SITE PLAN REVIEW REGULATIONS

TOWN OF LANCASTER

NEW HAMPSHIRE

Adopted April 1991

Amended 1995, 1996, 2001, 2002, 2005, 2012, 2013 and 2014

by the
Lancaster Planning Board

TABLE OF CONTENTS

Article Title	Sub-title	Page
ARTICLE 1	AUTHORITY	4
ARTICLE 2	PURPOSE	4
ARTICLE 3	COMPLIANCE	4
ARTICLE 4	TYPES OF DEVELOPMENT REQUIRING SITE PLAN REVIEW	4
	A. Site Plan Review shall not be required for	4
	B. Minor Site Plan Review	5
	C. Major Site Plan Review	5
	D. Determination of a Minor Site Plan	5
	E. Concurring Hearings	6
ARTICLE 5	PROCEDURE FOR SITE PLAN REVIEW	6
	A. Preliminary Conceptual Consultation	6
	B. Design Review Phase	6
	C. Application	6
	D. Public Noticing	6
	E. Review Application for Completeness	7
	F. Public Hearing	7
	G. Action of the Board	7
	H. Acknowledgement of Receipt of Notice of Decision	8
	I. Failure to Act	8
	J. Post Decision Action	8
ARTICLE 6	PROCEDURE WHEN SPECIAL EXCEPTION OR VARIANCE APPROVAL BY THE ZONING BOARD OF ADTUSTMENT IS REQUIRED	8
ARTICLE 7	PROCEDURE WHEN SUBDIVISION APPROVAL IS REQUIRED	9
ARTICLE 8	SUBMISSION REQUIREMENTS	9
ARTICLE 9	GENERAL REQUIREMENTS DURING CONSTRUCTION	11
	A. Site Characteristics	11
	B. Pollution Control	11
	C. Refuse Disposal	12
	D. Glare	12
ARTICLE 10	STANDARDS AND REQUIREMENTS FOR PROPOSED DEVELOPMENTS	12
	A. General Guidelines	12
	B. Central Business District Site Design Standards	12
	C. Wetlands	12
	D. Special Flood Hazard Areas	12
	E. Runoff and Drainage	13
	F. Groundwater Protection	13
	G. Buildings and Structures	13
	H. Buffers and Landscaping	14
	I. Roadside Trees	15
	J. Stone Walls	15
	K. Screening	15
	L. Nonconforming Lot	16
	M. Coordination of Streets, Parking, Loading and Safety	16
	N. Public Parking Standards	18

	O. Loading Area Standards	19
	P. Exterior Lighting and Signs	19
	Q. Upgrading Off Site Facilities	19
ARTICLE 11	COMPLIANCE WITH THE NOTICE OF DECISION	20
	A. Period for Construction and Completion of the Work	20
	B. Bonding & Security	20
	C. Changes & Alterations in an Approved Site Plan	21
	D. Correction of Deficiencies	21
	E. Guarantee of Installation of Improvements	21
	F. Recording of Notice of Decisions	22
ARTICLE 12	WAIVERS OF STANDARDS AND REQUIREMENTS	22
ARTICLE 13	SEPARABILITY	22
ARTICLE 14	FINES & PENALTIES	22
ARTICLE 15	DESTRUCTION BY FIRE OR OTHER EVENT	22
ARTICLE 16	DEFINITIONS	22
Appendix A	Certification as to Adoption & Amendment	26

ARTICLE 1: AUTHORITY

The Lancaster Planning Board hereby adopts Site Plan Review Regulations as authorized and required by New Hampshire Revised Statutes Annotated (NH RSA), Chapter 674:43 & 674:44 and pursuant to authorization from the Town of Lancaster by Town Meeting action. One-family and two-family dwellings are specifically excluded from the application of these Regulations.

ARTICLE 2: PURPOSE

The general purpose of these Site Plan Review Regulations is to provide for orderly community growth guided by the policies in the Lancaster Master Plan and to protect the safety and welfare of the community. In keeping with this general purpose, the following are specific objectives to be incorporated into these regulations:

1. To balance the landowner's rights to use his/her land with the corresponding rights of abutting landowners and public at large to be protected from undue hazards, disturbances, nuisances, pollution and diminution of property values.

2. To protect the historic New England character and cultural richness of Lancaster by requiring new development to blend into the traditional village setting, especially on Main Street.

3. To protect the safety and welfare through a review and analysis of the location on the site of buildings, roads, and sidewalks of new and renovation construction, or change of use, and of the interaction of the site with neighboring lots, town highways, parking and sidewalks.

4. To preserve our Main Street and its historic nature by maintaining its tree lined street, green spaces and traditional architecture.

5. To keep the rural character of the town through the preservation of it scenic vistas, forest areas, wetlands, and green spaces.

6. To ensure responsible development by first considering reusing existing buildings and other infrastructure.

ARTICLE 3: COMPLIANCE

The Site Plan Review procedure does not relieve an applicant from complying with the Lancaster Zoning Ordinance, the Lancaster Subdivision Regulations, or any other regulation or bylaw which pertains to the proposed development. No Site Plan shall receive Final Approval until it complies with all applicable Federal, State and local ordinances and regulations.

ARTICLE 4: TYPES OF DEVELOPMENT REQUIRING SITE PLAN REVIEW

A. **Site Plan Review shall not be required for**:

1. The construction or enlargement of any single or two-family dwelling or building

accessory to such dwelling.

2. The construction or alteration of any building used exclusively for agriculture, horticulture or floriculture.

3. Home occupation as defined in this Ordinance.

4. Governmental land uses as defined in this Ordinance. While it is recognized that governmental land uses are exempt from the requirements of Site Plan Review, pursuant to state and federal law, it is requested that governmental land uses which meet the minimum criteria of Minor or Major Site Plan Review appear before the Planning Board as a courtesy to abutters and members of the general public. All fees shall be waived. Notice to abutters by first class mail shall be made at town expense.

B. **Minor Site Plan Review shall include the following types of development:**

1. A parking area of twenty (20) spaces or less.

2. Additions to existing buildings resulting in an increase of the building footprint or floor space of more than one-thousand, two-hundred (1,200) square feet and less than four-thousand (4,000) square feet which comply with all zoning requirements and which require no changes in parking or utilities.

3. Change in use and Minor Site Plan shall be addressed in an administrative fashion with a final determination of approval with or without conditions or denial to be made by the Town Manager or the Town's Planning Board designee. No public hearing will be conducted.

C. **Major Site Plan Review shall include the following types of development:**

1. All proposals for new construction of more than one-thousand, two-hundred (1,200) square feet, except for single or two family dwellings or buildings accessory to such residential dwellings.

2. All proposals for a change in use, conversion, re-use or expansion of an existing use which do not meet the criteria of a Minor Site Plan under Article 4, B.

D. **Determination of a Minor Site Plan**:

1. The Town Manager and the Town's Planning Board designee shall consult with the Chairperson of the Planning Board in reviewing all plans submitted and determine if the plan meets the criteria of Minor or Major Site Plan Review.

2. Minor or Major Site Plan Review shall be required in all other instances when at the discretion of the Town Manager, the Town's Planning Board designee and the Chairperson of the Planning Board the health, safety, general welfare and orderly & aesthetic development of the community warrants review by the Lancaster Planning Board.

3. The resumption of any non-conforming use discontinued for more than three (3) years.

In these instances, the Town Manager and the Town's Planning Board designee, shall review RSA 674:44 in relation to the proposed development and shall issue a written recommendation for the need for Site Plan Review and public hearing. This written recommendation shall be presented to the Lancaster Planning Board at their next regular meeting. The Lancaster Planning Board may accept or reject this recommendation. If the recommendation is accepted, a public hearing shall be scheduled with abutter and public notification proceeding according to the Lancaster Planning Board Rules of Procedure and State statutes regulating same.

E. A **concurrent hearing** may be required when, in the opinion of the Board, two or more site plan proposals are interrelated.

ARTICLE 5: PROCEDURE FOR SITE PLAN REVIEW

A. **Preliminary Conceptual Consultation:** As provided in NH RSA 676:4-II(a), an applicant may submit general plans to the Board for preliminary discussion at a regularly scheduled meeting without notice to abutters or the public. Purpose of such meeting shall be to discuss a potential proposal in general terms to address any possible conflicts or issues prior to formal application submittal. Such consultation shall not bind either the applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.

B. **Design Review Phase:** As provided in NH RSA 676:4-II(b), the Planning Board or their designee may engage in nonbinding discussion with the applicant involving more specific design and engineering details. All required abutter and general public noticing, pursuant to NH RSA 676:4-I(d), must be fulfilled before such discussion commences. Statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken.

C. **Application:** An application for Site Plan Review, on a form prescribed by the Town, shall be filed with the Town's Planning Board designee at least twenty-one (21) days prior to the meeting at which it will be considered by the Planning Board for completeness. A schedule of all regular meeting dates and deadlines is available at the Town Office. All filing and noticing fees as set by the Selectmen shall be paid at the time of filing. Any other fees imposed by the Board to cover costs of special investigative studies, legal review, review of documents, and other matters which may be required shall be paid by the applicant. Final approval shall not be granted if any costs are outstanding.

D. **Public Noticing:** Notice of application submission and public hearing must be given in accordance with NH RSA 676:4-I(d). Ten (10) days before the date fixed for the application submittal or hearing, notice to applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board shall be sent certified mail, return receipt. Notice to NH DES shall be given by first class mail and notice to the general public shall be given by posting notice in two public places and publishing same in a newspaper of general circulation at time of abutter notices.

Notice shall include a general description of the proposal to be presented to the Board, identify the applicant and the location of the proposal. Pursuant to NH RSA 676:4-I(d)(1), if notice of

public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required. Additional notice shall not be required for an adjourned session of a hearing if the date, time and place of the adjourned session was made known at the prior hearing.

E. **Review Application for Completeness:** In accordance with NH RSA 676:4, a timely submitted application will be considered by the Planning Board at their next regularly scheduled public meeting and after notice to the public and abutters. Application completeness will be based on the submission requirements outlined in the Site Plan Review Regulations and listed in the Site Plan Review Application. Upon a vote by a majority of voting Planning Board members that an application is incomplete a final written decision listing the reasons for said vote shall be sent to the applicant and made available for public inspection in the Town Office in accordance with NH RSA 676:3. Upon a vote by a majority of voting Planning Board members that an application is complete a public hearing on the merits of the proposal will be scheduled.

F. **Public Hearing:** Upon determination by the Planning Board that a submitted application is complete based on their regulations, the Board shall hold a public hearing and begin formal consideration to approve, conditionally approve or disapprove within sixty-five (65) days of acceptance. Public hearings for Minor Site Plan proposals may begin at the same meeting the application is submitted but not until all public noticing requirements have been met. Public hearings for Major Site Plan shall begin at the next regular meeting after acceptance of an application as complete in which proper public notice can be provided.

G. **Action of the Board**.

1. The Board shall act to approve, approve with modifications, or disapprove the proposed Site Plan within 65 days following the acceptance as complete of an application submitted to the Board, except that the Board may apply to the Selectmen for an extension pursuant to NH RSA 676:4, as amended. The Board shall notify the applicant, in writing, by means of an official Notice of Decision, signed by the Chairman, on its action on the final site plan.

2. In case of disapproval, the Board shall clearly set forth in the Notice of Decision to the applicant the reasons for its action, with specific reference to standards contained in these Regulations.

3. The Planning Board's final action shall consist of either:

    a. approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this regulation;

    b. disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this regulation; or

    c. approval of the site plan subject to any subsequent or precedent conditions, modifications, or restraints as required by the Board for the development to comply with Article 10 of these regulations.

4. Approvals with precedent conditions not requiring a public hearing prior to final approval shall be handled administratively by the Town's Planning Board designee. Upon a finding that all conditions precedent have been met, either administratively or through a duly noticed public hearing pursuant to NH RSA 676:4-I(d), final approval shall be granted and a Notice of Decision for Final Approval shall be issued for the applicant to acknowledge and execute.

H. **Acknowledgement of Receipt of Notice of Decision:** The applicant shall acknowledge receipt of the Notice of Decision and acceptance of all provisions set forth therein and shall return a signed copy of the same to the Board for its records. Until such acknowledgement and acceptance has been filed with the Board, no further action shall be taken by the developer with regard to final Site Plan. Within sixty (60) days following the date of notice, the applicant shall deliver at least three (3) paper copies of the Site Plan as approved for signature by the Chairman or such person as may be designated by the Board. Failure to acknowledge receipt of Notice of Decision for conditional or final approval within 60 days of the date of the notice will cause approval to lapse. Whenever possible the Notice of Decision shall be signed and acknowledged by the Board and the applicant at the conclusion of the public hearing. Final Notice of Decision shall be recorded with any applicable plats at the Coos County Registry of Deeds with all costs the responsibility of the applicant.

I. **Failure to Act**: If the Board has not taken action to approve, approve with conditions or disapprove the completed application within sixty-five (65) days of its acceptance as complete and has not obtained an extension from the Board of Selectmen, the applicant may obtain from the Selectmen an order directing the Board to act within thirty (30) days. Upon failure of the Board to act upon such order within 40 days of the issuance of the order, the selectmen shall certify on the applicant's application that the proposal is approved pursuant to NH RSA 676:4-I(c)(1). The approval is contingent upon the proposal complying with all Subdivision Regulations, Site Plan Review Regulations, Zoning Ordinance, or any other provision. Failure of the Selectmen to act in this manner shall constitute grounds for the Superior Court to take action, as provided in RSA 676:4, I (c)(2).

J. **Post Decision Action:** Any person aggrieved by any decision of the Planning Board shall follow the procedure as outlined in RSA 677:15 or RSA 676:5-III, as the case may be. The aggrieved party filing such post decision action shall bear the cost of abutter notification and newspaper publication if required at any time. In any Planning Board matter that calls for a request for a rehearing prior to the filing of a Superior Court action, the cost of abutter notification and newspaper publication for such rehearings shall be borne by the party requesting the rehearing.

ARTICLE 6: PROCEDURE WHEN SPECIAL EXCEPTION OR VARIANCE APPROVAL BY THE ZONING BOARD OF ADJUSTMENT IS REQUIRED

A. It is the applicant's responsibility to ensure his/her proposed development complies with Lancaster's Zoning Ordinance. When a Special Exception or Variance is required by the Zoning Ordinance, it is recommended the applicant first obtain them before applying for Site Plan approval. When an approved request from one board differs substantially from that of the other, the first Board may require a rehearing of the proposal based on those changes.

B. In accordance with NH RSA 676:2, a joint hearing of both the Planning Board and Zoning

Board of Adjustment may be held if requested by the applicant or either Board. Copies of any Zoning Board of Adjustment approvals already received must be included with the application for Site Plan. Any conditions imposed by the Zoning Board of Adjustment shall not be diminished by the requirements contained in these regulations.

ARTICLE 7: PROCEDURE WHEN SUBDIVISION APPROVAL IS REOUIRED

A. When both Subdivision and Site Plan approval are required on a proposed development, the Board may hold the Site Plan Review hearing at the same time as the hearing required by the Subdivision Regulations.

ARTICLE 8: SUBMISSION REOUIREMENTS

A. In order to be considered at the next regular Planning Board meeting, all required information must be submitted electronically and in triplicate at least twenty-one (21) days before the next regular planning board meeting:

B. Submission requirements for Minor Site Plan Review:

1. Completed application for Site Plan Review as provided by the Town;

2. Name and address of Applicant(s);

3. Name and address of abutter(s) as defined in this regulations and in accordance with NH RSA 672:3, and all holders of conservation, preservation or agricultural preservation restrictions as defined in NH RSA 477:45 not more than five (5) days before filing;

4. Names and addresses of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board.;

5. Copies of Variance or Special Exception approvals if already received;

6. A Building Permit application, if applicable;

7. A Plan or Sketch showing:

   a. The footprint of all existing and proposed structures;
   b. A sketch of the exterior facade of any proposed structure or changes to the facade of any existing structures;
   c. The use of all structures within the development, showing anticipated future additions and alterations;
   d. A parking plan showing the total number of spaces and the layout of the spaces, if applicable;
   e. A plan for exterior lighting;
   f. A plan for any proposed signs;
   g. Loading spaces and facilities;
   h. All utilities, existing and proposed;
   i. A proposed landscaping plan indicating plantings to be installed if any and natural cover

to be retained;

j. Proposed drainage systems, if applicable;
k. Wetlands delineation for any areas proposed to be impacted.

8. A narrative including:

   a. An estimated timetable for construction and completion of buildings;
   b. A description of the proposed use including all activities, hours of operation, shipments in and out, food arrangements and waste disposal;
   c. A floor plan showing area of the building to be used for retail operations, office, storage, etc.;
   d. A table showing maximum number of employees, maximum seating capacity, where applicable, and the number of parking spaces existing and required for the intended use; and,
   e. The zoning designation and dimensional requirements applicable to the site.

9. All other data indicated by the Board as necessary to make an informed decision.

10. Any requirement listed by as applicant as N/A (not applicable) must include an explanation as to why.

C. Submission requirements for Major Site Plan Review:

1. In addition to the information required for Minor Site Plan Review above, a plan which includes the following must be submitted electronically and in triplicate at least twenty-one (21) days before the next regular planning board meeting:

   a. the name and address of the preparer of the plan;
   b. name of the project, boundaries, locus map, date, north arrow, and scale of plan;
   c. 22 " X 34 " sheets standard with a continuation on 11" X 17" sheets as necessary;
   d. a vicinity sketch showing the location of the site in relation to the surrounding public street system,
   e. current valid certification and seal on a boundary survey by a land surveyor licensed to practice in the state of New Hampshire;
   f. boundaries of the lot(s) including compass bearings, distances, lot areas, all existing lot lines, easements and rights of way.
   g. acreage or square feet;
   h. topographic contours every 5';
   i. the location of natural features such as streams, marshes, wetlands, lakes or ponds; and manmade features such as existing roads and structures. The plan shall indicate which of these natural or manmade features will be removed, retained or altered;
   j. roads, streets and driveways within 200' of the site boundary.
   k. as applicable, the width of the traveled way of all proposed streets, driveways and sidewalks within the site, with indication of direction of travel and the inside radii of all curves.
   l. curbs, fences, paths and walls will be shown;
   m. traffic Flow pattern within the site as applicable, including entrances and exits, loading and unloading areas; curb cuts on the site and within 100 feet of the site;

n. wetlands delineation for any areas proposed to be impacted.

2. A narrative which includes:

   a. all information required for Minor Site Plan Review.

3. The Board may require such additional information as may be reasonably necessary for the purposes of these regulations. In the event additional information is so required, and if the Board's request is not made to the applicant prior to the public hearing, the Board shall adjourn the public hearing to a specified date.

4. The Planning Board may require a detailed traffic study to include traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet of the site and any or all of the following:

   a. the projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels;
   b. the projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and,
   c. the impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels as well as road capacity levels shall also be given.

ARTICLE 9: GENERAL REQUIREMENTS DURING CONSTRUCTION

A. **Site Characteristics:** The site shall be of such a character that it can be used safely for the construction and installation of the improvements proposed by the applicant without excessive grades. If the applicant has obtained a Special Exception from the Zoning Board of Adjustment, and that Board has specifically considered, made findings and included in its decision the character of the site and a review of excessive grades, inadequate drainage and/or hazardous conditions, the Planning Board shall take such decisions into consideration when referring to the New Hampshire Storrnwater Manual, Volumes 1 thru 3.

   1. The top of a cut or bottom of a fill section shall not be closer than ten (10) feet to an adjoining property line, unless otherwise specified by the Planning Board.

   2. Extraction operations (sandpits, etc.) shall not be permitted within fifty (50) feet of any property line, except as provided for in the Zoning Ordinance.

   3. During grading operations, methods of dust control shall be employed.

B. **Pollution Control:** The plan shall provide for the safe development of the site.

   1. Smoke, soot, particulates or other discharge into the air, including idling of machinery, shall not exceed the levels established under the State Ambient Air Quality Standards.

   2. Noise at property boundaries shall not exceed levels determined to be harmful to health and welfare under regulations adopted by the Environmental Protection Agency under 42 USC Chapter 65, "Noise Control."

C. **Refuse Disposal:** The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's disposal method and/or disposal area (in terms of volume, flammability, or toxicity) and may require the applicant to dispose of such wastes elsewhere, conforming with all applicable local, State and Federal Regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

D. **Glare:** No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any public way so as to impair the vision of the driver of any vehicle upon that way. All such activities shall also comply with applicable local, Federal and State Regulations.

ARTICLE 10: STANDARDS AND REQUIREMENTS FOR PROPOSED DEVELOPMENTS

A. **General Guidelines:**

1. These standards and requirements have been developed in accordance with the goals and objectives of the 2011 Lancaster Master Plan.

2. The proposed development shall conform to the extent appropriate to the natural characteristics including topography of the site. Site clearing shall be kept to the minimum required for the construction of buildings and improvements, taking into consideration the preservation of the surrounding character, the need for pedestrian and vehicular safety, and the need for light and air.

3. The Planning Board shall approve the proposed Site Plan only upon determining that the following requirements have been met:

B. **Central Business District Site Design Standards:**

1. Main Objectives:

   a. Promote high quality development that will have a lasting presence and functionality.

   b. Create safe and attractive public spaces, including pedestrian corridors, parking areas, travel lanes and streetscape elements.

   c. Provide buffers and transitions for abutting, non-commercial properties.

   d. Encourage non-vehicular modes of transportation, including walking and bicycling, by providing safe, attractive, interconnected development.

   e. Support access management that will allow for safe and efficient traffic flow.

   f. Provide universal accessibility that meets the Americans with Disabilities Act (ADA)

standards.

g. Encourage construction best practices, high quality building materials and low maintenance design.

h. Encourage low impact site design practices and low to zero discharge drainage design.

2. Main Design Standards:

a. Pedestrian connections: Where applicable, pedestrian walkways should be provided within the parcel, as well as between abutting parcels, to reduce vehicular traffic and encourage walking between establishments. These walkways shall be a minimum of five (5) feet wide and meet all ADA Accessibility Guidelines. Pedestrian refuge areas in traffic islands shall be provided at all roadway and driveway crossings that are greater than thirty (30) feet. Plantings, lighting, benches and site amenities are encouraged to enhance the pedestrian experience.

b. Bicycle connections and amenities: Bicycle traffic is to be accommodated throughout the District. Where existing or proposed bike routes exist adjacent to development properties, connections to these routes shall be provided and clearly reflected in the site plans. Bike parking facilities shall be provided.

c. Landscaping in Parking Areas: Landscaping should constitute a minimum of 25% of the parking area. For all parking lots containing 20 or more cars internal landscaped islands and aisles are required. Landscape islands shall be at least 8' in width to provide adequate growth medium for the plantings. Shade trees shall be provided for at a minimum interval of one tree for every ten spaces along a linear axis. Landscape areas used for bioswales and rain gardens are strongly encouraged within parking areas.

d. Curbing: Granite curb should be used in all parking islands and edges where curbing is required. Curbing is not required where bioswales are used to accept drainage within parking areas.

e. Pervious Paving: The use of pervious and porous paving is encouraged, where applicable.

f. Outdoor Dining Areas: Outdoor dining encourages pedestrian activity and provides for a vibrant streetscape environment. Where eating establishments provide outdoor dining areas, dining patios and courtyards should be placed as to be visible from the street or pedestrian areas. Enlarged sidewalks may be used for the use of outdoor dining.

g. Walkways: Pedestrian walkways within the site shall be provided to connect pedestrians to public sidewalks and parking areas, as well as to adjacent existing developments within the District. Pedestrian connections to future developments shall be part of the site planning. Walkways shall be clearly visible to motorists and bicyclists and provide the pedestrian with a full view of on-coming traffic at crossings. Except at road crossings, walkways shall be separated from parking areas and travel lanes by raised curbing. The

minimum width shall be five feet, excluding bumper overhang in parking areas.

3. Stormwater Management Objectives:

   a. Site plans shall include a stormwater management plan that will comply with Town requirement and NHDES regulations. Given the environmentally sensitive riparian areas within the CBD, particular attention will be paid to the treatment of stormwater runoff. Low impact design practices are encouraged.

   b. Acknowledging that not all low impact development practices will be effective on all sites, the intent of these regulations is to achieve what is possible to improve stormwater conditions on site and in an integrated manner coordinated with other stormwater management efforts.

4. Stormwater Management Design Standards:

   a. Location: Where treatment basins and related facilities are required, they should be located in the least visible location on the site.

   b. Low Impact Development (LID): The project should incorporate LID Integrated Management Practices (IMP) Standards and Specifications when possible.

   c. Rain Gardens: Rain gardens and similar landscape measures to treat stormwater may be counted as part of landscaped area in parking lots, pedestrian-oriented space, and common open space, provided that they are located and designed to enhance the visual, pedestrian-oriented qualities of the development.

   d. Green Roofs: Green roof technology may be incorporated into the building design as a part of stormwater management plan.

   e. Visual Sensitivity: Grass swales, bioswales and other features should be sensitively integrated into site design, while maintaining biofiltration efficiency.

   f. Location: Locate biofiltration swales, ponds, or other approved stormwater management systems as part of a landscape feature, such as a screen, natural area or garden. The swale or pond shall be designed so it does not impede pedestrian circulation or shared parking between two or more properties.

   g. In Parking Areas: Where topography is favorable, locate the biofiltration swale, wet pond, or other approved stormwater management system within the paved parking or service areas. The swale or pond should be landscaped as part of the required internal parking lot landscaping.

   h. Landscaping: The incorporation of landscaping into biofiltration swale and cell designs is encouraged. If the biofiltration swale is located near highly visible areas of the site, it shall be designed as an attractive landscaping feature with approved design and plant materials. Plant species shall be used that will tolerate the conditions of the drainage element.

5. Landscaping Objectives:

   a. Landscaping shall be an integral part of all site plan development. Landscaping shall reinforce good site design to create and preserve healthy, resilient ecosystems for the overall health and well-being of the Lancaster Community. In addition to aesthetic enhancement, trees, shrubs, groundcovers, and other plantings increase environmental and economic value by;

      - improving air quality by mitigating air pollution & greenhouse gases
      - reducing stormwater runoff and improve water quality
      - reducing the urban heat island effect
      - helping to reduce, and even eliminate, erosion
      - sheltering wildlife and promote biodiversity
      - healthy urban forests contribute to the stabilization of watersheds
      - increasing property values
      - reduce heating and cooling costs for buildings
      - businesses do better on tree lined streets
      - tree lined streets can help improve road safety through traffic calming
      - helping to reduce noise pollution by absorbing and blocking urban noise
      - trees help to define a 'sense of place' and provide desirable landscapes

   b. Use of appropriate plant material is critical to the sustainability and effectiveness of the landscaping. To ensure the longevity and health of the plant materials, the physical characteristics of the site, USAD hardiness zone, soils, microclimate of the planting area, and allotted space shall be carefully evaluated by the applicant when making planting selections.

6. Landscaping Design Standards

   a. Plan Preparation: Landscape plans shall be prepared by a licensed landscape architect or other qualified professional.

   b. Plant Selection and Suitability: Plant material shall be selected to withstand conditions in USDA Hardiness zone 3b. Ultimate mature size, and health and safety of the users shall be considered. Invasive species, as identified by the NH Department of Agriculture, are

not acceptable. Disease resistant and drought tolerant varieties shall be used. Native and adaptive species are strongly encouraged.

c. Coordination with utilities: Planting plans shall be compatible with all proposed and existing underground and overhead utilities to avoid conflicts. All existing and proposed utilities shall be shown on the planting plans.

d. Existing Trees: Where possible, existing large trees shall be incorporated into the design. Existing trees to be retained shall be protected and adequate space provided for their survival. Existing trees may also be transplanted to more suitable locations on site, if necessary.

e. Landscape elements: Landscape features such as boulders, stonewalls, seat walls, and other amenities may be used as accents incorporated into the overall design. Existing historic stonewalls shall be preserved in place, where possible.

f. Groundcover: Extensive beds of bark mulch shall not be solely used as groundcover. Low growing, hardy and perennial groundcover plants are encouraged in planting beds.

g. Pedestrian safety: Plant material placement shall consider the visibility of pedestrians from vehicles, as well as the pedestrian's ability to see vehicles at crossings.

h. Seasonal interest: Plants shall offer a variety of seasonal interest including flowers, foliage, fall color and winter interest.

i. Roadside Trees: Roadside trees (or street trees) shall be a minimum of 2 ½-3" caliper when planted.

7. Standards and requirements not listed in this section for a proposed development within the Central Business District shall comply, where applicable, to the remaining sections of this Article.

C. **Wetlands:**

1. In accordance with NH RSA 482-A, wetlands shall not be disturbed without first obtaining the required permits from the New Hampshire Department of Environmental Services.

2. All impacted areas of the proposed development shall be delineated by a wetlands scientist and shown on plans presented to the Board. Preliminary wetlands identification may be determined with the help of the Conservation Commission, Town maps, and aerial photographs made available by the US Soil Conservation Service.

3. All local, State and Federal requirements must be satisfied before final approval by the Planning Board.

D. **Special Flood Hazard Areas:**

1. For Site Plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the

National Flood Insurance Program (NFIP):

a. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Act Amendments of 1972, 33 U.S.C. 1334.

b. The Planning Board shall require that all proposals for development greater than fifty (50) lots or five (5) acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and one-hundred (100) year flood elevation).

c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to determine that:

   i) all such proposals are consistent with the need to minimize flood damage;

   ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,

   iii) adequate drainage is provided so as to reduce exposure to flood hazards.

E. **Runoff and Water Drainage:**

1. Any development proposing to increase the amount of impervious surfaces within the subject lot shall be designed to contain all stormwater runoff resulting from the development on the subject lot for storage and/or infiltration. An exception may be made for stormwater runoff disposed of in a properly designed system which discharges into a municipal system. This will be subject to authorization and permission from the controlling authority. Systems designed to achieve this should be incorporated with other project design features to minimize the developed area and shall comply with the New Hampshire Department of Environmental Services Stormwater Manual Post-Construction Best Management Practices. Under no circumstances shall stormwater discharge be allowed to flow onto abutting properties without express written permission of property owners in the form of agreements and/or drainage easements.

F. **Groundwater Protection:**

1. The quality of groundwater shall not be adversely affected by the proposed development.

2. The applicant will show the proposed development will not violate the rules and regulations of the New Hampshire Department of Environmental Services (NH DES) with regard to ground water.

G. **Buildings and Structures:**

1. Placement of Buildings:

a. Buildings should be sited to ensure adequate visibility from public thoroughfares for safe movement of pedestrian and vehicular traffic. Topography and existing vegetation shall be taken into consideration.

b. Where appropriate, the front of newly constructed buildings shall be aligned with the majority of neighboring properties in accordance with the minimum setback requirements. This will help to maintain the character of the neighborhood, protect the trees and maintain the existing green space and lawns.

c. Where appropriate, buildings shall be oriented parallel or perpendicular to the street to reinforce the traditional streetscape.

2. Facades:

a. To maintain architectural and aesthetic integrity new construction throughout town should be compatible with the majority of surrounding properties with regard to formal characteristics such as height, massing, roof shapes, and window proportions.

b. Where new construction is surrounded by buildings with historic features, building height and exterior materials should be harmonious with surrounding properties since the preservation and enhancement of the visual environment may promote the general welfare of our town.

H. **Buffers and Landscaping:**

1. Natural cover shall be retained whenever possible.

2. Additional landscaping shall supplement natural cover and be in keeping with the character of the area the site is located.

3. Landscaped buffers surrounding new construction and commercial parking sites shall be required where they adjoin residentially zoned and/or used properties, and must consider the needs and the present character of the adjoining land and its uses, with sufficient width (not less than the existing setback for that zone) and density of plantings to protect these properties from:

a. the impact of noise and other nuisances in accordance with the Environmental Protection Agency under 42 USC Chapter 65, "Noise Control.";

b. loss of privacy;

c. loss of natural light and/or imposition of harsh artificial lighting;

d. buffers will be required in front of new commercial buildings and in front of any side parking for those buildings at a width equal to the green space in front of the predominant buildings in the immediate neighborhood, which best represent the character of that part of the street which this ordinance seeks to preserve;

e. buffers will not be considered adequate unless they accomplish the goals of this section with a combination of grass and plantings of appropriate height using a mixture of deciduous and evergreen trees and shrubs where density is required, and/or fencing where complete screening is required, without blocking natural light where it is needed. Native trees (2 inches in diameter minimum) and shrubs shall be used in order to capture the "spirit of the locale" through indigenous species (such as lilac, viburnum, daylilies, ferns, oak, maple, sycamore, linden, birch, shadbush, etc.);

f. the screening or buffer area between a new or existing commercial or manufacturing building or parking and loading area will not be less than six (6) feet; and,

g. parking lots containing ten or more spaces shall be planted with at least one tree per eight spaces, no smaller than two (2) inch caliper (trunk diameter at chest height), each tree being surrounded by no less than 40 sq. ft. of permeable, unpaved area.

I. **Roadside Trees:**

1. Because roadside trees are extremely important to the character of any town, removal of trees over five (5) inches in diameter (at chest height) must be absolutely minimized, especially along roadways. Removal of trees can usually be lessened by shifting the site of the building, parking lot, or the entrance/exit drive. In addition, planting of new or replacement trees every thirty (30) feet along roadsides is encouraged to reinforce rural character. Such trees should be deciduous hardwoods in order that a stately atmosphere may ultimately be created.

   a. Roadside tree plantings should meet the following criteria:

      i) cast moderate to dense shade in summer;

      ii) long-lived, i.e., over 60 years;

      iii) be tolerant of pollution and direct or reflected heat;

      iv) require little maintenance, by being mechanically strong and insect and disease resistant;

      v) be able to survive two (2) years with no irrigation after establishment; and,

      vi) be of native origin, provided that they meet the above criteria.

J. **Stone Walls:**

1. Where stone walls exist, care should be taken to disturb these as little as possible since they also act to retain the character of country roads. New Hampshire's scenic roads' statute, NH RSA 231:158 may require additional provisions when stone walls require disturbance.

K. **Screening:**

1. Storage areas, waste collection areas, storage tanks, and service areas shall be fenced or screened from on-site areas and neighboring properties.
2. Open storage areas, exposed machinery, and outdoor areas used for storage collection of rubbish must be visually screened from roads and surrounding land. Suitable types of screening include opaque wood fencing and dense evergreen hedges of five (5) feet or more in height. Where evergreen hedges are proposed, a temporary fence must be built to provide screening until the evergreens are of sufficient height.

3. In locations where potential health and/or safety hazards may arise, such as rubbish storage/collection areas, a solid wooden fence, six (6) feet in height is required to deter children and animals from entering the premises. Where new fencing would create a continuous surface greater than ten (10) feet in length, it shall be softened visually with tree and shrub plantings.

4. Any fencing and/or plant material that deteriorates or dies shall be replaced.

L. **Nonconforming Lot:**

1. During Site Plan Review pre-existing nonconforming lots which the Zoning Board of Adjustment has authorized for development, will be subject to the same buffer and setback requirements as those instituted for conforming lots.

M. **Coordination of Streets, Parking, Loading, and Safety:**

1. General Guidelines:

   a. New Onsite Parking: New onsite parking for commercial buildings should be place to the rear of the site. Where rear parking is not deemed possible by the Planning Board, parking on the side of the lot will be allowed. The intent of rear parking is to minimize the visual impact of parking areas upon the Town character. Supplemental landscaping may also be required to achieve this objective.

   b. Dimensions of Parking Spaces: Parking spaces on paved surfaces, when appropriately striped, shall have the following minimum dimensions: 9 feet by 18 feet for stall parking; 9 feet by 20 feet for parallel parking; and 12 feet by 20 feet for handicapped spaces. The width of each parking space on gravel surfaces shall be extended 2 feet.

   c. Minimum Number of Handicap Parking Spaces: Each site shall provide the appropriate number of handicap parking spaces, as specified by New Hampshire Code of Administrative Rules, PART Ha 304.02, as amended.

   d. Sidewalks: In the event that pedestrian shoppers or employees are anticipated, provisions shall be made for sidewalks running from the town sidewalk or street edge to the establishments. The sidewalk must be a minimum of five (5) feet wide. Such sidewalks, when adjacent to or within five (5) feet of driveways or roadways shall be at least six (6) inches above grade and protected by curbing.

   e. Internal Circulation: The Board, at its discretion, may require that parking areas and

areas for internal circulation on the site shall be physically delineated (for instance, by curbing) so as to protect adjacent grass and plantings.

f. Traffic Access: There shall be adequate traffic access to and from Town streets to ensure the safety of vehicles and pedestrians.

g. Public Highways: The public highways providing access to the Site shall be sufficient and adequate for the safety of vehicles, pedestrians, and bicycles. This will include not only the public highways on which the Site fronts, but also public highways which constitute the main traffic arteries and which must be utilized by traffic to and from the Site.

h. Safety and Traffic Patterns: The traffic patterns on and at the Site shall be coordinated and made safe so as to compose a convenient system. It must provide and maintain seperate access for pedestrians and bicycles and must comply with the Americans with Disabilities Act (ADA) regulations.

i. State Highway Frontage: Sites with frontage on state-numbered highways shall be designed into shared access points to and from the highway in accordance with current state regulations for driveways. Sites located on town highways shall follow the same state regulations. The Planning Board may require a traffic impact analysis if there are any concerns.

   i) In accordance with the Institute of Transportation Engineers, the Board will require a traffic impact study when the proposed project is expected to generate over one hundred (100) directional trips during the peak hour of traffic generator or the peak hour of the adjacent streets, or over seven hundred fifty (750) trips in an average day. A trip or directional trip is an in or an out, i.e., customer "A" going in is one trip; customer "A" leaving is a second trip.

   ii) Per the Institute of Transportation Engineers Manual, for any application within one mile of an intersection with any turns documented as Level of Service (LOS) D or worse, or within one mile of a documented High Accident Location (HAL), an analysis of the impacts of the proposed use on that intersection or high accident location shall be required for any proposal expected to generate a higher number of trips per average day or per peak hour than the present use. A location shall be considered HAL or LOS if identified as such by a public entity such as the NH Department of Transportation or consultant to a public entity and no improvements have since been made to improve the situation leading to that classification. If the site or building has been totally or partially vacant for less than then the increase will be determined by comparison with the immediate prior use.

j. Streets within a Site: There shall be proper arrangement of streets within the Site and in relation to other existing and planned streets (or with the features of the official map of Town) such that the proposed development of the site shall not endanger the public. Planning for internal roads between separate lots, whether under the same or different ownership, will be required.

k. Multi-Family Structures: Site plans for multi-family structures shall make adequate

provisions for the onsite recreational needs of the residents of the proposed development. The plan shall be designed to minimize the endangerment of public safety by the extensive use of internal roads and parking areas for recreation.

l. Emergency Vehicle Access: There shall be adequate access from suitably located existing public streets of sufficient width to afford adequate light, air, and access to each structure for fire, police, and medical emergency vehicles and personnel. Adequacy shall be established by approval in writing from the Town Department Heads.

m. Loading Areas: All loading areas shall be designed with adequate space and facilities so as not to interfere with other planned circulation on the site.

N. **Public Parking Standards:**

1. Off-street parking spaces shall be provided in accordance with these specifications for any change of use, new use, or expansion. In no case shall on-street parking be credited for any site because its availability is subject to change over time based on the public need to use the right-of-way for other, possibly conflicting, uses.

a. Number of Spaces Table: The following table is provided as a guide to the number of parking spaces that may be needed for each site. Each site may need to provide at least the minimum number of parking spaces for the site as determined in the following table:

USE	NUMBER OF SPACES
Church, School, Theater	1 space per 3 seats
Lounge	1 space per 2 seats
Restaurant	1 space per 3 seats
Hospital, Nursing/Convalescent Home	1 space per 3 beds/1 space per 3 employees
Senior Housing	1 space per 2 units
Industrial	1 space per 1.2 employees based on maximum dayshift
Hotel, Motel, Lodging House	1 space per 1.1 lodging units
Private Club or Lodge	1 space per 4 members
Office	1 space per 250 sq ft of gross area
Business Service Establishment	1 space per 250 sq ft of gross area
Apartments	2 spaces per unit
Retail Store	1 space per 300 sq ft of gross area
Personal Service Establishment	1 space per 300 sq ft of gross area
Mall, Shopping Center	1 space per 300 sq ft of gross area

b. Credit for Public Parking Lot: In the event that there is a public parking lot within four-hundred (400) feet, credit for parking spaces may be considered in lieu of on-site parking.

c. Parking Space Location: If the primary parking lot does not meet minimum requirements secondary parking that meets one of the following conditions must be provided:

i) the parking spaces on the other lot of record are located within four hundred (400) feet of the parking area on the applicant's lot;

ii) the other parking is off-street;

iii) the applicant's use is permitted in the zoning district in which the off-site parking is located;

iv) the primary parking lot shall include signage indicating where additional parking spaces are available, if applicable; and,

v) a recorded parking agreement which specifies the number and location of parking spaces to be shared. This private parking could be a Shared Parking arrangement with another business if one business has different peak hours, for example.

d. The Planning Board may request a Parking Study be conducted when a waiver is being requested or when there are questions that cannot be resolved. The cost of the study will be borne by the applicant.

O. **Loading Area Standards:**

1. When adjoining a residential use institutional use or place of general assembly, a suitably screened or landscaped buffer shall be provided in accordance with Article 10, Section G.

2. Off-street loading spaces shall not block or in any manner interfere with the free flow of pedestrians or vehicles. All such loading spaces shall be appropriately indicated by a sign or other visual communication.

3. If the vehicle must back up then an on the ground spotter/guide will be present for the safety of pedestrians.

4. All loading and unloading shall be conducted entirely within the boundaries of the lot concerned, and no vehicle or conveyance shall, in any manner, use public streets, sidewalks or rights-of-way for loading or unloading operations other than ingress or egress to the lot.

P. **Exterior Lighting and Signs:**

1. To protect the rural character and adjacent residential uses, the light level at lot line shall not exceed 0.2 foot candles at ground level. Luminaries shall be shielded to prevent light shining beyond lot lines onto neighboring properties or public ways. All light standards are restricted to a maximum of twenty, (20) feet in height. Except for security purposes, all lighting, including lit signs, shall be turned off between 11 PM and 6 AM. Exceptions may be granted for those businesses which are operating during these hours.

Q. **Upgrading Off Site Public Facilities:**

1. When new development or change of use would overburden the Town's existing

infrastructure (water, sewer, roads, etc.) the Board may require off-site improvements a condition precedent to the approval of a Site Plan. The applicant's share of such costs for off-site improvements shall be allocated in such a manner consistent with applicable New Hampshire law.

ARTICLE 11: COMPLIANCE WITH THE NOTICE OF DECISION

A. Period for Construction and Completion of the Work:

1. The applicant shall construct and complete all structures and landscaping required in the Notice of Decision (hereinafter referred to as the "Work") within the time limits specified in the Notice of Decision. Where no time limits are specified, the period shall be within four (4) years from the date of acknowledgement and acceptance of the Notice of Decision. Upon written request by the applicant and after a public hearing with notice to abutters and general public, the Board may find that conditions beyond the control of the applicant prevent compliance within the four year period or the time limit specified in the Notice of Decision and may grant additional time for compliance with the Notice of Decision.

B. Bonding and Security.

1. Protection of Town Facilities: The Board may require the applicant to post a bond or to provide an irrevocable letter of credit to protect Town facilities from damage that may be caused directly or indirectly from the work to be performed on the site or adjacent to the site. This may include, for example, trees and shrubs on abutting properties, Town streets, sidewalks, water and sewer infrastructure, storm drainage, etc. In addition, the purpose of this bonding will be to provide security to pay for the completion of any work, which if left incomplete, would cause the above described damage or would cause the applicant to be out of compliance with the Notice of Decision.

   Said bond or irrevocable letter of credit may be required to remain in place for a maximum of three (3) years in cases where sufficient time must elapse to ascertain the effectiveness of the improvements. For example, a bond or irrevocable letter of credit may be required to be kept in place for two (2) years after a sewer line or water line extension is built. The Planning Board may, at their discretion, reduce the amount of the bond or irrevocable letter of credit to ten (10) percent of the actual cost of construction provided the applicant certifies in writing to the Town that he/she is responsible to correct all deficiencies during this maximum three year time period.

2. Amount of Bond: The Planning Board shall determine the amount of the bond or the irrevocable letter of credit based on the estimated cost of completing the work or of constructing, repairing, or replacing landscaping, structures, or Town facilities. The Town of Lancaster shall obtain the cost estimate from the applicant's licensed engineer or from an engineer of the Town's choosing. The applicant shall bear the cost of providing the cost estimate.

3. Form of Bond or Security: The applicant shall sign and deliver a bond or irrevocable letter of credit in the form approved by the Town Manager and Town Selectboard. The security shall be in the form of a letter of credit or escrow account, or similar security, but shall not

be in the form of a mortgage on real estate or a security interest in equipment or inventory. It is intended that all such security be as close to cash as possible. A bond issued by a surety company registered to do business in the State of New Hampshire shall satisfy any requirement.

4. Release of Bond or Security: The bond and security shall be released when the Planning Board is satisfied that the applicant has complied with all requirements set forth in the Notice of Decision. Prior to the release of the bond or irrevocable letter of credit the applicant shall notify the Planning Board that all conditions of the Notice of Decision have been satisfied. The applicant shall then be authorized to release the bond and security unless, after notification, the Board directs otherwise.

5. Default: If the applicant has not complied with the period of time specified in the Notice of Decision, the Town shall enforce its rights under the bond and its security. In the event that the Town is required to take any legal action to enforce the bond and security, the Town shall be entitled to have reasonable attorney's fees paid by the applicant and awarded by the Court.

C. **Changes and Alterations in an Approved Site Plan:**

1. If at any time before or during the construction of the Site Plan, unforeseen conditions make it necessary or desirable for the applicant to modify the location or design of any of the required work or plans, the applicant shall immediately notify the Planning Board designee. The Planning Board designee shall consult with the Chairman of the Planning Board to determine if any of the proposed alterations substantially change the standards and requirements of the approved Site Plan. Upon a determination that the modifications are substantial, a duly noticed public hearing with notice to abutters and general public will be held at the expense of the applicant. Any other alterations shall be handled in an administrative manner by the Planning Board designee. Approval for all modifications, whether requiring a public hearing or not, shall be requested and approved in writing in advance of construction. Any information deemed necessary by the Planning Board or their designee for review of the changes shall be provided upon request. When determining whether a requested modification or alteration is substantial, NH RSA 676:4-I(i) may be referenced for guidance.

D. **Correction of Deficiencies:**

1. If the Town Manager, Planning Board or the Town's Planning Board designee determines that any of the required Work has not been completed in accordance with the plans and specifications as filed by the applicant and as required by the Town, the applicant shall be notified in writing of any such deficiencies at their expense. If the applicant does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's rights and interests including suspension or revocation of Final Plan approval pursuant to Article 11, Section E of these regulations. In the event of legal action, the Town shall be entitled to have all fees, including reasonable attorney's fees, paid by the applicant and awarded by the Court.

E. **Guarantee of Installation of Improvements:**

1. If the Town Manager, Planning Board or the Town's Planning Board designee determines that the work has failed for any reason or does not meet the specifications as filed by the applicant and as required by the Town, the applicant shall be notified in writing of such failure and the applicant shall rectify all failures at their expense. If the applicant does not rectify all deficiencies within a reasonable time as determined by the Town, all necessary action shall be taken to protect and preserve the Town's rights and interests, including revocation of Site Plan Approval pursuant to NH RSA 676:4-a & 674:39 as amended. In the event of legal action, the Town shall be entitled to have all fees, including reasonable attorney's fees paid by the applicant and awarded by the Court.

F. **Recording of Notice of Decision:**

1. The final Plat and Notice of Decision shall be filed at the Coos County Registry of Deeds at the expense of the applicant.

ARTICLE 12: WAIVERS OF STANDARDS AND REQUIREMENTS

A. All requests for waivers must be submitted in writing at the time of application submission. The Board may waive any of the standards and requirements contained herein by a majority vote of Board members in accordance with NH RSA 674:44-III(e) where strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of these Regulations. In determining what constitutes an unnecessary hardship, the Board shall be guided by court determinations on zoning variance cases. The basis for any waiver granted by the Board shall be recorded in the minutes of the Board.

ARTICLE 13: SEPARABILITY

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

ARTICLE 14: FINES AND PENALTIES

A. Any violation of these Regulations may be punishable in accordance with NH RSA 676:17, 676:17-a and/or 676:17-b. Violations of the above may result in a misdemeanor charge or civil penalty of $275.00 for the first offense and $550.00 for subsequent offenses for each day such violation is found to continue. In addition, enforcement may include the institution of injunction, mandamus, abatement, or other appropriate action or proceeding to prevent or enjoin or abate or remove any unlawful erection, construction, alteration or reconstruction.

ARTICLE 15: DESTRUCTION BY FIRE OR OTHER EVENT

A. In the case of rebuilding a structure after its destruction, the Planning Board will review the replacement construction in the same manner as new construction. Unique site exceptions may be grandfathered if the replacement building replicates the original using the same or similar materials, is located on the same footprint and complies with the currently adopted code.

ARTICLE 16: DEFINITIONS

Abutter – In accordance with NH RSA 672:3, any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

Accessory Building or Use – Any building, use or combination of building and use located on the same lot as the principal building or use and the use of which is customarily considered incidental to those of the principal building, and use including, but not limited to detached garages, swimming pools and equipment sheds.

Buffer or Screening – A portion of Land, set aside as open space or visual screening to separate two (2) abutting uses and/or minimize the impact of noise, light, invasion of privacy and other nuisances.

Change of Use – A discontinuance of an existing use and the substitution of a use of a different kind or class.

Easement – Land designed through authorization by a property owner for the use of another and for specified purposes of any designated portion of his/her property.

Flood Plain – That portion of land, as designated on the most current Flood Insurance Rate Maps or on the Flood Boundary and Floodway maps of the Town of Lancaster, that, on the average, is identified as likely to be flooded once every one-hundred (100) years.

Foot Candle – A measure of light falling on a given surface. One (1) foot candle is equal to the amount of light generated by one candle shining on a one (1) square foot surface one (1) foot away.

Governmental Land Use – In accordance with NH RSA 674:54-I, a use, construction, or development of land owned or occupied, or proposed to be owned or occupied, by the state, university system, the community college system of New Hampshire or by a county, town, city, school district or village district, or any of their agents, for any public purpose which is statutorily or traditionally governmental in nature.

Grandfathering – The use of land that lawfully existed before enactment of an ordinance or regulation which limits it that may be maintained after the effective date of the ordinance or regulation's adoption.

Home Occupation – Any use that is customarily conducted within a dwelling by the residents thereof and employs no more than four (4) non-resident employees and which is a secondary use of

a dwelling for residential purposes and does not change the character of the building or the character of the neighborhood.

Landowner Rights – The rights of a property owner to develop his/her land in accordance with established local, State and Federal rules and regulations.

Loading Space – An off-street space, accessible at all times, on the same lot as the building being serviced for the temporary parking of a vehicle while loading and/or unloading and scaled to delivery vehicles expected to use it.

New Construction – The site preparation for and construction of entirely new structures and/or additions, which require a building permit, to existing structures whether or not the site was previously occupied.

New England Character – A mixed residential, agricultural and forested rolling landscape of intimate proportions where narrow dirt roads, stone walls and mixed vegetation are typical of areas surrounding the village or town. Certain plantings, landscaping, architecture (steep roofs, tall church spires, covered bridges, etc.) and a walkable village center which integrates residential, commercial and small industry are also characteristic.

Non-conforming Lot – A lot of record which does not conform to the provisions of the Town of Lancaster's Zoning Ordinance.

Non-conforming Use – A use on a particular lot or combination of lots which is not permitted by the provisions of the Town of Lancaster's Zoning Ordinance.

Parking Lot – An area with two (2) or more parking spaces.

Parking space – An area of land reserved to accommodate the temporary placement of automobiles, trailers or equipment.

Parking Study – A study which demonstrates the applicant of a proposed project has made sufficient accommodations for the volume of traffic expected to be generated by the size and type of development proposed. It should also show that the proposed project has provided for the safe and efficient flow of vehicles and pedestrians while minimizing the impacts on public streets and environmental resources.

Plat – A map, drawn to scale, showing the divisions of a piece of land.

Replacement Construction – The "in kind" replacement of a building due to fire or similar destruction. The repairs or replacement would use the same or similar location but must comply with the currently adopted code.

Runoff – Precipitation, snowmelt or irrigation that flows over land, eventually making its way to surface waters such as streams, rivers or ponds.

Rural Character – An area that has an agricultural heritage with low density where the landscape includes such things as front yard trees, roadside fields, stone walls, forests and wildlife.

Traditional Architecture – Styles of architecture dating from the original settlement of Lancaster up till 1950.

Traditional Village Setting – In a traditional New England village the communal structures, such as courthouses, churches and schools, are typically spread around a central green area or concentrated along tree-lined Main Streets surrounded by adjacent residential areas. Narrow side streets and small lanes define these neighborhoods with small industry and commerce often mixed among the residences to create smaller neighborhoods within the larger village.

Traffic Impact Analysis – A study which assesses the effects a development's traffic will have on the transportation network in the community.

Upland Buffer – A strip of land along the edge of wetland areas to remain undisturbed with all existing vegetation.

Variance – An exception to the Town of Lancaster's Zoning Ordinance authorized by the Zoning Board of Adjustment in accordance with NH RSA 674:33.

Waiver – A relaxation or removal of a standard or requirement of these regulations which is granted to an applicant by the Lancaster Planning Board in accordance with NH RSA 674:44-II(e).

APPENDIX A

CERTIFICATION AS TO AMENDMENT TO THE

SITE PLAN REVIEW REGULATIONS OF THE TOWN OF LANCASTER, NH

ACTION

1. First Hearing Notice Published	02/27/1991 & 03/27/1991
2. Date of First Hearing	04/02/1991
3. Second Hearing Notice Published	03/27/1991
4. Date of Second Hearing	04/09/1991
5. Adopted by Planning Board	04/09/1991
6. Amended	3/14/1995, 2/13/1996, 6/12/2001, 1/8/2002, 12/13/2005, 11/14/2012, 05/08/13, 6/11/14

The undersigned, being members of the Lancaster Planning Board do hereby certify that the written Amendment to the Site Plan Review Regulations of the Town of Lancaster was validly adopted on the 11th day of June, 2014.

LANCASTER PLANNING BOARD

Mark M. St. Pierre, Chairman

Mark Frank, Vice Chairman

Leo Enos, Selectmen's Representative

Justin Carter, Regular Member

Andrew Nadeau, Regular Member

Ben Southworth, Regular Member

Rusty Scott, Regular Member

Donald Doolan, Alternate Member

Greg Westcott, Alternate Member

Rick McCarten, Alternate Member

Penny Noyes, Alternate Member

Barbara Peaslee-Smith, Alternate Member

Leon Rideout, Selectmen's Alternate Rep.