions, and detail descriptions.

2. A Proposed Conditions SMP showing all proposed post-development temporary and permanent stormwater management system elements, erosion and sediment control Best Management Practices (BMP), and all important hydrologic features. The Proposed Conditions S.M.P must be at the same scale as the Existing Conditions SMP, with consistent title block, plan features, and descriptors including but not limited to the following:
  - a. Existing and proposed topographic contours (2-foot minimum contour interval; 1-foot contour intervals may be required for sites with limited relief and/or where proposed stormwater outfalls are located adjacent to buffer zones.
  - b. Proposed areas of disturbance with total area of disturbance clearly labeled in square feet



- c. Existing and proposed buildings and structures
- d. Stormwater discharge locations labeled and matched to the drainage analyses
- e. Wells and sanitary protective radii, if applicable
- f. Septic systems, if applicable
- g. Plan references and notes (including sequence of soil disturbance)
- h. Proposed and existing public and private utilities
- i. Proposed project components to become property of or the responsibility of the City shall be labeled as such
- j. Existing and proposed impervious cover, with areas used to calculate effective impervious cover (EIC, as defined herein) clearly identified and the square footage of each type identified and labeled.
- k. Test Pit(s) locations and data where stormwater practices are proposed, as appropriate.
- l. Details of individual design elements shown on separate plan sheets following the Proposed Conditions SMP.

The Existing Conditions SMP & the Proposed Conditions SMP shall be provided on sheets no larger than 24" x 36", at a scale of one (1) inch = 20 feet for urban areas, and one (1) inch = 40 feet for non-urban areas. The City Engineer will make the final determination as to the appropriate scale, ensuring that all important site and hydrologic features are easily recognized. If plan shall encompass more than two (2) sheets, at the required 1:40 or 1:20 scale, a separate large scale representation plan sheet (e.g. 1:100) is required to be provided, so as to show entirety of site, as well as off-site contributing areas.

## C.2. SUPPLEMENTAL INFORMATION SUBMISSION REQUIREMENTS

In addition to the above described SMP plan sheets, the following SMP supplemental information is required:

1. A drainage analysis that includes calculations comparing pre- and post-development stormwater runoff rates (cubic feet per minute) and volumes (cubic feet) based on a 1-inch rainstorm, and the 2-year, 25-year, 50-year, and 100-year, 24-hour frequency storms. Calculations shall include, but not be limited to, the sizing of all structures and BMPs, including sizing of emergency overflow structures based on the 50-year 24-hour frequency storm discharge rate, with 1-foot of free-board. Storm rates shall be based on current design depths from the Northeast Regional Climate Center - <http://precip.eas.cornell.edu>.



*Any site that was primarily wooded in the last five years shall be considered undisturbed woods Any site from which wooded vegetation has been removed within 5 years prior to the first submission to the planning board with respect to a proposed development, or upon which, at some earlier time, clearing has occurred in anticipation of development, shall be treated as undisturbed woodland for purposes of calculating pre-development runoff volumes. For purposes of this paragraph any tree cutting which occurred without leaving stands of healthy, growing trees within areas near waters and highways, as required by RSA 227-J:9, I, shall be presumed to have occurred in anticipation of development*

2. A drainage analysis results summary tabulated (pre & post ) for each proposed outfall or catchment outlet point including runoff rates and volumes for each storm event analyzed above.
3. An Erosion and Sediment Control Plan for all proposed construction activities in accordance with the NH Stormwater Management Manual Volume 3, (December 2008 or current revision; downloadable from the website)
4. A comprehensive Operation and Maintenance Plan for long-term maintenance of all proposed stormwater management elements and BMPs including the proposed schedule of inspections and anticipated maintenance (see section H.2 Operations & Maintenance Plan for detailed requirements).

#### D. PHASED DEVELOPMENT

For phased developments, the plans and calculation requirements under this section (6.6) shall apply as though the development of the entire parcel were being proposed in one single application. The review and approval process for phased development applications is provided in section 4.9 of the Lebanon Site Plan Regulations.

#### E. DESIGN STANDARDS - GENERAL STANDARDS

The Stormwater Management Plan submitted to the Planning Board shall meet the following requirements. In each case it shall be within the reasonable discretion of the Planning Board – utilizing whatever consultants it deems necessary pursuant to Section 4.7(F) of these regulations – to determine whether the standards, goals and purposes of these requirements are met by the S.M.P. as submitted.

1. Stormwater management practices shall be selected to accommodate the unique hydrologic and geologic conditions of the site
2. The use of stormwater management measures, including site design approaches to reduce runoff rates, volumes, and pollutant loads, are preferred and shall be implemented to the maximum extent practicable (MEP). Such techniques include, but are not limited to:

- a. Minimization and/or disconnection of impervious cover,
  - b. Development design that reduces the rate and volume of runoff,
  - c. Restoration or enhancement of natural areas such as riparian areas, wetlands, and forests, and
  - d. Use of practices that intercept, treat, and infiltrate runoff from developed areas distributed throughout the site (e.g. bioretention, infiltration dividers or islands, or planters and rain gardens)
3. The plan shall make provisions to retain stormwater on the site by using the natural flow patterns of the site. To the maximum extent practicable (MEP), effort shall be made to utilize natural filtration and/or infiltration BMPs (e.g., bioretention areas, subsurface filtration/infiltration systems, ponds, swales, etc)..
  4. Applicants shall demonstrate to the satisfaction of the City Engineer and the Planning Board why use of nontraditional and/or nonstructural design techniques such as those described in this section (Design Standards), as well as contained with the NH Stormwater Management Manual Volume 1, chpt. 6 (December 2008 or current version), are not possible before proposing to use traditional, structural stormwater management measures that rely on collection and conveyance to remove runoff from site.
  5. Existing surface waters, including lakes, ponds, rivers, perennial and intermittent streams (natural or channelized), and wetlands (including vernal pools) shall be protected by the minimum buffer setback distances specified in the Lebanon Zoning Ordinance, where applicable. Stormwater and erosion and sediment control BMPs shall be located outside the specified buffer zone unless otherwise approved by the Planning Board.
  6. The design of the stormwater management system shall take into account upstream and up-gradient runoff that flows onto, over, or through the site to be developed or re-developed and provide for this contribution of runoff.
  7. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
  8. Constructed stormwater treatment areas in which the native site vegetation is unable to be retained, shall be planted with native plantings (see section 6.2.H.2) appropriate for the site conditions, with grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to promote proper treatment of the proposed runoff.

9. All proposed stormwater practices and measures shall be designed, installed, and maintained in accordance with manufacturer's specifications and/or performance specifications in the NH Stormwater Management Manual Volume 2 (December 2008 or current version). Where City of Lebanon design standards are more stringent, the stricter standards shall apply.
10. To prevent premature failure, the design of storm water treatment devices relying on infiltration shall include a pre-treatment device or method that will trap sand and sediments, as well as oil and gas pollutants. Pre-treatment facilities must be designed to accommodate a minimum of one-year's worth of sediment and shall be located to be easily inspected and maintained.
11. The design of the stormwater drainage system shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation. Such designs shall include but not limited to:
  - a. Closed drainage systems designed for the 25 year storm, to include a 50yr and 100yr check.
  - b. Proposed roadway ditches shall be designed to accommodate the 100yr storm event.
  - c. Emergency overflow structures shall be designed for the 100-year, 24-hour frequency storm discharge rate, when designed to discharge to abutting properties or roadways.
12. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible. When determined to be necessary by the Planning Board or its representative, such stream and wetland crossings shall comply with NHDES Stream Crossing Rules [Env-Wt 900] and recommended design standards as set forth in the University of New Hampshire Stream Crossing Guidelines, May 2009, as amended.
13. To the maximum extent practicable (MEP), every effort shall be made to use pervious cover as an alternative to impervious cover (e.g. bituminous asphalt or concrete) for general and overflow parking areas. Pervious cover shall be appropriately sited and designed for the anticipated traffic and vehicle loading conditions.
14. Water Quality Protection: All aspects of the application shall be designed to protect the water quality of the City of Lebanon's water bodies as follows:
  - a. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, noxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, harm, impair or contribute to an impairment of such waters.

- b. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the standards of the New Hampshire Department of Environmental Services (NHDES), Water Supply and Pollution Control, including, but not limited to those involving Underground Storage Tanks, Above Ground Storage Tanks, Hazardous Waste, and Best Management Practices for Groundwater Protection (Env-Wa 401).
  - c. A project under review by the Lebanon Planning Board of such magnitude as to require a stormwater permit from EPA Construction General Permit (CGP) program or NHDES Alteration of Terrain (AOT) program, shall comply with the standards of EPA and/or NHDES permits and this section, and where applicable standards conflict, the stricter standards shall apply.
  - d. The biological and chemical properties of the receiving waters shall not be degraded by the stormwater runoff from the development site.
  - e. Development, redevelopment, or reuse activities shall not infiltrate stormwater through materials or soils containing regulated or hazardous substances.
15. Stormwater features that are not designed to permanently retain water and that receive rainfall runoff must be designed to drain within a maximum of 72 hours from the end of the storm for vector control.
16. At the discretion of the Planning Board, stormwater management systems shall incorporate designs that allow for shutdown and containment in the event of an emergency spill or other unexpected contamination event.
17. Where applicable, the design of the stormwater management system shall account for footing drainage and shall provide for discharge to an approved drainage system
18. Salt storage areas shall be covered and loading/offloading areas shall be located, designed and maintained in accordance with NH DES published guidance such that no untreated discharge to receiving waters results. Snow storage areas shall be located in accordance with NH DES published guidance such that no direct untreated discharges to receiving waters are possible from the storage site. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at <http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>.
19. Appropriate erosion and sediment control measures shall be installed prior to any soil disturbance, the area of disturbance shall be kept to a minimum, and any sediment in runoff shall be retained within the project area. Wetland areas and surface waters shall be protected from

sediment. Disturbed soil areas shall be either temporarily or permanently stabilized consistent with the NHDES Stormwater Manual Volume 3 guidelines. In areas where final grading has not occurred, temporary stabilization measures shall be in place within 7 days for exposed soil areas within 100 feet of a surface water body or wetland and within no more than fourteen (14) days for all other areas. All temporary control measures shall be removed after final site stabilization. Permanent stabilization shall be in place no more than 3 days following the completion of final grading of exposed soil areas.

20. Stormwater management systems shall not discharge untreated stormwater to surface waters, ground surface, subsurface, or groundwater within 100 feet of surface water within a water supply protection area.
21. Stormwater management systems shall not cause discharges into the City's Public Stormwater System in a manner which violates Chapter 124 of the Lebanon City Code.

#### F. DESIGN STANDARDS FOR NEW DEVELOPMENT

All proposed stormwater management and treatment systems associated with new development shall meet the following performance standards:

1. Maximum effective impervious cover as defined herein shall not exceed 10 percent of a site. Impervious cover may be disconnected from the stormwater drainage network, to reduce total effective impervious cover, through such techniques as infiltration or sheet flow over a pervious area.
2. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development peak rate runoff for the 2-year, 25-year, 50-year, and 100-year, 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to filtrate the Water Quality Volume (WQv) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 0.4; HSG-B: 0.25; HSG-C: 0.1; HSG-D: 0.0.

For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairment. Infiltration structures shall be in locations with the highest permeability on the site. Measures shall be taken to protect against on and off-site peak flow to prevent overloading of existing downstream facilities.

3. Remove a minimum of 80 percent of the average annual load of total suspended solids (TSS), floatables, greases, and oils, and at least 40% removal of total phosphorous using appropriate treatment measures, as specified in the NH Stormwater Manual, Volumes , December 2008 as amended (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means.

Compliance with the recharge requirements under F.2, consistent with the pre-treatment and design requirements contained herein, shall be considered adequate to meet the standards specified in F.3.

Applicants not able to employ the filtration requirements of F.2 must provide suitable documentation, including a pollutant loading analysis from an approved model, that the treatment standards of F.3 will be met.

G. DESIGN STANDARDS FOR REDEVELOPMENT

1. Statement of Purpose

Because redevelopment may present a wide range of constraints and limitations, an evaluation of options may be proposed to work in conjunction with broader state watershed goals and local initiatives.

2. Redevelopment Criteria & Standards

In order to determine the stormwater requirements for redevelopment projects, the percentage of the site covered by existing impervious cover must be calculated. For sites meeting the definition of a redevelopment project and having less than 40% existing total impervious cover, the stormwater management requirements will be the same as for new development projects (Section F).

For redevelopment sites with more than 40% existing total impervious cover, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:

(a) Implement measures onsite that result in disconnection or treatment of at least 30% of the existing total impervious cover as well as 50% of the additional proposed impervious cover and pavement areas through the application of porous media; or

(b) Implement other LID techniques onsite to the MEP to provide treatment for at least 50% of the redevelopment area

If redevelopment or reuse of previously developed sites can not meet the requirements of (a) or (b) previously listed, applicant will be required to obtain a waiver as outlined in section I (Waivers).

For all redevelopment projects, run-off rates shall not be increased for the 2-year, 25-year, 50-year, and 100-year, 24-hour frequency storms

H. CONSTRUCTION & POST CONSTRUCTION

1. Responsibility for Installation and Construction

The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the plans approved by the

Board in accordance with these regulations. Site development shall not begin before the Stormwater Management Plan receives approval by the Planning Board, or its designee. Proposed SMP elements shall be installed as designed as a condition of final approval of the plan.

2. Operations & Maintenance Plan

- a. All stormwater management systems shall have an Operations and Maintenance (O&M) plan to ensure that installed systems continue to function as designed. This plan shall be reviewed and approved as part of the review of the proposed permanent (post-construction) stormwater management system and incorporated in the Permanent Stormwater Management Plan, if applicable. Execution of the O&M plan shall be considered a condition of approval.
- b. The landowner of the property shall have an enforceable responsibility to maintain and operate the stormwater management system in accord with the O&M plan, and such responsibility shall run with the land, unless some other party is assigned such responsibility via a legally binding agreement to be approved in form by the Board or its designee.
- c. The O&M plan shall, at a minimum, identify the following:
  1. Stormwater management system owner(s).
  2. The party or parties responsible for operation and maintenance
  3. A schedule for inspection and maintenance.
  4. A checklist to be used during each inspection.
  5. The description of routine and non-routine maintenance tasks to be undertaken.
  6. A plan showing the location of all stormwater management facilities covered by the O&M plan.
  7. A certification signed by the owner(s) attesting to their commitment to comply with the O&M plan.

d. Recording

After final Planning Board approval and as a condition precedent thereto, the owner of record of the property shall cause notice of the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans, as approved by the Planning Board, to be recorded at the Registry of Deeds sufficient to provide notice to all persons that may acquire any property subject to the stormwater management and sediment control plans. See RSA 477:3-a. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length, so long as it is sufficient to provide notice to prospective purchasers of the requirements for maintenance pursuant to the



stormwater management and erosion and sediment control plans as approved by the Planning Board.

e. Modifications

1. The owner shall keep the O&M plan current, including making modifications to the O&M plan as necessary to ensure that BMPs continue to operate as designed and approved
2. Proposed modifications of O&M plans including, but not limited to, changes in inspection frequency, maintenance schedule, or maintenance activity along with appropriate documentation, shall be submitted to the Planning Board for review and approval.
3. Whenever the Planning Board, on the basis of new or updated information or technology, deems it necessary, in order to prevent potential threats to health, safety or property, it may require modifications in the O&M plan by imposing more stringent requirements, including but not limited to more frequent inspections or maintenance.
4. The Planning Board shall notify the owner of acceptance of the modified plan or request additional information within 60 days of receipt of proposed modifications. No notification, or request for additional information from the Planning Board at the end of 60 days shall constitute acceptance of the plan modification. The currently approved plan shall remain in effect until notification of approval has been issued, or the 60 day period has lapsed. For a reduced frequency of inspection or maintenance, the owner shall demonstrate that such changes will not compromise the long term function of the stormwater management system.

f. Record Keeping

1. Parties responsible for the operation and maintenance of a stormwater management system shall keep records of the installation, maintenance and repairs to the system, and shall retain records for at least five years.
2. Parties responsible for the operation and maintenance of a stormwater management system shall:
  - Provide a copy of the post construction inspection checklist based on the inspection cycle prescribed by the Operation and Maintenance Plan.
  - Provide records of all maintenance and repairs to the City Engineer, during inspections and/or upon request.

g. Enforcement

The Planning Board may require routine inspections to insure compliance with the Design Standards & Construction & Post Construction sections of these regulations. Such inspections shall be performed by a designated agent with appropriate certifications at reasonable times to the landowner. If permission to inspect is denied by the landowner, the designated agent shall secure an administrative inspection warrant from the district or superior court under RSA 595-B.

When the responsible party fails to implement the O&M plan, including, where applicable, the SMP, as determined by the Code Enforcement Officer or City Council, the municipality is authorized to assume responsibility for their implementation and to secure reimbursement for associated expenses from the responsible party, including if necessary, placing a lien on the subject property.

I. WAIVERS

An applicant may request a waiver from any of the provisions in this Section. For such waiver requests, in addition to the standards set forth in Section 7.1 of these Regulations:

- (a) The Board shall consider whether there exist adequate reasons to believe that the goals and purposes of this section, including those set forth in Section 6.6(A) above, will be achieved, notwithstanding such waiver
- (b) In the case of a waiver request from Section G.2, the Board shall determine whether the Stormwater Management Plan for the redevelopment project attains achievement of the goals of this section to the maximum practicable extent, as determined by the Board with the assistance of the City Engineer. The Board shall also consider the stormwater management benefits of redevelopment as compared to development of raw land.

**Section 6.7. – Lighting**

1. Purpose

The purpose of this section is to guide property owners and applicants in appropriately lighting their non-residential and multi-family development proposals.

New lighting technologies have produced lights that are extremely powerful and thus need to be installed sensibly so that they do not create problems of excessive glare, light trespass, skyglow, and higher energy use. Outdoor lighting along roadways, walkways, parking lots, and other

public areas shall be designed and located with consideration to fixture and lamp type, mounting height, spacing, and distribution of light in order to: assure adequate illumination for the safety and security of drivers, pedestrians, bicyclists, and other passersby; avoid adverse impacts to adjacent properties and on wildlife habitat; assure that light pollution does not limit the ability of citizens to enjoy the nighttime sky; and minimize the unnecessary use of electricity.

Outdoor lighting shall be located, mounted, aimed, and shielded in such a way that adjacent uses are suitably protected from light trespass. Such lighting shall not interfere with traffic on nearby highways. The standards and guidelines contained in the most current edition of the *Illuminating Engineering Society of North America (IESNA) Lighting Handbook* shall be utilized to determine the appropriateness of exterior lighting levels and conformity with these Regulations.

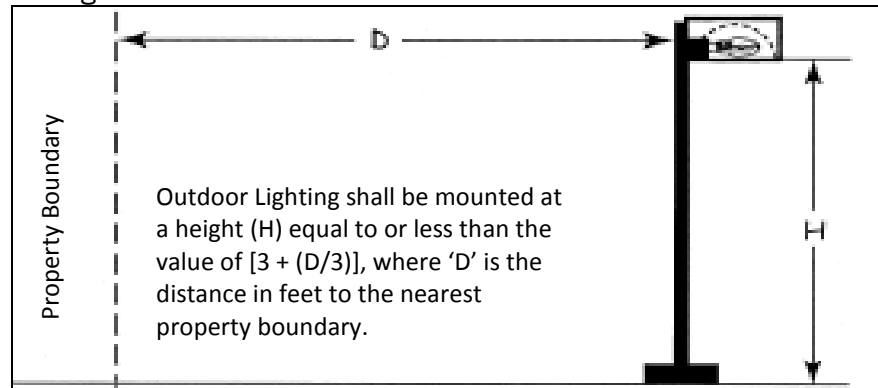
## 2. General Requirements

Proposed lighting installations may be approved only if the Board finds that they are designed to prevent light trespass onto adjacent properties or streets, minimize light directed skyward, and do not result in excessive lighting levels. All light fixtures, including fixtures mounted inside buildings or structures, shall be located, mounted, aimed, and shielded so as to minimize glare perceptible to drivers, pedestrians, bicyclists, and other passersby within adjacent streets or rights-of-way. In addition to these general standards, the following shall also apply:

- a. Lighting installations shall be designed to provide the minimum illumination necessary to facilitate the use of the site. Except as otherwise stated in the special provisions of this section or unless approved by the Board, lighting levels shall not exceed the minimum level of illumination recommended by the IESNA for the proposed use and level of activity.
- b. Light fixtures shall be located, mounted, aimed, and shielded so as to not cause light trespass upon adjacent properties or onto streets or rights-of-way in excess of the following levels: The light intensity at adjoining streets or commercial property boundaries shall not exceed 0.5 foot-candles at grade level, and the light intensity at adjoining residential property boundaries shall not exceed 0.1 foot-candles at grade level.
- c. Lighting installations shall utilize fully-shielded fixtures, as defined herein, or full cut-off fixtures, as defined by the IESNA, so as to produce no light above a horizontal plane through the lowest direct light-emitting part of the fixture.
- d. Lighting installations shall include timers, dimmers, sensors, and/or other energy-saving technologies to reduce overall energy consumption. Non-essential lighting shall be turned off or reduced after normal business hours, leaving only necessary lighting for security purposes. (Non-essential lighting includes, but may not be

limited to, display, aesthetic, parking, and/or sign lighting as determined by the Board.)

- e. The mounting height of all light fixtures shall be equal to or less than the value of  $(3+D/3)$ , where 'D' is the distance in feet to the nearest property boundary. The maximum mounting height of the light fixture shall not exceed fifteen (15) feet in residential zoning districts or twenty (20) feet in commercial, institutional, or mixed zoning districts.



(2003) Image from Fairfax County, VA Outdoor Lighting Standards

- f. Lighting installations used to illuminate areas such as streets, walkways, or parking lots shall utilize energy-efficient lighting such as LED (light-emitting diodes), low-pressure sodium, high-pressure sodium, metal halide lamps, or equivalent technology in terms of luminaire efficacy as measured in lumens/watt. Mercury vapor lamps shall not be used due to their inefficiency, high operating costs, and toxic mercury content.

Technological advances in outdoor lighting may allow for options not otherwise considered in these Regulations. The use of new technologies, especially those that have energy-saving properties, is encouraged. Applications that use new technologies and follow the purpose and intent of these Regulations will be considered and evaluated for approval.

- g. Floodlights or spotlights shall be mounted above the object or area targeted for lighting and shall be shielded and aimed no higher than 45 degrees above straight down (half-way between straight down and the horizontal plane).
- h. Uplighting is prohibited, except as allowed for the Lighting of Building Façades and Landscaping, as set forth in Paragraph 5 below.

### 3. Lighting of Parking Lots, Passive Vehicular Storage Areas, and Exterior Display/Sales Areas

In addition to the General Requirements listed in Paragraph 2 above, the following standards shall apply:

- a. Areas designated as parking lots, passive vehicular storage areas, or exterior display/sales areas shall be illuminated so that the average horizontal illuminance at grade level is no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1. The average and minimum shall be computed for only that area designated as parking lots, passive vehicular storage areas, and exterior display/sales areas.
- b. The above standards shall also apply to the top and/or unenclosed levels of any parking structure.

4. Lighting of Gasoline Station/Convenience Store Aprons and Canopies

In addition to the General Requirements listed in Paragraph 2 above, the following standards shall apply:

- a. Areas on the apron used for parking or vehicle storage away from the gasoline pump islands, as defined by the extent of the canopy, shall be illuminated in accordance with the requirements for parking areas set forth in Paragraph 3 above. If no gasoline pumps are provided, the entire apron shall be treated as any other parking area.
- b. Areas around the pump islands and under the canopies shall be illuminated so that the minimum horizontal illuminance at grade level is at least 1.0 foot-candle and no more than 5.0 foot-candles. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 4:1, which yields an average illumination level of no more than 20.0 foot-candles.
- c. Light fixtures mounted on canopies shall be recessed, so that the lens cover either is recessed or flush with the bottom surface (ceiling) of the canopy, and/or is shielded by the fixture or the edge of the canopy. The light shall be restrained to no more than 85 degrees from vertical.
- d. As an alternative (or supplement) to recessed ceiling lights, indirect lighting may be used whereby light is beamed upward and then reflected down from the underside of the canopy. In this case, fixtures must be shielded so that direct light is focused exclusively on the underside of the canopy.
- e. Lights shall not be mounted on the top or fascias of the canopy, and the sides or fascias of the canopy shall not be illuminated.



The above photographs illustrate the impact of glare on a lighting installation. The left photo has high-glare, non-recessed fixtures under the canopy. Note how bright the lights themselves are and how dark the pump area is. The right photo shows the same gas station canopy with full-cutoff, recessed fixtures. Note how the light is directed effectively toward the gas pumps. Images from <http://www.skyandtelescope.com>

## 5. Lighting of Building Façades and Landscaping

When approved by the Board, building façades of a dark color (such as brick or dark paint), façades of symbolic or historic structures, and/or landscaping features when required for safety, may be illuminated according to the following guidelines:

- a. The maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 foot-candles.
- b. Light fixtures shall be carefully located, aimed, and shielded so that light is directed only onto the building façade or the object or area targeted for lighting. Light fixtures shall not be directed toward adjacent properties, streets or roads, nor skyward.
- c. Light fixtures mounted on the building and designed to “wash” the façade with light are preferred.
- d. To the extent practicable, light fixtures shall be directed downward, below the horizontal plane.

## 6. Lighting of Walkways/Bikeways and Parks

- a. Areas within parks or along walkways and bikeways to be illuminated shall not exceed an average level of 1.0 foot-candle at grade level.
- b. Light fixtures for walkways and bikeways and within parks shall be mounted no more than 15 feet above grade and shall be designed to direct light downward.

## 7. Lighting of Signs

- a. Fixtures used to illuminate signs shall be located, aimed, and shielded so as to minimize glare perceptible to drivers, pedestrians, bicyclists, and other passersby within adjacent streets or rights-of-way.
- b. Floodlights or spotlights used for external lighting of signs shall be mounted above the sign targeted for lighting. Illumination shall be properly focused upon and confined to the area of the sign.

- c. Internally lit signs shall be designed with an opaque background so that only the lettering, symbols, or designs shall appear to be lighted in order to minimize glare visible from adjacent streets or rights-of-way.
- d. Moving, fluttering, blinking, or flashing lights shall not be permitted for the illumination of signs in order to avoid undue distraction, confusion, or hazard to the surrounding area or vehicular traffic, except as allowed in Section 608 of the Zoning Ordinance.

8. Pre-existing Outdoor Lighting

- a. Any light fixture that replaces a pre-existing, non-conforming light fixture, or any light fixture that is relocated, shall meet the standards of these Regulations, unless otherwise approved by the Board.

9. Exemptions

- a. Light fixtures used for 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.
- b. Notwithstanding the requirements of this Section, the Board may approve architectural or decorative light fixtures, which are not fully shielded, if such fixtures are designed to minimize glare; direct illumination downward; are not mounted at a height greater than 15 feet; and have an initial output of no more than 1,800 initial lumens (with 1,700 lumens being the typical output of a 100-watt incandescent bulb). In approving such fixtures, the Board may require that the light source be screened by a refractive lens or translucent globe, so that the light source is not directly visible.
- c. Hazard-warning lights required by federal regulatory agencies, such as the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) shall be exempt from these Regulations. In addition, temporary lighting required by police, fire, public authorities, or other emergency services shall be exempt from these Regulations.
- d. Seasonal holiday lighting and illumination of the American and state flags shall be exempt from these Regulations, provided that such lighting does not produce glare on roadways or neighboring properties.

G. Multifamily Recreational Facilities

Site plans for multifamily structures shall make adequate provision for the on-site recreational needs of the residents of the proposed development. The plan shall be designed to minimize the likelihood that public safety will be endangered by the extensive use of internal roads and parking areas for recreation.



## **Section 6.8 – Off-Site Improvements**

The Planning Board may require the Applicant to extend or improve the street, sidewalk, traffic signalization, water, sanitary sewer or storm drainage facilities serving the site, where such extensions or improvements are required to adequately serve the site development proposal, and/or to contribute an impact fee for other types of capital improvements in accord with Section 213 of the Zoning Ordinance, in an amount reasonably and proportionally related (A) to the capital needs created by the development, and (B) to the benefits accruing to the development from the capital improvements financed by the fee.

## **Section 6.9 – Premature and Scattered Development**

The Planning Board may disapprove a site plan application that proposes development that is scattered or premature, so as to involve danger or injury to health, safety, or prosperity of the community. For purposes of this section, a development shall be considered scattered or premature if it will cause, or poses an undue risk of causing, a substantial or appreciable adverse impact upon any of the factors or parameters set forth in the General or Specific Purposes of Site Plan Review, as outlined in Sections 1.4 and 1.5 of these Regulations.

## **ARTICLE VII – WAIVER PROCEDURE**

### **Section 7.1 – General Requirements**

Upon written request of the Applicant, the Planning Board may, at its discretion, waive or modify any part of these Regulations, other than those regulations required by state law. The basis for any such waiver or modification granted by the Board shall be recorded in the minutes of the Board. The Board may only grant a waiver or modification of these Regulations if the Board finds, by majority vote, that:

- A. Strict conformity would pose an unnecessary hardship to the Applicant and waiver would not be contrary to the spirit and intent of the regulations; or
- B. Specific circumstances relative to the site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.

All written requests for waiver or modification of these Regulations shall address items A and/or B above, depending on which criteria are being relied upon to justify the request.

For waivers from a submission requirement (Article V), when the Planning Board accepts an application as sufficiently complete to invoke jurisdiction and commence review pursuant to Section 4.7 of these Regulations, the Board, in effect, makes a tentative finding that the above criteria have been met. If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the Applicant shall provide that information.

## **Section 7.2 – General Waiver Exclusions**

- A. Waivers from landscaping requirements shall not be considered in cases where adequate parking areas cannot be provided due to landscaping requirements. In such cases, the development shall be scaled down so that landscaping requirements can be met.
- B. The Planning Board shall not waive the requirement for public hearing except in such instances when no site plan review is required.

## **ARTICLE VIII – CONSTRUCTION, COMPLETION, AND BONDING**

### **Section 8.1 – Period for Construction and Completion of the Work**

The Applicant shall construct and complete all design and construction requirements in accordance with Article VI and any other applicable section of these Regulations, as required in the Notice of Action, prior to the issuance of the Certificate of Occupancy.

### **Section 8.2 – Inspection of Improvements**

Where deemed appropriate and necessary by the Board, the City shall provide for inspection of required street, utility, drainage, and/or erosion control improvements during construction to insure their satisfactory completion. The Applicant shall pay to the City a fee estimated to cover the cost of the inspection services as determined by the City Engineer. No building permits shall be issued until all such fees are paid. If the City Engineer or designated agent finds upon inspection that any of the required improvements have not been constructed in accordance with the City's standards and specifications, the Applicant shall be responsible for completing any required alterations of the improvements to bring them into compliance.

### **Section 8.3 – Security for Site Plan Improvements**

- A. Certificate of Occupancy/Incomplete Site Work
  - 1. In the event that the Applicant is entitled to a Certificate of Occupancy under the Lebanon Building Code, but for work that cannot be completed because of weather-related reasons (for example, landscaping and paving postponed due to cold weather), then the Applicant may post security in an amount equal to the cost of completing the work required in the Notice of Action. (See Section 1.6, "Compliance.") The Planning Director may deny the request for a Certificate of Occupancy if he or she determines that the work could have been completed within the usual construction season. Such denial may be appealed by the Applicant to the Planning Board, which shall either affirm or reverse the decision of the Planning Director. The provisions of this section are not intended to be used or interpreted to permit occupancy of a development prior to the completion of required improvements when there are no circumstances existing which limit an applicant's ability to complete such required improvements.

2. The amount of the security shall be determined by the Public Works Director and the duration of the security shall be determined by the Planning Director.
3. The financial security shall be released when the Planning Director is satisfied that the Applicant has complied with all requirements set forth in the Notice of Action.

B. Off-Site Improvements

Security to guarantee completion within 2 years of all off-site improvements is required. The amount of the security shall be set by the Planning Board, which shall obtain the recommendation of the Public Works Director.

C. On-Site Improvements

The Planning Board may require security to guarantee completion of all site improvements within 2 years for site plans for which the cost of site improvements is expected to exceed \$25,000, or for which incomplete site work could pose a special hazard to the environment; be injurious to abutting properties, the neighborhood, or public services and facilities; or cause unnecessary municipal expense. The amount of such security shall be intended to cover the cost of completing all site improvements and shall be set by the Planning Board, which shall obtain the recommendation of the Public Works Director.

D. Nature of Security

Security required by this section shall be in the form of a bond issued by a surety registered to do business in the State of New Hampshire, an irrevocable letter of credit from an institution acceptable to the City Manager, an escrow account, or similar security. Security shall not be in the form of a mortgage on real estate, a security interest in equipment or inventory or similar instruments. The form of the security shall be reviewed and approved by municipal counsel.

E. Enforcement of Security

If the Applicant does not complete improvements in accordance with the terms of the security, the City shall enforce its rights to call the security and complete the work. In the event that the City is required to enforce the security, the City may reimburse itself for its costs and reasonable attorney's fees incurred in the enforcement from the amount of the security, and, if legal action is required, the City shall be entitled to an award of its costs and reasonable attorney's fees.

## **Section 8.4 – Active and Substantial Development and Substantial Completion**

As provided for in RSA 674:39, III, the Board may specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

A. Active and Substantial Development or Building

1. For purposes of these Regulations, unless modified by the Board at the time of approval of a specific application, the completion of all of the following shall imply “Active and Substantial Development or Building” when inspected and approved by the City Engineer or designated agent:
  - a. Construction of and/or installation of basic infrastructure to support the development (including all of the following: roadways, access ways, parking lots, etc. to a minimum gravel base; and water and wastewater lines and other utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and,
  - b. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrains, catch basins, etc.) in accordance with the approved plans; and,
  - c. Placement and maintenance of all erosion control measures on the site as specified on the approved plans.

Movement of earth, excavation, or logging of a site without completion of items a, b, and c above, shall not be considered “Active and Substantial Development or Building.” Plans approved in phases shall be subject to this definition for the phase or phases currently being developed.

2. Unless otherwise specified by the Board, Active and Substantial Development or Building shall be achieved within two (2) years from the date of the Planning Board’s approval.
3. The time for completion of Active and Substantial Development or Building may be extended for good cause by the Planning Board. A request for an extension of time within which to complete such Active and Substantial Development or Building shall be submitted by the Applicant to the Planning Office prior to such expiration date for review in accordance with the provisions of Section 4.10 of these Regulations. Requests for extension of time to complete Active and Substantial Development or Building received after the expiration date shall not be considered by the Board. An extension may be granted only after a public hearing with notice as provided in Section 4.8 of these Regulations.

In no event shall the time for completion of Active and Substantial Development or Building be extended to more than five (5) years from the date of the Planning Board’s approval, unless the development has been approved for completion in phases in accordance with Section 4.9 of these Regulations. In the event the Planning Board approves an extension request, the Applicant shall be required to update any Security Agreements or other documents, as necessary, to reflect the dates of the extended approval.

**B. Substantial Completion**

1. For purposes of these Regulations, unless modified by the Board at the time of approval of a specific application, Substantial Completion shall be deemed to have occurred when all on-site and off-site improvements specified in the Site Plan approval have been constructed or installed by the Applicant and inspected and approved by the City Engineer or designated agent, except for those improvements which are explicitly deferred by vote of the Board.

In the event that the City calls a performance security for such improvements and the funds are paid to the City, Substantial Completion of the improvements in the subdivision shall be deemed to have occurred.

2. Unless the Site Plan has been approved for completion in phases in accordance with Section 4.9 of these Regulations, or as otherwise specified by the Board, Substantial Completion shall be achieved within five (5) years from the date of the Planning Board's approval.

## **ARTICLE IX – MODIFICATIONS AND MINOR ALTERATIONS TO AN APPROVED SITE PLAN**

### **Section 9.1 – Modifications to an Approved Site Plan**

Once a plan has received approval from the Board and prior to the issuance of a Certificate of Occupancy, no modification shall take place unless the modification of the plan has been approved by the Board, except as provided by Section 9.2 below. Following the issuance of a Certificate of Occupancy for an approved Site Plan, any changes proposed to a tract for multi-family or non-residential use shall be addressed under the provisions of Article III of these Regulations.

Modifications shall normally be treated by the Board as a new plan application, which will require notification of abutting property owners, a public hearing, staff review, and formal Board action. A request for a modification which would entail a reversal or relaxation of any condition or determination made by the Board as part of its original approval, shall not be heard unless the applicant demonstrates that a material change of circumstances has occurred affecting the merits of the original application.

Modifications to an Approved Site Plan granted by the Planning Board pursuant to this paragraph shall not alter the time periods set forth in Section 4.10 of these Regulations for expiration of Site Plan Approval, unless the Planning Board, for good cause stated in its written Notice of Action, explicitly specifies some alternative expiration date.

### **Section 9.2 – Minor Alterations to an Approved Site Plan**

- A. A minor alteration may be approved in writing by the Planning Director subsequent to final site plan approval, but prior to the issuance of a Certificate of Occupancy, if the alteration is not deemed to be a material change in the plan, and if the alteration is either necessitated by unforeseen or unanticipated circumstances, or constitutes a deviation from the plan which was constructed or installed as a result of a good-faith error, rather than negligence. The full Board shall be notified in writing of any such approval within 30 days of the approval, and the Applicant shall submit a revised site plan to the Planning Office reflecting the approved minor alteration.

- B. For purposes of this section, a change shall be deemed to be a minor alteration only if all of the following apply:
1. It is relatively minor, in light of the overall scope of the approval;
  2. It does not result in a violation of any express condition of the approval, or of any zoning or other local, state, or federal regulatory provision, and;
  3. The Planning Director concludes that no reasonable Board member could consider the change as grounds for reconsidering or altering any aspect of the Notice of Action.

Any modification which does not meet these criteria may be approved only as provided in Section 9.1 of these Regulations.

- C. The applicant, any Board member, or any person aggrieved may make a written request for an approval under this section to be reviewed by the full Board. The Board shall act on the request within a reasonable time. Such a determination shall be considered administrative, and no noticed public hearing shall be required. The Board, by majority vote, shall either affirm the approval of the minor alteration, or shall require the owner or applicant to submit a modification request under Section 9.1 of these Regulations.

**Section 9.3 – Disclaimer**

The issuance of a Certificate of Occupancy does not absolve the Property Owner from meeting all conditions of the approved site plan. The Property Owner is obligated to maintain the site according to the approved site plan.

**ARTICLE X – FINES AND PENALTIES**

These regulations shall be enforced as provided in RSA Chapter 676, and in the event of any violation, the City Manager shall authorize legal action of 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.

**ARTICLE XI – AMENDMENTS**

Amendments to these Regulations shall be made in the manner as required by law.

- Adopted: May 9, 1977
- Amended: November 13, 1978
- Amended: August 11, 1980
- Amended: October 19, 1981
- Amended: June 14, 1988
- Amended: August 30, 1994
- Amended: October 19, 1998 (Total Revision of Regulations)

Amended:	March 22, 1999	Section 6.6 - Off-Site Improvements
Amended:	March 12, 2001	Section 6.6 - Off-Site Improvements
Amended:	November 9, 2009	Rewrite Articles III, IV, V, & IX; New Definitions
Amended:	September 11, 2012	Revise Articles II, III, IV, V, VI, VII, VIII, & IX;
Amended:	March 12, 2013	Section 4.8 – Procedure for Site Plan Review
Amended:	September 12, 2016	Section 6.6- Stormwater Management, Revise Article II, IV, VI, V
Amended:	December 10, 2018	Section 4.10 - Expiration of Site Plan Approval

**ARTICLE XII – APPLICATION OF AMENDMENTS**

These Regulations or any amendment thereto shall not apply to any completed application accepted by the Planning Board prior to the posting of the first public hearing on these Regulations or any amendment thereto. In such circumstances, the Regulations in effect at the time of the accepted completed application shall apply. The effective date of these Regulations or any amendment thereto is the date of the filing with the Lebanon City Clerk.