



Town of Rye

Land Development Regulations Chapter 202 Of the Code of the Town of Rye

Town of Rye Codified in 2020 with a complete re-write of the LDR [Town of Rye, NH Table of Contents](https://ecode360.com)
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Amended on 9-20-2022, Amended on 12-13-2022
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Amendments noted where applicable]*

Land Development Regulations Amended 1-16-2024

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LAND DEVELOPMENT REGULATIONS

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ARTICLE I

INTRODUCTION

§ 202-1.0. Title.

These regulations may be known and may be cited as "Land Development Regulations of the Town of Rye, New Hampshire."

§ 202-1.1. Scope and applicability.

- A. These regulations govern both the subdivision of land (including lot line adjustments) and the development or change or expansion of use of tracts for non-residential use or multi-family residential use. All subdivisions and all development or change or expansion of use of non-residential sites and multi-family sites in the Town of Rye must comply with these regulations, except as limited by § 202-1.8 (developments in Rye Beach Precinct) and § 202-2.1.B(4) (exempt site developments).
- B. An owner of contiguous land in more than one municipality or of a parcel bounded by the town line may have to comply with the requirements of both these regulations and the land use regulations of the adjacent municipality. See RSA 674:53.
- C. For the purposes of site review of multi-family properties, conversion of seasonal properties to year-round use shall be considered an expansion of use.

§ 202-1.2. Authority.

The regulations are enacted pursuant to the authority granted the Rye Planning Board to regulate subdivisions by the March 11, 1952 Town Meeting and pursuant to the authority granted the Rye Planning Board to review site plans of non-residential and multi-family developments by the March 15, 1980 Town Meeting. Both Town Meeting actions were taken pursuant to the Planning and Zoning Enabling Legislation of the State of New Hampshire, currently codified as NH RSA 674:35 and NH RSA 674:43, respectively.

§ 202-1.3. Purpose.

These regulations are intended to promote the health, safety, general welfare and prosperity in a manner consistent with authority granted by the Planning and Zoning Enabling Legislation of the State of New Hampshire, as amended.

§ 202-1.4. Administration.

- A. General. These regulations shall be administered by the Planning Board and by all Town officials, as necessary.

- B. Building Inspector. The Building Inspector shall not issue a building permit for any new buildings or structures; additions, modifications, or alterations of buildings or structures; or replacement of buildings or structures unless all applicable approvals required by these regulations have been granted by the Planning Board. The Building Inspector shall not issue an occupancy permit for a dwelling unless all street construction, drainage and site work have been substantially completed to the satisfaction of the Planning Board Engineer. Building permits and occupancy permits shall not be issued if violations of the zoning ordinance, these regulations or the planning board's approval exist on the lot. (Amended 9-20-2022)
- C. Planning Board Engineer. The Planning Board Engineer shall be responsible for inspecting all land developments to ascertain that development is in accordance with approved plans and these regulations. He shall have the authority to give final approval to the construction of all new streets, drainage and other required improvements. (Amended 9-20-2022)
- D. Surety release certification. Prior to the release of a surety pursuant to § 202-7.1D the Planning Board Engineer shall provide the Planning Board with a surety release certification stating that all improvements covered by the surety have been completed in accordance with the approved plans and these regulations.

§ 202-1.5. Enforcement.

The Planning Board, acting through its Chairperson, the Planning Board Engineer, the Building Inspector, the Selectmen or Counsel may take whatever actions are necessary to enforce these regulations. Such actions include injunctive relief as permitted by RSA 676:15, as amended; enjoining transfers of property as permitted by RSA 676:16, as amended; and punishment by civil penalties as permitted by RSA 676:16 or 676:17, as amended, and the cease-and-desist orders permitted by RSA 676:17-a, as amended (i.e., Chapter 237 of the Laws of 1991).

§ 202-1.6. Violations and penalties.

Penalties for violation of these regulations shall be as provided by NH RSA 676:17, as amended. Any person who violates any of these regulations:

- A. Shall be guilty of a misdemeanor if a natural person (in legal meaning, one who has its own legal personality and that is an individual human being) or guilty of a felony if any other person.
- B. Shall be subject to a civil penalty as allowed by RSA 676:17.

§ 202-1.7. Recovery of legal costs and technical review.

- A. Costs for legal review and advice. As permitted by NH RSA 676:17, the Planning Board will seek to recover its costs and reasonable attorney's fees in any legal action necessary to enforce these regulations.
- B. Third party technical review and consultation. Pursuant to RSA 676:4-b, the Planning Board in reviewing a subdivision plat, site plan, or other land use application may require the applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review and consultation during the review process, provided the review and consultation does not substantially replicate a review and consultation obtain by the Board of Adjustment. Such third-party review and consultation shall follow the requirements of RSA 676:4-b, I to V.
- C. Completeness review for telecommunications facilities. Pursuant to RSA 12-K:11, the Planning Board reserves the right to request establishment, at the time of application by the applicant, of an escrow account in the amount of \$3,000 to cover the estimated costs of review of an application and the thirty-day completeness review (per federal Telecommunications Act of 1996, and FCC 18-133 ruling, as amended) for any application involving the establishment of a new wireless telecommunication facility or substantial modification of an existing wireless telecommunication facility (as defined by RSA 12-K:2, XXV), excluding applications for collocation (as defined in RSA 12-K:2, X and XI). Any funds not expended for the purposes of the thirty-day completeness review and subsequent professional or technical review of such applications shall be returned to the applicant following final decision on the application by the Planning Board.

§ 202-1.8. Rye Beach Precinct.

These regulations do not apply to the Rye Beach Precinct, which has enacted its own land development regulations pursuant to Chapter 29 of the New Hampshire Session Laws of 1937.

§ 202-1.9. General waiver authority.

A. The Planning Board may waive requirements of these regulations in accordance with RSA 674:36, II (n), and RSA 674:44, III (e). (Amended 9-20-2022)

B. RSA 674:36, II(n), for subdivision applications and RSA 674:44, III(e), for site plan review applications require that the basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may only grant a waiver if the Board finds, by majority vote, that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations or that specific circumstances relative to the subdivision (or site plan) or conditions of the land indicate that the waiver will properly carry out the

spirit and intent of these regulations. Requests for waivers shall be submitted in writing at least 10 days before the meeting at which the Board considers the waiver request. A written waiver request shall describe how compliance with the regulations for which a waiver is requested would pose an unnecessary hardship to the applicant and why the waiver would not be contrary to the spirit and intent of the regulations. (Amended 9-20-2022)

§ 202-1.10. Conflicts. (added 9-20-2022 and following re-index)

In interpreting and applying these regulations, if regulations, standards or procedures conflict the more strict regulation, standard or procedure shall govern.

§ 202-1.11. Amendment.

These regulations may be amended from time to time by following the procedures prescribed in NH RSA Chapter 675, as amended.

§ 202-1.12. Severability.

Should any section or provision of these regulations be held to be invalid or unconstitutional by any court or authority of competent jurisdiction, such holding shall not affect, impair or invalidate any other section or provision of these regulations, and to such end all sections and provisions of these regulations are declared to be severable.

§ 202-1.13. When effective.

These regulations shall take effect when adopted and duly certified to the Rye Town Clerk.

§ 202-1.14. Definitions.

A. As used in these regulations, the following terms shall have the meanings indicated:

ABUTTER. 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 Planning Board. For purposes of notification 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. For purposes of receipt of notification in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, 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 planning board. For purpose 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. (Amended 9-20-2022)

ACCESS: A way or means of approach to provide physical entrance to a property.

ALL-SEASON SIGHT DISTANCE: A line that encounters no visual obstruction between two points, represented by a driver eye height of three feet six inches and a height of object of two feet zero inches, allowing for a snow windrow and/or seasonal changes. The line represents the line of sight between the operator of a vehicle using the driveway and the operator of a vehicle approaching from either direction.

BEST MANAGEMENT PRACTICE (BMP), STORMWATER: Control measures taken to mitigate changes to both quantity and quality of stormwater through changes to land use, climate and environmental factors. BMPs focus on water quality problems caused by increased impervious surfaces from land development and are designed to reduce stormwater volume, peak flows, and/or nonpoint source pollution through evapotranspiration, infiltration, detention, and filtration or biological and chemical actions. (Amended 9-20-2022)

BUFFER, VEGETATED: An undeveloped area of natural or planted vegetation, or both, designed and intended:

- (1) To reduce the visual and noise impacts between properties; and
- (2) To promote privacy.

BUILDING: Any structure, either permanent or temporary, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind.

BUILDING, ATTACHED: A building connected to another building by a common wall.

BUILDING, DETACHED: A building which is not connected to another building by a common wall. For example, a garage connected to a dwelling by a breezeway is a detached building.

BUILDING GROUND COVERAGE: The area of land surface occupied by a building.

BUILDING HEIGHT: The height of a building is the vertical distance from the grade elevation to the highest point of the roof. See definition of "grade."

CONSTRUCTION: For the purpose of this regulation includes the construction of a new driveway and any reconstruction, alteration, relocation, or paving of an existing driveway which changes the alignment, grade, width, drainage or dimensions within the Town's right-of-way.

CUL-DE-SAC: A dead end street terminating in a circular paved area. (Added 08-10-2021)

DEVELOPMENTS OF REGIONAL IMPACT (DRI): Any proposal before the Planning Board which in the determination of the Planning Board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to:

- (1) Relative size or number of dwelling units as compared with existing stock;
- (2) Proximity to the borders of a neighboring community;
- (3) Transportation networks;
- (4) Anticipated emissions such as light, noise, smoke, odors, or particles;
- (5) Shared facilities such as schools and solid waste disposal facilities; or
- (6) Proximity to aquifers or surface waters which transcend municipal boundaries.

DRAINAGE BASINS: Any one of the drainage basins listed below can be found on the Town of Rye website at <https://www.town.rye.nh.us/public-works/pages/town-rye-stormwater-maps>:

- (1) Witch Creek (WC).
- (2) Wallis Sands (WS).
- (3) Berry's Brook (BRB).
- (4) Awcomin Marsh (AM).
- (5) Philbrick Brook (PB).
- (6) Bailey's Brook (BAB).
- (7) Philbrick's Pond (PP) – this is also known as Eel Pond.

DRIVEWAY: A private way for vehicles which provides entrance, exit, access or approach to or from land in Rye to a public street.

GRADE: The elevation of the ground before any construction or alteration begins shall be referred to as the grade. Measurement from grade is determined by one of the following methods:

(1) For lots with front yard depth of 100 feet or less, grade shall be the elevation of the existing ground at the center of the exterior building wall on the street side.

(2) For building lots with frontage on more than one street, grade shall be the elevation of the existing ground at the center of the exterior building wall on the nearer or nearest street side.

(3) For lots with yard depth on any side of more than 100 feet, grade shall be the average elevation of the ground around the building.

IMPERVIOUS COVER, IMPERVIOUS COVERAGE, OR IMPERVIOUS: Any modified surface that cannot effectively absorb or infiltrate water and from which water runs off. Examples of impervious surfaces include, but are not limited to, roofs and, unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways, storage areas, compacted gravel, including drives and parking areas, oiled or compacted earthen materials, stone, concrete or composite pavers and wood. (From NH RSA 483-B:4, Shoreland Water Quality Protection Act.) (Amended 1-12-2021)

LAND DEVELOPER (or DEVELOPER): An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity (or agent thereof) that undertakes the activities governed by these regulations. Inasmuch as land development plans are merely a necessary means to the end of assuring a satisfactory development, the term is intended to include builders, subdividers, developers, contractors or any other person or entity participating in developing land in Rye.

LAND DEVELOPMENT: A subdivision or a site development as defined herein.

LOOP: A street making a closed loop. A boulevard and/or divided roadway is not a loop, per se.

LOT LINE ADJUSTMENT: A subdivision that adjusts the boundary between lots and which does not create a buildable lot(s).

LOW-IMPACT DEVELOPMENT (LID): A land planning and engineering design approach to manage stormwater runoff using green infrastructure by applying systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. LID emphasizes conservation and use of on-site natural features to protect water quality and manage stormwater runoff.

MS4 PERMIT: A permit program administered by the EPA under the Clean Drinking Water Act, the MS4 permit regulates polluted stormwater runoff commonly transported through

municipal separate storm sewer systems and then often discharged, untreated, into local water bodies. An MS4 system is a conveyance or system of conveyances that is:

- (1) Owned by a state, city, town, village, or other public entity that discharges to waters of the U.S.;
- (2) Designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches);
- (3) Not a combined sewer system; and
- (4) Not part of a sewage treatment plant or publicly owned treatment works.

MS4 URBANIZED AREA: Identified by urbanized areas as defined by the 2010 U.S. Census. MS4 areas may be modified based on future census data.

NON-BUILDING ACCESSORY STRUCTURE: An accessory structure that is not a building such as a fence, air-conditioning unit, play equipment, and decorative yard ornaments.

NONPOINT SOURCE POLLUTION: Pollution caused by rainfall or snowmelt moving over the land surface and through the ground as runoff where it transports natural and human-made pollutants, finally depositing them into lakes, rivers, wetlands, coastal waters and groundwaters.

PERVIOUS COVERAGE OR PERVIOUS: Any surface, whether natural, man-made, or modified, that can effectively absorb or infiltrate water including, but not limited to, vegetated surface, such as woodlands, planted beds, and lawns, and those pavements specifically designed and maintained to effectively absorb and infiltrate water. (From NH RSA 483-B:4, Shoreland Water Quality Protection Act.) (Added 1/12/2021)

PLANNING BOARD ENGINEER: The duly designated engineer of the Rye Planning Board or any person so designated by the Rye Planning Board.

PLAT: The final plan, map or drawing on which the subdivider's plan of subdivision is presented to the Rye Planning Board for approval and which, if approved, shall be submitted to the Register of Deeds of Rockingham County for recording.

RENEWAL ENERGY SYSTEMS: Renewal energy systems include solar systems, small wind energy systems, geothermal systems and hydro systems. (added 9-20-2022)

RESUBDIVISION: A change in an approved or recorded subdivision that alters the configuration of any lot, tract, parcel or other division of land from that shown on an approved or recorded subdivision.

SITE DEVELOPMENT: Any building or construction activity that develops, changes or expands a nonresidential or multifamily residential use of land. Site development includes redevelopment through the enlargement of structures and/or expansion of uses; conversion of structures and/or sites to new uses; intensification in use of a structure or site; and conversion of buildings and sites to the condominium form of ownership.

STORMWATER: Water from precipitation that results, directly or indirectly, in stormwater runoff, snowmelt runoff, and surface runoff and drainage, together with debris, chemicals, sediment, or other substances that may be carried along with the water. Stormwater is not regulated as sewage, industrial waste, or other wastes under RSA 485-A:2, XI-a. (Note: This definition was recommended as a revision to RSA 485-A:2 by the New Hampshire House Bill 1295 Chapter 71 Laws of 2008 Stormwater Study Commission Final Report November 2010.)

STORMWATER INFRASTRUCTURE: Conveyances such as pipes, catch basins, swales and outfalls that transport stormwater to a detention area or discharge stormwater over land or to lakes, rivers, wetlands, coastal waters and groundwaters.

STRUCTURE: Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including but not limited to buildings, mobile homes, radio towers, retaining walls, sheds and storage bins, storage tanks, portable carports, swimming pools, tennis courts and parking lots. The following are structures but are exempt from the dimensional requirements unless covered in other parts of the ordinance and codes: (Amended 9-20-2022)

- (1) Subsurface waste disposal facilities (see § 190-2.2E and Building Code, § 35-15B);
- (2) Fences and stone walls (see 190-5.10);
- (3) Driveways (see Chapter 202, Land Development Regulations);
- (4) Fuel storage tanks (see NFPA requirements); and
- (5) Retaining walls less than 6 feet in height.

SUBDIVISION: The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease,

condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

TEARDROP: A street making a closed loop in the shape of a teardrop around a natural or landscaped, undeveloped area. The undeveloped area shall have a minimum horizontal diameter of 80 feet at its widest point. Boulevards and/or divided roadways are not teardrops.

WATER QUALITY: The chemical, physical, biological, and radiological characteristics of water. It is a measure of the condition of water relative to the requirements of one or more biotic species and/or to any human need or purpose.

B. Resolution of disputes over meaning of words. Where there is disagreement over the meaning of words used in these regulations, the following rules shall apply:

(1) The definitions listed above shall govern.

(2) Otherwise, definitions used in the Rye Zoning Ordinance shall govern.

(3) If a word is not defined above or in the Rye Zoning Ordinance, it shall be given the meaning ascribed to it by any state statute or administrative regulation applicable to land development.

(4) If none of the above apply, the common meaning of the word as defined in standard dictionaries shall be applied. Where dictionaries offer multiple definitions, the definition most applicable to the land development context shall apply.

ARTICLE II

TYPES OF LAND DEVELOPMENTS

§ 202-2.0. General provisions.

Land developments governed by these regulations are either subdivisions or nonresidential or multifamily site developments including redevelopment. Sometimes a nonresidential or multifamily land development can be both a subdivision and a site development.

- A. Definition of subdivision. A subdivision is the division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision of land and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision under these regulations. (RSA 672:14 as amended)

- B. Definition of site development. A site development is any building or construction activity that develops, changes or expands a nonresidential or multifamily residential use of land. Site development includes redevelopment through the enlargement of structures and/or expansion of uses; conversion of structures and/or sites to new uses; intensification in use of a structure or site; and conversion of buildings and sites to the condominium form of ownership. (RSA 674:43 as amended)

§ 202-2.1. Categories of land developments.

For the purpose of regulating land use, land development and redevelopment are defined under two main categories of subdivision and site plan review as described below.

A. Subdivisions.

(1) Types of residential and nonresidential subdivisions as enabled by RSA 674:35 and RSA 672:14 include:

- (a) Major subdivision.
- (b) Minor subdivision.
- (c) Lot line adjustment subdivision.

- (d) Condominium conversion.
- (2) Major subdivisions are subdivisions of land which contain more than three lots or which require construction of a new street or extension of an existing street.
- (3) Minor subdivisions are subdivisions of land which contain not more than three buildable lots and which do not require any street construction.
- (4) Lot line adjustments are subdivisions which involve only adjustment of boundaries among existing lots and which do not create any new buildable lots.
- (5) Condominium conversions are considered to be both major subdivisions and major site developments. However, condominium conversions must only meet the procedural and information submittal requirements set forth herein for major site developments.

B. Site plan review developments.

- (1) Types of site plan review as enabled by RSA 674:43 include:
 - (a) Nonresidential major site developments.
 - (b) Nonresidential minor site developments.
 - (c) Multifamily residential developments.
- (2) Nonresidential major site developments are all site developments which involve any one of the following circumstances but not limited to:
 - (a) The initial development of a parcel or lot.
 - (b) Expansion of the total building ground coverage on a lot(s) by more than 15% or exceedance of the maximum building ground coverage permitted, including expansions under § 202-2.1B(3).
 - (c) Expansion of the aggregate parking areas, driveways, loading and unloading areas and walkways of a lot(s) by more than 15%.
 - (d) Expansion of the aggregate volume of structures, including changes to footprint and/or height, on the lot(s) by more than 15%.

(e) Construction or expansion of a non-building accessory structure [other than a structure covered by Subsection B(2)(d) above] which involves the disturbance of more than 400 square feet of land area.

(f) Construction of a structure more than 12 feet in height above grade, other than utility poles.

(3) Nonresidential minor site developments are all site developments which do not qualify as nonresidential major site developments as described by § 202-2.1B(2).

(4) Exempt activities.

(a) The following nonresidential site developments which involve only minimal changes to the site and environment do not require review under these regulations:

[1] Additions to the aggregate coverage of existing structure or buildings or additions to existing parking, loading and unloading areas, and driveway areas that are less than 100 square feet.

[2] The surfacing of existing unsurfaced parking areas, driveways, loading and unloading areas and walkways of 100 square feet or less.

[3] Changes in use (including use intensification) which do not expand a building or involve construction on the lot(s), provided that the change in use complies with the following criteria. Any change in use is required to obtain a change of use permit from the Building Department.

[a] No additional off-street parking is required; and

[b] Sanitary waste loading of the site does not increase beyond the capacity of existing septic systems or waste disposal service; and

[c] No adverse impacts beyond site development boundaries will occur, including but not limited to:

[i] Increased traffic hazards.

[ii] Groundwater and drainage.

[iii] Sanitary and solid waste disposal.

[iv] Lighting.

[v] Noise pollution.

[vi] Air pollution.

(b) To achieve exempt status, the property owner or applicant must apply in writing to the Planning Board requesting exempt status which shall include detailed site development and use plans and explanation of compliance with criteria in § 202-2.1B(4)(a)[1], [2] or [3] above. The Planning Board or its representative will then reply within 30 days in writing, advising if necessary or not to proceed with a formal review.

- (5) Multifamily residential developments are developments that construct a residential building(s) containing three or more dwelling units. (Amended 9-20-22)

ARTICLE III

APPLICATION PROCEDURES

§ 202-3.0. General provisions.

- A. There are four options for review of subdivision and site plan review applications by the Rye Planning Board as follows:
- (1) Preliminary conceptual consultation. [RSA 676:4, II(a), as amended]
 - (2) Design review application. [RSA 676:4, II(b), as amended]
 - (3) Final applications.
 - (4) Lot line adjustments.
- B. Any person proposing to subdivide land or a lot line adjustment or to develop, change or expand the use of nonresidential or multifamily residential sites must apply to the Rye Planning Board for final application approval, unless exempted under § 202-2.1B(4). A copy of the Land Development Application Form and Subdivision Form are available on the Town website and at the Rye Planning Department.
- C. Applications shall be made on forms provided by the Planning Board and shall be filed with the Planning and Zoning Administrator or a designated representative at least 21 days prior to a regular meeting. (Note: Currently, this deadline would be the next to last Tuesday of the month for the regular meeting on the second Tuesday of the next month.)

§ 202-3.1. Engineering standards.

- A. Site plan and subdivision plan drafting standards. All plan sheets required for application reviews under § 202-3.0, except sketch plans submitted with preliminary conceptual consultations, shall comply with the following standards:
- (1) Each sheet in a set of plans shall be identified by a number (e.g., Sheet 1 of 5).
 - (2) Ten color plan sets of 22 inches by 34 inches, 10 color plan sets of 11 inches by 17 inches, and a PDF of the complete application and supporting materials.
 - (3) A scale not less than one-inch equals 100 feet for subdivision plans and not less than one inch equals 20 feet for site development plans.
 - (4) The name of the proposal and the name and address of the owner of record and applicant(s) (if different).
 - (5) Name, address and the New Hampshire license number and seal of the engineer, surveyor, wetland scientist and/or architect.

- (6) A locus map of the development site including the entire lot and roads in the vicinity.
- (7) Tax Map and lot references (sheet and parcel/lot).
- (8) Location of all abutters, keyed to required abutters lists.
- (9) Acreage quantities for all existing and proposed lots, to the nearest hundredth of an acre, and square footage on all lots less than two acres in size. The buildable area (e.g., area of non-wetland soils, steep slopes, building setback or other area where development is not permitted without permission) shall also be delineated and quantified in the same manner. All easements shall be shown and easement documents provided.
- (10) Date of production and North arrow.
- (11) Match lines, as necessary.
- (12) Date and revision blocks: Every plan sheet shall be dated with a specific month, day and year. A revision block shall be included on each sheet and each revision made to the sheet after the initial date shall be noted, including a brief summary of the nature of the revision.
- (13) Adequate space, on each sheet, for the approval signature of the Planning Board, the date of approval and the Planning Board file number.
- (14) For multiple sheet submittals, there shall be included a list (or index) of all of the plans which are submitted.
- (15) In complying with the information requirements of this section the applicant shall use separate plan sheets if necessary, to preserve clarity of presentation.
- (16) Stamps and signatures of all licensed professionals that contributed to the preparation of the plat or plan.
- (17) Plans shall be rendered in color to better identify the location and juxtaposition of site attributes. Plans shall identify site attributes which shall be colored in a consistent manner, site attributes clearly distinguishable from one another, and shall include a color legend. Site attributes shall include but not be limited to surface waters, wetlands, steep slopes, exposed bedrock, forested and vegetated areas, structures and other types of landscaped and land cover. Hydrologic soil group color coding shall follow the New Hampshire Department of Environmental Services alteration of terrain (AoT) permit standards as follows: A = green, B = yellow, C = orange, D = red, water = blue, and impervious = gray. See the alteration of terrain permit application at <https://www.des.nh.gov/organization/divisions/water/aot/categories/forms.htm>.

- B. Survey standards. The plans shall certify that survey work has been performed in conformance with RSA 1-A:5. A list of approved control monuments located in the Town of Rye is available from the Town Clerk or Planning Board.

§ 202-3.2. Preliminary conceptual consultation.

Any potential applicant may request a preliminary conceptual consultation with the Planning Board.

- A. Purpose. Preliminary conceptual consultations are consultations only for the purpose of discussing proposals in conceptual form or for assistance in resolving problems meeting application requirements. Discussions at conceptual consultations do not bind either the applicant or the Planning Board. The Planning Board and the applicant may discuss proposals in conceptual form only and in general terms such as location and general scope, desirability of types of development and proposals consistent with the Master Plan.
- B. Requests for preliminary conceptual consultation. The Planning Board reserves the right to delay scheduling conceptual consultations when its regular meeting agenda is filled with final applications and/or preliminary reviews.
- C. Required plans and information. Applications for a preliminary conceptual consultation shall be accompanied by the following plans and a completed application form indicating correct names and mailing addresses of owner(s) of record, applicant(s) (if different), and abutters and location of the proposal. (Amended 9-20-2022)

(1) Subdivision application. Ten copies of a sketch plan of the subdivision or site development showing the following:

- (a) Approximate location of lot lines (existing and proposed).
- (b) Approximate lot measurements and areas (existing and proposed).
- (c) Approximate location of streets and utilities (existing and proposed).
- (d) Approximate natural drainage vectors.
- (e) Approximate locations of any wetland soils areas.
- (f) Approximate location of any significant natural features.

(2) Site review applications and condominium conversion applications.

- (a) Ten copies of a sketch plan of the proposal showing the general location of all existing and proposed buildings, parking areas, driveways, waste disposal facilities, lighting and safety considerations. (Amended 9-20-2022)

(b) Ten copies of a brief written "Summary of Proposed Use" describing the type and intensity of use proposed for the site. (Amended 9-20-2022)

D. Required fees. Refer to Appendix A for Fee Schedule.

E. Hearings and notice requirements. No public hearing required.

§ 202-3.3. Design review applications.

Any potential formal applicant may request a design review of a proposed major subdivision, major site development or condominium conversion. Design reviews shall take place only at regular meetings of the Planning Board. There shall be no preliminary reviews provided for minor subdivisions or minor site developments or lot line adjustments.

A. Purpose.

(1) Design reviews are for the purpose of providing preliminary guidance to applicants on matters that go beyond the "conceptual" level of preliminary consultation. Design reviews are intended to address specific design and engineering details. (Amended 9-20-2022)

(2) Guidance provided at design reviews shall be advisory only and nonbinding to both the applicant and Planning Board. The design review process is not a substitute for formal, final application. (Amended 9-20-2022)

B. Applications for design review; required plans and information. Applications for design review shall be accompanied by the following plans and information, which shall demonstrate compliance with the requirements of Articles VI to XI. (Amended 9-20-2022)

(1) Application form. A completed application form including the correct names and mailing addresses of the owner(s) of record and applicant(s) (if different) and the location of the proposal. An applicant for design review for a subdivision or site development shall submit 10 copies of the complete application materials including a color plan set of 22 inches by 34 inches, 10 color plan sets of 11 inches by 17 inches and a PDF of the complete plan set and supporting materials.

(2) Abutters list. A separate list showing the correct names and mailing addresses of the owner(s) of record, applicant(s) (if different) and all abutters keyed to the plan. The list shall be current per Town records as of not more than five days before the date of filing.

(3) Inspection permission. Written permission for the members of the Planning Board and municipal staff or their agents to inspect the site, as necessary.

- (4) Design review subdivision plan. An engineered preliminary plan of the subdivision meeting the engineering standards of § 202-3.1 and showing all proposed streets and lots and other improvements, including stormwater management infrastructure and utilities. Plans shall indicate percent grade of streets, width, and cross sections and the location, sizes and material of all water and sewer pipes, electric and telephone lines, stormwater pipes, drains and culverts. Cross-sectional drawings shall be provided at fifty-foot intervals for all new streets and shall show the existing terrain based on data obtained from field surveys.
- (5) Topographic and soils plan (a/k/a Existing Conditions Plan). A topographical plan of the entire parcel being subdivided showing contours at two-foot vertical intervals referenced to North American Vertical Datum (NAVD) 1988. The topographic plan shall also show: (Amended 9-20-2022)
 - (a) The high and low points of each proposed lot.
 - (b) Natural drainage vectors for each lot.
 - (c) The soil types existent on the site as per Site Specific Soil Mapping Standards for New Hampshire (December 2017), Society of Soil Scientists of Northern New England (SSSNNE) (as amended).
 - (d) The location of and pertinent data on test pits and percolation test results. Information shall include at least the following: the location of test pits, percolation test date, signature of the Building Inspector or his official representative that witnessed the test pits, and an outline of the proposed leach field area and reserve area.
 - (e) For minor subdivisions only, the Planning Board may waive certain site plan requirements, as follows:
 - [1] On proposed lots larger than three acres, the topographic plan may only cover those portions of the lot to be occupied by structures and/or waste disposal systems, provided that there are no apparent drainage problems on the other areas of the lot.
 - [2] In other circumstances where, in the opinion of the Planning Board, the required topographic or soils information for all or part of a parcel is unnecessary to the determinations required by Article VI.
- (6) Stormwater management plan (SWMP). The SWMP shall be a separate plan from other required site plans and comply with all requirements of Article IX. The plan shall include at least three plan sheets and a hydrological analysis, as follows:

- (a) An area-wide plan at a scale of one-inch equals 200 feet (Tax Map scale) which depicts the area-wide drainage system into which the site drains. Said area-wide plan shall show the flow from the site to the point at which the area-wide drainage system outflows into one of the watercourses depicted on the Town of Rye, Rockingham County, NH Storm Drainage System Maps (<https://www.town.rye.nh.us/public-works/pages/town-rye-stormwater-maps>).
- (b) A plan of the existing topography of the parcel, showing site-specific soil mapping data plus:
 - [1] The high and the low point of the parcel.
 - [2] Existing streams and watercourses, including seasonal watercourses and watercourses reasonably close to the parcel being developed.
 - [3] Existing surface drainage vectors and existing flows onto abutting properties, into present watercourses and into present storm drain systems. Calculations of pre-development and post-development volume and peak control, water quality volume and flow, discharge rates, groundwater recharge volume, and channel protection volume shall be provided for the two-year/twenty-four-hour storm, ten-year/twenty-four-hour storm and for the fifty-year/twenty-four-hour storm in accordance with standards in the New Hampshire Department of Environmental Services Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design (2008, as amended). Refer to Table 5 for stormwater calculations required.
- (c) A plan of the proposed surface water and stormwater management systems, showing all of the information required by Subsection B(6)(b) above, plus:
 - [1] Finished site grades (for site developments only or otherwise as required by the Planning Board).
 - [2] Leach field areas including grades.
 - [3] All proposed stormwater and surface water drainage facilities and infrastructure, including details of location, size and material.
 - [4] Drainage vectors showing the directions of flow off each

proposed lot, after development, and the flows onto abutting properties, after development.

[5] Estimate of the future flows, after development, onto abutting properties, into present watercourses and into existing and proposed storm drain structures. These estimates shall be calculated for the two-year, ten-year, and fifty-year twenty-four-hour storms as per § 202-3.3B(6)(b)[3] above.

(d) A written hydrological analysis documenting that the SWMP complies with all requirements of Article IX.

(7) Design review site plan. The design review site plan shall include the following:

(a) A locus diagram indicating the general location and roads in the vicinity of the site.

(b) Cover the entire parcel being developed.

(c) Show all existing or proposed structures and all proposed additions as required below.

[1] Parking areas, driveways and loading and unloading areas are considered structures under Rye's ordinances and must therefore be depicted.

[2] Setback dimensions must be shown for all structures, including parking areas.

[3] First floor elevations for all existing or proposed buildings.

(d) Type and location of all existing or proposed utilities, stormwater and drainage facilities, and on-site waste disposal facilities.

(e) The locations of all structures on abutting properties and the distances to each one from the property line of the site.

(f) Scaled parking layouts with individual spaces delineated.

(g) Location and types of all exterior lighting.

(h) Existing and proposed landscaping, buffers and plantings.

(i) Location of all solid waste collection and storage facilities.

- (j) Existing and proposed sidewalks, curbs and gutters.
 - (8) Building elevation. Building elevation drawings from all applicable directions of all new buildings or additions to buildings.
 - (9) Waterline and sanitary sewer extension plans. Plans for any waterline and sanitary sewer extensions required by §§ 202-6.5 and 202-6.6.
 - (10) Condominium documents. For condominium conversion applications, the condominium instruments required for recordation by RSA 356-B:7 (e.g., declaration, bylaws, site plans and floor plans).
 - (11) Use intensity statement. A written statement describing the use proposed for the site in sufficient detail for the Planning Board to evaluate the intensity of use proposed for the site. For example, for commercial developments information about the number of employees, floor space allocations, projected sales volume, vehicular traffic generation, growth potential, etc., would all be required in order for the Planning Board to properly evaluate the intensity of use proposed for a site.
 - (12) Unnecessary submittals. These regulations recognize that there will be variety in the types of major subdivisions and/or site developments that may be subject to these regulations. If an applicant feels that submittal of some of the information required herein constitutes an unnecessary hardship and that such submittals are not needed for the Board to reach any required decisions, the applicant may request a waiver of the applicable submittal requirement per Article I, § 202-1.9.
- C. Required fees. An application for design review requires payment of fees in accordance with the Fee Schedule attached to these regulations as Appendix A.
 - D. Hearings and notice requirements. Design review applications shall include a public hearing with notification to abutters, in accordance with notice procedures set forth in § 202-5.0.

§ 202-3.4. Final subdivision applications.

All persons who subdivide land or develop or change or expand the use of nonresidential or multifamily residential sites must make final application to the Rye Planning Board for approval.

- A. Applications for approvals. Applications for formal approval shall be made on forms provided by the Planning Board and shall be filed with the Clerk of the Board or a designated representative at least 21 days prior to a regular meeting. (Note: Currently, this filing deadline would be the next to last Tuesday of each month for the regular meeting on the second Tuesday of the next month.) The Clerk or a representative will decline to accept a formal application that is incomplete, or not accompanied by the required plans and information, or not accompanied by the required fees.

B. Final subdivision applications; required plans and information. Applications for formal approval shall be accompanied by the submittal requirements of § 202-3.1 and the following plans and information, which shall demonstrate compliance with the requirements of Articles VI to XI. (Amended 9-20-2022)

- (1) Application forms. An applicant for final subdivision shall submit 10 copies of the complete application materials and a PDF of the complete application. The completed application form shall include the correct names and mailing addresses of the owner(s) of record and applicant(s) (if different) and the location of the subdivision.
- (2) Abutters list. A separate list showing the correct names and mailing addresses of the owner(s) of record, applicant(s) (if different) and all abutters, keyed to the plan. The list shall be current per Town records as of not more than five days before the date of filing.
- (3) Inspection permission. Written permission for the members or agents of the Planning Board to inspect the site, as necessary.
- (4) Final subdivision plat. An original Mylar and 10 copies of the complete application materials including a color plan set of 22 inches by 34 inches, 10 color plan sets of 11 inches by 17 inches and a PDF of the complete plan set and supporting materials. The plat must comply with all of the engineering standards of § 202-3.1.
 - (a) Additionally, the plat shall:
 - [1] Meet all filing requirements of the Rockingham County Registry of Deeds.
 - [2] Include sufficient data to determine readily the location, bearing and length of every street line, lot line, and boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed a ratio of one to 10,000. The final plat(s) shall show the boundaries of the property and the bounds of any public or private streets and easements abutting or pertaining to the proposed subdivision in any manner.
 - [3] Include a locus diagram indicating the general location of the subdivision within the Town.
 - [4] Show existing and new street names.
 - [5] Show existing and new house numbers.

- [6] Indicate all monuments to be installed as per § 202-6.2E.
 - [7] Indicate, in a manner readily understood by a typical purchaser, through delineations on the drawings and/or notes, all conditions of approval or limitations of these regulations which would affect, constrain or limit the development of a lot, including but not limited to zoning setbacks, driveway location limitations and waste disposal system locations.
 - [8] Reference in a note all plans which are not recorded but which are on file with the Rye Planning Board as part of the approved subdivision.
- (b) The final plat shall contain the following note, if applicable: "All street, utility and drainage construction shall be completed and accepted by the Rye Planning Board (or its duly appointed agent) prior to the issuance of occupancy permits for new homes by the Town of Rye."
- (5) Permit list. Four copies of a list of all federal, state and local permits that are required and a summary of the status of each. Some permits that may be required include:
- (a) Zoning special exception.
 - (b) Zoning variance.
 - (c) Water District permit.
 - (d) Sewer permit.
 - (e) New Hampshire wetlands permit.
 - (f) United States Army Corps of Engineers.
 - (g) New Hampshire Department of Transportation access permit.
 - (h) Town driveway permit.
 - (i) New Hampshire Department of Environmental Services (NHDES) Subdivision Approval. (Amended 9-20-2022)
 - (j) NHDES significant alteration of terrain permit.
 - (k) NHDES underground storage tank permit.

C. Lot line adjustment subdivisions.

- (1) All of the submittal requirements for §§ 202-3.1 and 202-3.4, A and B are required for lot line adjustment subdivisions. (Amended 9-20-2022)
 - (2) Applications for subdivisions involving only lot line adjustments, as described in § 202-3.0, do not require public hearings. However, all abutters shall be notified of the time and place of the meeting at which the application will be considered, and all abutters shall be given a chance to be heard at that meeting.
- D. Minor subdivisions. All of the submittal requirements for §§ 202-3.1 and 202-3.4, A and B, are required for minor subdivisions. In addition, an applicant for minor subdivision approval must submit the following. Submittals shall demonstrate compliance with the requirements of Articles VI to XI: (Amended 9-20-2022)
- (1) Ten copies of the complete application materials including a color plan set of 22 inches by 34 inches, 10 color plan sets of 11 inches by 17 inches and a PDF of all submittal requirements.
 - (2) Topographical plan. A final topographical and soils plan which shall include all information required by § 202-3.3B(5).
 - (3) Water and sewer extensions. Plans for any waterline and sanitary sewer extensions required by §§ 202-6.5 and 202-6.6.
 - (4) Stormwater management plan (SWMP). The final SWMP shall include all information required by § 202-6.9, § 202-3.3, B (6) and Article IX. It shall demonstrate compliance with the requirements of Article IX. The planning board may waive the requirement for a SWMP pursuant to a § 202-1.9 waiver request if it determines that specific circumstances relative to the subdivision or conditions of the land indicate that the waiver will properly carry out the spirit and intent of these regulations. (Added 9-20-2022)
- E. Major subdivisions. All of the submittal requirements for §§ 202-3.1 and 202-3.4, A and B, are required for major subdivisions. In addition, an applicant for major subdivision approval must submit 10 copies of the complete application materials including a color plan set of 22 inches by 34 inches, 10 color plan sets of 11 inches by 17 inches and a PDF of all of the following. Submittals shall demonstrate compliance with the requirements of Articles VI to XI. (Amended 9-20-2022)
- (1) Final street and utilities plans. The final street and utilities plans shall show all existing and proposed streets, sidewalks and other improvements, including utilities. The plans should indicate the percent grade of streets; the width and cross sections at fifty-foot intervals; and the profile with elevations at fifty-foot intervals. The location, sizes and materials of all water and sewer pipes, electric and telephone lines, and stormwater pipes, drains and culverts shall be shown on all plans, including profile and cross-section drawings. At a minimum, cross-section and

profile drawings shall be at the following scales: cross sections one inch equals 10 feet horizontal and one inch equals five feet vertical, and profiles one inch equals 50 feet horizontal and one inch equals five feet vertical.

- (2) Final stormwater management plan (SWMP). The final SWMP shall include all information required by § 202-6.9, § 202-3.3, B (6) and Article IX. It shall demonstrate compliance with the requirements of Article IX. (Amended 9-20-2022)
- (3) Erosion and sediment control plan (ESCP). The ESCP shall contain proper provisions to adequately control erosion and sedimentation in accordance with the standards of § 202-6.8 and Article VIII. The ESCP submittal shall include:
 - (a) A site plan map at a sufficient scale to clearly show the location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities.
 - (b) Narrative information describing the schedule for grading and construction activities and the design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
 - (c) All of the information required by §202-8.1, A. (Added 9-20-2022)
- (4) Landscaping Planting Plan required by § 202-11.4. The Landscaping Planting Plan shall provide all of the information necessary to demonstrate compliance with the standards of § 202-11.1 to § 202-11.3. (Added-9-20-2022)
- (5) The Assessment of Complete Street elements required by § 202-6.2, B (8) (d). (Added-9-20-2022)
- (6) A determination of whether the development or any portion of the subject parcel(s) is located within projected high-risk flood areas as shown on the Tide to Storm Vulnerability Assessment Maps. See § 202-6.9, C (2). (Added-9-20-2022)
- (7) Site impact analysis. The site impact analysis shall be a written report that describes the impact of the proposed subdivision on the site and abutting properties. It shall be prepared by an environmental engineer. It shall include a certification that the environmental engineer has reviewed the December 2021 Town of Rye Natural Resources Inventory Report and the 16 Natural Resource Inventory Maps which accompany the study. It shall describe, in precise technical detail, the features and limitations of the site and of all abutting properties and it shall analyze, in particular, the impact of the proposal on the following: (Amended 9-20-2022)

- (a) Soils and natural contours.
- (b) Vegetation.
- (c) Wetlands.
- (d) Surface water quality.
- (e) Groundwater quality, including impact on nearby wells.
- (f) Wildlife.
- (g) Farmland.
- (h) Forest resources.
- (j) Areas subject to 100 year and 500 year flooding.
- (k) Sea level rise.
- (l) Floodwater storage.
- (m) Spatial relationships with abutting developments or potential development.
- (n) Rural character, including the visual impact of the proposal as seen from surrounding properties and arterial streets.
- (o) Traffic volumes.
- (p) Community facilities, including schools.
- (q) Historical and cultural resources and features, scenic vistas, and wildlife habitat.

The Site Impact Analysis shall include a plan of the tract being subdivided which depicts the following based on the information contained in the Natural Resources Inventory Report and maps (as applicable).(Added 9-20-2022)

- a) boundaries and directions of surface water flow.
 - b) Groundwater and geological resources including soil transmissivity.
 - c) Identification of contamination sources within 500 feet of the tract.
 - d) FEMA areas subject to 100 year and 500 year flooding.
 - e) Floodwater storage, flood risk mitigation and pollution attenuation areas.
 - f) Sea level rise and marsh mitigation areas.
 - g) Forest resources, including productive forest soils.
 - h) Wildlife corridors and wildlife habit ranking.
 - i) Farmlands, including prime farmland, farmland of local importance and farmland of statewide importance.
- (8) Engineer's estimate. A detailed estimate prepared by a registered professional engineer of the estimated construction cost of each improvement required by Article VI and Article VII, § 202-7.1C. A contingency of 10% shall be added onto the total estimated construction cost. (renumbered 9-20-2022)
 - (9) Condominium documents. For condominium conversions only, the condominium instruments required for recordation by RSA 356-B:7 (e.g., declaration, bylaws, site plans and floor plans). The Planning Board has the right to review and approve the

rights granted and language of such documents. (renumbered 9-20-2022)

- (10) Easements, deeds, and covenants. Drafts of any easements or deeds proposed for conveyance to the Town and of any covenants or homeowners' association bylaws or other legal documents to be incorporated in lots to be sold. The Planning Board has the right to review and approve the rights granted and language of such documents. (renumbered 9-20-2022)
- (11) Approved preliminary plan. A copy of the approved preliminary subdivision plan, if applicable. (renumbered 9-20-2022)
- (12) Other information. (renumbered 9-20-2022)
 - (a) An applicant for approval of a major subdivision shall be required to submit only the information required above with the application. The Planning Board reserves the right to require additional submittals if, after the public hearing, it determines that additional information is required in order to make any required determinations under Article VI, Land Development Standards.
 - (b) Lot development plans. The additional information requested may include lot development plans at a scale of one inch equals 20 feet which depict house, septic system and driveway locations; grading; wetlands and soil types; rock outcroppings; drainage vectors; setbacks and wetlands buffers; and drainage calculation data.

§ 202-3.5. Final site plan review applications.

- A. Minor site developments. All of the submittal requirements for § 202-3.1 and the following are required for minor site developments, all of which shall demonstrate compliance with the requirements of Articles VI to XI. (Amended 9-20-2022)
- (1) Application forms. Ten copies of the complete application materials including a color plan set of 22 inches by 34 inches, 10 color plan sets of 11 inches by 17 inches and a PDF of a completed application form including the correct names and mailing addresses of the owner(s) of record and applicant(s) (if different) and the location of the subdivision.
 - (2) Abutters list. A separate list showing the correct names and mailing addresses of the owner(s) of record, applicant(s) (if different) and all abutters, keyed to the plan. The list shall be current per Town records as of not more than five days before the date of filing.
 - (3) Inspection permission. Written permission for the members or agents of the Planning Board to inspect the site, as necessary.

- (4) Final site plan. An original Mylar and 10 copies of the complete application materials including a color plan set of 22 inches by 34 inches, 10 color plan sets of 11 inches by 17 inches and a PDF.
- (5) Stormwater management plan (SWMP). The final SWMP shall include all information required by § 202-6.9, § 202-3.3, B (6) and Article IX. It shall demonstrate compliance with the requirements of Article IX. The planning board may waive the requirement for a SWMP pursuant to a § 202-1.9 waiver request if it determines that specific circumstances relative to the site development or conditions of the land indicate that the waiver will properly carry out the spirit and intent of these regulations. (Added 9-20-2022)
- (6) Other information. An applicant for approval of a minor site development shall be required to submit only the information required above with the application. However, the Planning Board reserves the right to require additional submittals if, after the public hearing, it determines that additional information is required in order to make any required determinations under Article VI, Land Development Standards. (Re-indexed 9-20-2022)
- (7) Permit list. Six copies of a list of all federal, state and local permits that are required and a summary of the status of each. Some permits that may be required include: (Amended 9-20-2022)

B. Major site developments and condominium conversions.

- (1) All of the submittal requirements for § 202-3.1 and the following are required for major site developments and condominium conversions. In addition, an applicant for major site development approval shall submit 10 copies of the complete application materials including a color plan set of 22 inches by 34 inches and 10 color plan sets of 11 inches by 17 inches, and a PDF of the following shall be submitted with applications for major site developments and condominium conversions. Submittals shall demonstrate compliance with the requirements of Articles VI to XI. (Amended 9-20-2022)
 - (a) Final stormwater management plan. The plan shall show all information required by § 202-6.9, § 202-3.3, B (6) and Article IX.
 - (b) Erosion and sediment control plan. The application shall include all the requirements of § 202-6.8 and Article VIII.
 - (c) Landscaping Planting Plan required by § 202-11.4. The Landscaping Planting Plan shall provide all of the information necessary to demonstrate compliance with the standards of § 202-11.1 to § 202-11.3. (Added 9-20-22)

- (d) Plant Maintenance Plan required by § 202-11.5, A for all landscaped areas to be maintained by a homeowners association, condominium association or similar entity. (Added 9-20-2022)
- (e) Site Impact Analysis. The Site Impact Analysis shall be a written report that describes the impact of the proposed land development and shall comply with the requirements of § 202-3.4, E (7). (Added 9-20-2022) (Amended 12-13-2022)
- (f) The Assessment of Complete Street elements required by § 202-6.2, B (8) (d). (Added 9-20-22)
- (g) A determination of whether the development or any portion of the subject parcel(s) is located within projected high-risk flood areas as shown on the Tide to Storm Vulnerability Assessment Maps. See § 202-6.9, C (2). (Added 9-20-2022)
- (h) A Lighting Plan stamped by a NH licensed engineer or architect providing the information necessary to demonstrate compliance with the standards of Article X including the location of each current and proposed outdoor lighting fixture with projected hours of use and: (Added 9-20-2022)
- Type and number of fixtures indicating manufacturer and model numbers.
 - Lamp bulb type, lumen output and wattage.
 - Mounting height and distance to the nearest property line.
 - Types of timing devices used to control the hours of illumination and the proposed hours of illumination.
 - Total lumens for each fixture and total sq. footage to be illuminated.
 - For all plans of more than three fixtures foot-candle levels on the site which shall include light contributions for all sources and extend five feet beyond property lines.
 - Manufacturer's "cut sheets" for all fixtures.
 - For fixtures greater than 2000 lumens, submit the certified Zero Up Light designation.
 - A statement that no substitutions, additions, or changes may be made without prior approval of the planning board.
- (i) Building elevation. Final building elevation drawings from all applicable directions of all new buildings or additions to buildings, including surface treatment. (Reindexed 9-20-2022)
- (j) Use intensity statement. A final written statement describing the use proposed for the site in sufficient detail for the Planning Board to evaluate the intensity of use proposed for the site. For example, for commercial developments information about the number of employees, floor space allocations, projected sales volume, vehicular traffic generation, growth potential, etc., would all be required in order for the Planning Board to

properly evaluate the intensity of use proposed for a site. (Reindexed 9-20-2022)

- (k) Condominium documents. For condominium conversions only, the condominium instruments required for recordation by RSA 356-B:7 (e.g., declaration, bylaws, site plans and floor plans). The Planning Board has the right to review and approve the rights granted and language of such documents. (Reindexed 9-20-2022)
- (l) Easements, deeds, and covenants. Drafts of any easements or deeds proposed for conveyance to the Town and of any covenants or homeowners' association bylaws or other legal documents to be incorporated in lots to be sold. The Planning Board has the right to review and approve the rights granted and language of such documents. (Reindexed 9-20-2022)
- (2) Unnecessary submittals. These regulations recognize that there will be variety in the types of major site developments that may be subject to these regulations. If an applicant feels that submittal of some of the information required herein constitutes an unnecessary hardship and that such submittals are not needed for the Board to reach any required decisions, he may request a waiver of the applicable submittal requirement per Article I, § 202-1.9.

ARTICLE IV

PROCEDURAL REQUIREMENTS (Amended 9-20-2022)

§ 202-4.0. Required fees.

An application for formal approval requires payment of fees in accordance with the Fee Schedule attached to these regulations as Appendix A. Additionally, pursuant to NH RSA 676:4, I(g), the Board may require additional reasonable fees to conduct investigative studies necessary to its review of the application. As authorized by RSA 673:16, II, all fees shall be placed in a separate, nonlapsing account and not commingled with other municipal funds.

§ 202-4.1. Formal consideration by Planning Board.

Within 30 days after filing of the completed application in accordance with the requirements of Article III and Article IV, the Planning Board will begin formal consideration of the application.

- A. Public hearing. Formal consideration shall begin with a public hearing with notification to the abutters, in accordance with the procedures set forth in Article V. No application shall be approved or denied without this public hearing, except as provided in Article V (lot line adjustments) or when the application is denied because it is incomplete or lacks the required submittals or fees. The date of the public hearing shall be considered the date upon which the Planning Board has commenced its formal consideration of the application, and, for statutory purposes, it shall also be considered the date of submission and acceptance of the application, regardless of the date upon which the application was filed with the Clerk or her representative.
 - (1) An application shall not be considered incomplete solely because it is dependent upon the issuance of permits or approvals from other state or federal governmental bodies.
 - (2) The Planning Board may condition approval of applications on receipt of permits or approvals from other governmental bodies. If such other permit or approval results in a material change to the application approved by the Planning Board, an amended application to the Planning Board will be required.
- B. Inspection of site. The Planning Board and/or any of its agents may make a visual on-site inspection(s) of the land at any stage of the proposal. Inspection is to be at such time when the site is free of snow cover, unless the Board is satisfied that such inspection is not required. In order to aid site inspection, the proposed road center line and lot corners shall be flagged with lot numbers and center-line stations identified.
- C. Sixty-five-day review period. The Board shall, at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given in accordance with the requirements of Subsection A above, determine if a submitted application is complete according to the Board's regulations and shall vote upon its acceptance. Upon determination

by the Board that a submitted application is incomplete according to the Board's regulations, the Board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the Board that a submitted application is complete according to the Board's regulations, the Board shall begin formal consideration and shall act to approve, conditionally approve as provided in Subsection F below, accept withdrawal of an application without prejudice or disapprove within 65 days, subject to extension or waiver as agreed upon by the applicant. Refer to RSA 676:4, I, for the full text on procedures for Planning Board action on applications.

In the case of a determination by the Board that an application is a Development of Regional Impact, the Board shall have an additional 30 days to act. (Added 9-20-2022)

- D. Extension of sixty-five-day review period. The Planning Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.
- E. Waiver of sixty-five-day review period. The applicant may waive the requirement for Planning Board action within the time periods specified in § 202-4.1C and D (above) and consent to such extensions as may be mutually reasonable.
- F. Final decisions. When the Planning Board reaches a final decision on an application, it shall issue the decision in writing and place the decision on file with the Town Clerk within six days or 144 hours. Approval of a plan does not constitute acceptance by the Town of any street, land or other facility included thereon.
- G. Recording. For approved applications, the applicant shall pay the recording fee to the Planning Board. The Board will retain the signed original and upon receipt of the recording fee file it at the Rockingham County Registry of Deeds.
- H. Disapproval. In case of disapproval of any application submitted to the Planning Board, the ground(s) for such disapproval shall be stated upon the records of the Planning Board, and the Planning Board shall provide the applicant with written reasons for the disapproval.
- I. Withdrawal. If an application is withdrawn prior to the public hearing or immediately upon closing of the hearing, no further action is required of the Planning Board, and the application process is terminated, without prejudice to the applicant. One copy of withdrawn plans and required submittals shall remain with the Planning Board.
- J. Resubmittal. The Planning Board shall not accept resubmittal of a disapproved application or an application essentially the same as a disapproved application unless the defect(s) that formed the basis for disapproval has been cured or unless these regulations have been amended in a manner that eliminates the defect(s). An application which has been disapproved may not be resubmitted unless it differs in nature and degree from the disapproved applications or absent a material change in circumstances. See E.g. Fisher v.

Dover, 120 N.H. 187, 417 A.2d 1024 (1980). (Amended 9-20-2022)

- K. Appeals. Persons aggrieved by any decision of the Planning Board may appeal to the Superior Court pursuant to NH RSA 677:15. Persons considering appeal should be cognizant of the limitations which NH RSA 676:4, IV, places on court review of Planning Board procedures. Appeals of decisions involving housing may also be appealed to the Housing Appeals Board in accordance with RSA Ch. 679. (Amended 9-20-2022)
- L. Revocation of recorded approval. The Planning Board may revoke its approval of approved and recorded plans in accordance with the provisions of RSA 676:4-a. The Board may also revoke approved, unrecorded plans and conditionally approved plans in the same manner. Reasons for revocation would include, but not be limited to, projects which have been built contrary to approved plans (or conditions attached to approval); projects in which the surety has lapsed; and projects which have not been built and which have not vested.

§ 202-4.2. Legal significance of information submittals.

All plans, drawings, reports and all other information submittals submitted by an applicant or his agent are part of the official record of the application. All representations made on or in such submittals constitute implied conditions of approval which are binding on the applicant and his successors and which are enforceable under Article I of these regulations.

§ 202-4.3. Five-year exemption; vesting of approved applications.

Approved applications may be vested in accordance with the requirements of RSA 674:39. (Amended 9-20-2022)

§ 202-4.4. Conditional approvals.

The Planning Board may grant conditional approvals of applications in accordance with RSA 676:4, I(i). All conditional approvals granted by the Board shall expire 18 months from the date of conditional approval, unless the conditional approval explicitly sets a different expiration date, which shall be so stated in the record. An applicant may apply for an extension of the expiration date for a conditional approval but the Planning Board is under no obligation to grant an extension. No extension shall be granted if, after the five-year vesting period has elapsed, the proposal does not comply with a zoning amendment or an amendment of these regulations which was enacted since conditional approval was granted. If a conditional approval has been appealed to court, the 18 month period begins on the date of the final resolution of the court appeal. (Amended 10-12-2021)

§ 202-4.5. Developments of regional impact (DRI).

- A. Determination of DRI status. Upon receipt of an application for development the Planning

Board shall promptly determine if it is a DRI, as defined herein and by RSA 36:54 to 36:58. Any doubt concerning regional impact shall be resolved in favor of DRI status. If a development proposal is determined to be a DRI, the Planning Board shall afford abutter status to the Rockingham Planning Commission and any affected municipalities for the limited purposes of providing notice and giving testimony. Within 72 hours of reaching a positive decision regarding a development of regional impact, the Planning Board shall, by certified mail, furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made.

- B. Special public hearing notice. At least 14 days prior to public hearing, the Planning Board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time and place of the hearing and their right to testify concerning a DRI.

ARTICLE V

PUBLIC HEARINGS

§ 202-5.1. Notification.

- A. Notification to applicant and abutters. The Planning Board shall notify the applicant and the abutters by certified mail of the date upon which the application will be formally submitted to the Planning Board and of the public hearing to be concurrently held thereon. Said notice shall be mailed at least 10 days prior to the hearing.
- B. Public notice. Notice to the general public of the hearing shall be given at least 10 days prior to hearing by posting in at least two public places or by publication in a newspaper of general circulation in Rye.
- C. Content of notice. Notices shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal.

§ 202-5.2. Testimony at hearings.

- A. Persons with direct interest. At the hearing, any applicant, abutter or any person with a direct interest in the matter may testify in person, in writing, or both.
- B. Other persons. Other persons may testify at the discretion of the Board.
- C. Order of testimony. Rules governing the conduct of public hearings shall be as set forth in rules of procedure which the Planning Board adopted pursuant to NH RSA 676:1.

§ 202-5.3. Continued hearings.

The Planning Board may continue a public hearing and reconvene it without additional notice,

provided that proper notice of the date, time and place of the continued hearing is made known at the prior hearing, before it adjourns.

§ 202-5.4. Hearings on revised proposals.

The Planning Board shall not approve an application for a development proposal that has been revised to substantially change a material element covered by these regulations without a public hearing on the revised proposal.

§ 202-5.5. Hearings on Proposed Dissolution of Homeowners' Association (Added 01-16-2024)

- A. No homeowners' association created pursuant to any Major Subdivision or Site Plan Review, or as a condition thereto, shall be dissolved without the prior review and authorization of the Planning Board.
- B. Any such homeowners' association seeking to dissolve shall file an application with the Planning Board identifying all properties that are in the homeowners' association, the name and current mailing address of all such owners, and the reason for the dissolution.
- C. Any petition seeking the dissolution of a homeowners' association shall provide the cost for any notice to the homeowners' association, to owners of properties within the homeowners' association, abutting parcels, and all other individuals and entities entitled to notice under the law.
- D. Any petitioner seeking such dissolution shall include a succession plan for the inspection, maintenance, repair and replacement of any infrastructure associated with the homeowners' association, including but not limited to, drainage and stormwater infrastructure, roads, utilities, common and open space, and any other common infrastructure of the homeowners' association.
- E. The Planning Board will schedule a hearing on any such petition. If the Major Subdivision or Site Plan Review that established the homeowners' association was also subject to any approval with the Town's Zoning Board of Adjustment, the Planning Board will schedule a joint meeting pursuant to RSA 676:2 in accordance with RSA 292:8-m.
- F. In considering whether to vote in favor of the dissolution of a homeowners' association, the Planning Board shall consider whether the dissolution of the homeowner's association may adversely impact the inspection, maintenance, repair or replacement

of any common facilities which are the responsibility of the homeowners' association under the Planning Board's condition(s) of approval. If the Planning Board determines that the submitted succession plan will sufficiently provide for the inspection, maintenance, repair and/or replacement of such infrastructure, then the Planning Board may vote in favor of the request to dissolve the homeowners' association.

- F. Any such decision will be issued in accordance with RSA 676:3.

ARTICLE VI

LAND DEVELOPMENT STANDARDS

§ 202-6.0. General provisions.

All land developments subject to these regulations shall comply with the standards set forth herein. The Planning Board will disapprove a land development application which does not comply with these standards. The Planning Board reserves the right to attach such conditions of approval as are necessary to assure compliance with these standards, including conditional stipulations to be placed on recorded plans and/or documents.

§ 202-6.1. Zoning and other regulations.

- A. Zoning. Land developments shall comply with the provisions of the Rye Zoning Ordinance.[1] The Rye Planning Board is not legally authorized to waive or vary provisions of the Rye Zoning Ordinance. The Rye Board of Adjustment is the only authority which may grant variances to the provisions of the Rye Zoning Ordinance, and an applicant with land development proposals which do not comply with the Rye Zoning Ordinance must either revise the proposal to comply with the Zoning Ordinance or obtain the necessary variance(s) from the Board of Adjustment.

- B. Other regulations. Land development applications shall also comply with all other applicable federal, state and local laws, statutes, ordinances and regulations, including but not limited to U.S. Army Corps of Engineers and New Hampshire Wetlands Board wetlands regulations; New Hampshire Department of Transportation highway access regulations; New Hampshire Department of Environmental Services regulations; NH RSA 155-E statutes governing excavations; the Rye Floodplain Development and Building Ordinance;[2] and the Rye Scenic Roads Ordinance.[3] Applicants have the responsibility for familiarizing themselves with federal, state and local laws and regulations that establish obligations related to land development.

§ 202-6.2. Subdivision design standards.

- A. Lots. Lot configurations, the layout of lot lines and the arrangement of lots in a subdivision shall be orderly and harmonious and shall not be contrary to established principles of subdivision design.
 - (1) Lot configuration. Except on culs-de-sac, rectangularly shaped lots having side lot lines perpendicular to straight streets or radial to curved streets are preferred for buildable lots less than three acres in size.
 - (a) Lot lines intersecting the street shall not vary more than 30° from the perpendicular or radial. Intersecting property lines at street intersections shall be joined by a curve of at least twenty-foot radius.

- (b) Lot shapes shall not have grossly irregular. (Added 12/02/2020)
 - (c) Lot shapes shall not have grossly irregular angles or narrow portions.
 - (d) Lot lines shall not be gerrymandered to obtain required frontage, depth, yard space or lot area. (Added 12/02/2020)
 - (e) All front setback measurements shall begin at the right-of-way line of the street.
- (2) Lot arrangement. Lots shall have a harmonious relationship to other lots in the proposed subdivision and to lots in abutting subdivisions in order to achieve adequate spacing between buildings.
- (a) In order to achieve an orderly relationship among developed lots the Planning Board may prohibit erection of structures on certain portions of lots.
 - (b) Reserve strips of land which, in the opinion of the Planning Board, show an intent on the part of the applicant to control access to land dedicated to or to be dedicated to public use shall not be permitted.
 - (c) In order to encourage the use of solar, wind or other renewable energy systems and protect access to energy sources the planning board may regulate the orientation of lots and buildings. (Added 9-20-2022)

B. Streets.

- (1) Street plan. All streets shall be as shown on the approved street plan.
- (2) Street ownership and maintenance. All streets shall remain private and be maintained by the developer until such time the Town accepts the street as a public way and assumes responsibility for its maintenance. If the developer conveys ownership of the road, its right-of-way and supporting infrastructure to a homeowners' association, the homeowners' association shall be responsible for maintenance of the street and its supporting infrastructure.
- (3) Street signs. All street signs for newly created streets and all traffic safety signs shall be as required by the Uniform Manual on Traffic Safety Control Devices, or as required by the Planning Board.
- (4) Curbs and gutters. Generally, curbs and gutters will not be required. However, proper surface water drainage management for some subdivisions or sidewalk protection may require construction of curbs and gutters, and, if so, the applicant shall be responsible for constructing them in accordance with the approved plans.

- (5) Sidewalks. Generally, sidewalks will not be required. However, pedestrian concerns in subdivisions in certain locations, such as those near schools, beaches or the Town center, may warrant the installation of sidewalks. If so, the applicant shall be responsible for constructing sidewalks in accordance with the approved street plan. Refer to Subsection B(8) below for complete streets requirements.
- (6) Arrangement of streets.
- (a) Master Plan. The arrangement of new streets shall conform to the Rye Master Plan and the Official Map.
 - (b) Through traffic. Street arrangements shall discourage through traffic. Where through traffic must be accommodated, sidewalks and other safety provisions may be required.
 - (c) Coordination. Street arrangements shall be coordinated with the surrounding existing street network and other planned streets. Arrangements shall provide for well-planned future connections to large, potentially developable abutting parcels in a manner acceptable to the Planning Board. The Planning Board may require the dedication of rights-of-way for properly connecting the subdivision to the streets of existing or potential future adjacent subdivisions.
 - (d) Curvilinear designs. Curvilinear designs of streets are preferred. Straight sections of street exceeding 400 feet in length are discouraged.
 - (e) Intersections. Street intersections shall align with each other, and all intersections, including offset "T" intersections, shall be separated by at least 300 feet.
 - (f) Lots on major roads. The creation of new lots having driveway access onto state highways and local arterial-level roads shall be avoided if alternate access to such lots is possible. On corner lots, driveways shall be on the lesser traveled street.
 - (g) Dead-end streets. In order to promote public health and safety, reduced traffic volumes, residential privacy and an orderly, efficient pattern of street and utility development in Rye, dead-end streets shall not exceed 800 feet in length and shall terminate in a cul-de-sac, teardrop or loop. (Amended 08-10-2021)
 - [1] Measurement. The 800 feet shall be measured to the beginning of the cul-de-sac, teardrop or loop.
 - [2] Cul-de-sacs, Teardrops and loops. The layout of a cul-de-sac, teardrop or loop is subject to the review of and written comment by

the Public Works Director and the approval of the Planning Board. Inside radius of the cul-de-sac, teardrop or loop shall be a minimum of 40 feet; pavement width shall be a minimum of 24 feet for tear drops, cul-de-sacs or loops serving more than three (3) lots. Dead-end streets terminating in cul-de-sacs, loops or teardrops shall not serve more than a total of 10 residential lots (i.e., inclusive of both the loop and the non-loop parts of the street). (Amended 12-8-2020), (Amended 08-10-2021).

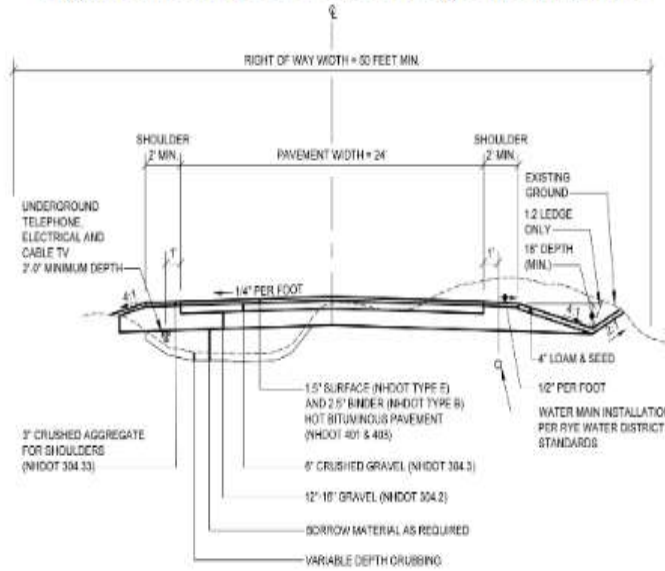
- [3] More than 10 lots. Any subdivision consisting of more than 10 lots shall have separate ingress and egress points on a public way which shall be separated by at least 300 feet.
- (h) Complete streets. New or substantially improved or altered streets shall incorporate complete streets principles. Refer to § 202-6.2B(8) for specifications.
- (7) Design of individual streets.
 - (a) Cross section.
 - [1] Rights-of-way shall be a minimum of 50 feet in width. The Planning Board may require a greater width for collector and arterial streets.
 - [2] Pavement, shoulders, ditches and slopes shall be in accordance with Figure 1.
 - [3] Symmetry. Streets, shoulders and ditches shall be located symmetrically within the right-of-way, with the street center line coinciding with the center line of the right-of-way.
 - (b) Grades. Street grades shall not exceed 5% and shall not be less than 1.0%. Grades shall fall into a range of 0% to 3% within 50 feet of an intersection. The Planning Board may allow grades up to 8% provided the steeper grade is necessary to minimize the environmental impact of street construction and provided the Planning Board Engineer certifies that the steeper grade will not adversely affect maintenance and/or public safety.
 - (c) Horizontal curvature. Horizontal curves having a curvature of less than a two-hundred-thirty-foot radius are discouraged, except on culs-de-sac, teardrops and loops.
 - (d) Driveways. On a new street driveways shall not be located within 100 feet of a street intersection. New street intersections shall be located a minimum of 50 feet from driveways on existing streets unless the

driveway is to be discontinued. The Planning Board may specify driveway locations on a street in order to assure safe entry and exit. (Amended 9-20-2022)

- (e) Intersections. Horizontal alignments of all new streets shall be straight within 100 feet of an intersection. Curve radii shall be at least 25 feet. Street intersections shall not vary from the perpendicular by more than 20°.
- (f) Intersection sight distance. For new street intersections on state highways minimum sight distances, measured according to standards of the American Association of State Highway and Transportation Officials (AASHTO), shall be as follows (from 2018 AASHTO, 7th Edition Table 9-7, Design Intersection Sight Distance-Case B1, Left Turn from Stop):

Major Road Posted Speed (mph)	Intersection Sight Distance for Passenger Cars (feet)
20	225
25	280
30	335
35	390
40	445
45	500
50	555

Figure 1: Road Cross Section Design Specifications



NOTES

1. ALL REFERENCES TO NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDT) SPECIFICATIONS ARE TAKEN FROM STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.
2. OVEREXCAVATION OR OTHER REMEDIAL ACTIONS DUE TO UNSUITABLE SOIL CONDITIONS MAY BE REQUIRED AND WILL BE CONDUCTED BY THE DEVELOPER PER THE DIRECTION OF THE RYE PUBLIC WORKS DIRECTOR AND THE PLANNING BOARD ENGINEER.

TYPICAL STREET CROSS SECTION

NOT TO SCALE

(Amended 12/02/2020)

- (g) Stopping sight distance. For all new street intersections minimum stopping sight distances, measured according to AASHTO standards, shall be as follows for all traffic on the existing street/highway:

Table 2: Stopping Sight Distance Standards (From 2018 AASHTO, 7th Edition Table 3-1, Stopping Sight Distance on Level Roadways)	
Posted Speed (mph)	Minimum Stopping Sight Distance on Level Roadways (feet)
20	115
25	155
30	200
35	250
40	305
45	360
50	425

Table 3: Speed and Grade Standards (From 2018 AASHTO, 7th Edition Table 3-2, Stopping Sight Distance on Grades)						
Posted Speed (mph)	Stopping Sight Distance (feet)					
	Downgrades			Upgrades		
	3%	6%	9%	3%	6%	9%
20	116	120	126	109	107	104
25	158	165	173	147	143	140
30	205	215	227	200	184	179
35	257	271	287	237	229	222
40	315	333	354	289	278	269
45	378	400	427	344	331	320
50	446	474	507	405	388	375

(h) Traffic safety. No street shall be approved which will create (or worsen) an unsafe, hazardous condition for the traveling public.

(8) Complete streets standards.

- (a) Vision. To enable equitable safe access and movement for pedestrians, bicyclists and all users of the transportation system that considers the community's land use and transportation needs.
- (b) Intent. Complete streets standards serve to improve safety for all users, encourage walking and biking for health and recreation, reduce transportation costs and emissions, and strengthen community connections.
- (c) Objectives. Complete streets elements are incorporated in the siting and design of improvements or development plans for state and municipal transportation projects, municipal facilities and infrastructure, and private developments.

(d) Complete streets elements. Development applications shall include an assessment of the complete streets elements for safe access and access management listed below and consider how to either add them to the site development plan or enhance existing elements on or nearby the development site. Enhancements may include improved connectivity and access to nonvehicular accommodations, safety improvements and access management.

(e) The following safe access elements shall be incorporated when feasible:

- [1] Wide paved/unpaved shoulders (consistent with the Town's roadway construction and improvement standards and policies).
- [2] Bike lanes on priority corridors (with door zone buffer area when next to on-street parking).
- [3] Connect bike lanes via multi-use paths and existing trail systems.
- [4] High visibility marked crossings (pavement, advance-warning signage).
- [5] Signals or rapid flashing beacons at crosswalks.
- [6] Improved nonvehicular mobility and connections.
- [7] Map access connections to amenities and frequent travel routes.

(f) The following access management elements shall be incorporated when feasible:

- [1] Median islands and curb extensions.
- [2] Traffic calming measures.
- [3] Roundabouts with clearly designated and marked bicycle and pedestrian travel ways and crossings.
- [4] Bicycle and pedestrian access in interior parking and travel areas.

C. Utilities. All utilities, including drainage facilities, lighting, underground cable conduit, sewers and waterlines, shall be as shown on the approved street plan and/or the approved utility plan and/or the approved surface water drainage management plan.

D. Centralized mail delivery points. Per U.S. Postal Service (USPS) Regulation 631.242, centralized delivery (e.g. mailbox bank or kiosk) is the preferred mode for new or extended business or residential delivery points, with very rare exceptions, as determined by the Postal Service in its sole discretion, on a case-by-case basis (see USPS Regulation 631.1). The mail receptacle and location of the delivery point(s) are approved by local postal officials in advance of the occupancy of the residence, business, or other site associated with the delivery point. The box bank should be sited in a safe and accessible location by users. Beyond the initial placement, the applicant must identify the party responsible for snow removal, repairs if damaged, and maintenance when in disrepair. Applicants should contact the Town's Postmaster who will review the plans and, if necessary, conduct a site visit. If the applicant is in disagreement with the Postmaster's decision, they may appeal to the District Office. Failure to comply would result in the USPS not delivering mail on that road. Note: This requirement applies to all residential and nonresidential subdivisions.

E. Monuments.

- (1) At each street intersection, on the intersecting right-of-way lines: two granite monuments at least 36 inches in length and four inches square, with suitable center point, set 24 inches in the ground.
- (2) At all lot line intersections with the street right-of-way line: granite monuments per the above or concrete iron pin center monuments of the same size, set to the same depth.
- (3) At all other points where the boundary lines of lots change direction: iron pin monuments not less than 5/8 inch in diameter and 36 inches long, set 24 inches in the ground.
- (4) Where appropriate, drill holes may be set in an existing stone wall or in ledge, in lieu of a required monument.
- (5) A certificate of monumentation shall be provided to the Planning Board and Building Inspector prior to an occupancy permit being issued for a site plan review development or lot in a subdivision. Grading of all lots shall not disturb installed monumentation. If development disturbs or covers monuments, the monuments shall be reestablished by a surveyor and a new certification of monumentation provided.

F. Off-site improvements.

- (1) Waterlines. (Amended 9-20-2022)
 - (a) Major subdivisions. Where public water supply is available for connection at a point not more than 1,000 feet from any boundary

of the subdivision, as measured along the road frontage serving the subdivision, the applicant shall install water mains to service the subdivision and connect the lots to the water supply. The applicant will be responsible for all hydrants, valves and other fittings and all construction costs within the subdivision and on the length of the connection.

(b) Minor subdivisions. Where public water supply is available for connection at a point not more than 500 feet from any boundary of the subdivision, as measured along the road frontage serving the subdivision, the applicant shall install water mains to service the subdivision and connect the lots to the water supply. The applicant will be responsible for all water mains, hydrants, valves and other fittings and all construction costs.

- (2) Sanitary sewers. Where public sanitary sewers are available for connection via gravity flow within 1000 feet of any boundary of a major subdivision, as measured along the road frontage serving the subdivision, the applicant shall install sanitary sewers in the subdivision and provide a connection to the sanitary sewers. The applicant will be responsible for all manholes, appurtenances and construction costs required for the connection. (Amended 9-20-2022)
- (3) Drainage. Where off-site improvements are necessary to handle increased surface runoff from a subdivision, the applicant shall be responsible for constructing the improvements in accordance with the approved surface water drainage management plan.
- (4) Streets, roads and highways. Where off-site improvements are required to accommodate the increased vehicular traffic generated by a subdivision, the applicant shall be responsible for constructing the improvements in accordance with the approved street plan. Where subdivision frontage abuts an existing street/road, the Planning Board may require dedication to the Town of an acceptable right-of-way width for future improvements.

§ 202-6.3. Site design standards.

- A. General. In addition to complying with the standards of Article VI, Land Development Regulations, site developments shall comply with the standards listed herein.
- B. Natural features. The design of site developments shall fit the existing natural and man-made environments with the least possible disturbance.

- (1) Site preparation. Site preparation is to be conducted with minimal disturbance to existing vegetation. Stripped topsoil is to be piled and reused on the site where needed. A minimum of four inches of topsoil is to be placed on the disturbed area. The site shall be adequately seeded and/or landscaped.
- (2) Grading and filling. Grading and filling shall be minimized
- (3) Landscaping. Landscaping must be provided with proper regard to adjacent properties, public streets and highways and the aesthetics of the site itself and its intended use. Landscape treatment shall consist of natural, undisturbed vegetation or features, and/or ground cover, shrubs or trees as appropriate.

C. Buffers and screening.

- (1) Zoning requirements. All buffers required by the Rye Zoning Ordinance shall be provided. These buffers are: (Amended 9-20-2022)
 - (a) The buffer adjacent to residential districts required by Zoning Ordinance Article II, § 190-2.2(J); and
 - (b) The wetlands buffer required by Zoning Ordinance Article III, § 190-3.1, H (1).
- (2) Other circumstances. Where appropriate in other circumstances, buffer strips at least 25 feet wide shall be provided in order to assure privacy and noise reduction for residential areas abutting site developments. Buffer strips shall contain vegetation which will screen nonresidential uses from residential areas during winter months. Where appropriate, existing vegetation shall be incorporated into buffer strips.
- (3) Screening. Screening shall be provided to reduce visual pollution from storage areas, parking and loading areas and solid waste collection/storage areas. Fencing, hedges and plantings may be incorporated into screening systems.

D. Exterior storage areas. All areas used for exterior storage, including areas used for storage of solid waste, shall be located to the rear of commercial buildings, and such areas shall be appropriately screened from view from the street and adjacent properties. Areas used for the display of goods for immediate sale, such as new auto sales, are exempt from this requirement.

E. Parking, circulation, loading and pedestrian safety.

(1) Parking.

(a) Sufficient off-street parking, as required by the Rye Zoning Ordinance, shall be provided.

(b) Angle of parking.

Table 4: Parking Space Standards				
	90°	75°	60°	45°
Stall length of line	18.5	20.0	22.0	25.0
Stall depth to edge of parking lot	18.5	19.5	19.0	17.5
Allowed bumper overhang	2.5	2.5	2.3	2.0
Aisle width between stall lines	26.0	23.0	16.0	12.0
Aisle width, one aisle	26.00	23.0	16.0	12.0
Cross aisle width, one way	14.0	14.0	14.0	14.0
Cross aisle width, two ways	24.0	24.0	24.0	24.0

Note: All dimensions are in feet.

(c) Adjacent aisles of parking shall be separated by a landscaped median at least eight feet wide.

(d) Parking aisles shall not be longer than 20 car lengths without a turnaround.

(e) Parking area designs shall adequately consider pedestrian circulation to and from parking spaces and shall minimize the opportunities for vehicle-pedestrian conflict. All parking spaces shall be safely separated from walkways, sidewalks, and streets by curbing, landscaping, berms, islands or other appropriate measures.

(f) Parking areas shall be landscaped.

(g) An adequate number of the parking spaces closest to buildings shall be provided for the handicapped.

(h) Adequate space for snow storage shall be provided.

(i) All parking spaces shall be clearly marked.

(2) Circulation. The vehicular circulation system for the site shall be designed to maximize public safety.

- (a) Conflicts with pedestrians or other users of exterior spaces (such as children playing) shall be minimized.
 - (b) In general, only one driveway access will be allowed unless a frontage is greater than 300 feet or unless a safe circulation system necessitates additional driveways. It is suggested that applicants who require a driveway permit from the New Hampshire Department of Transportation not apply for said permit until after presentation of a conceptual site plan to the Planning Board, in order to coordinate state and local reviews of driveway access.
 - (c) Frequent truck traffic shall be separated from other traffic.
 - (d) Intersecting drives within the site development shall have radii of at least 15 feet, or greater where truck traffic warrants. Turning templates shall be provided to ensure proper access for internal use including emergency vehicles.
 - (e) Driveways shall be of sufficient width to accommodate projected traffic volumes and vehicular types.
 - (f) Adequate snow storage area shall be provided.
 - (g) Directional arrows and directional signage shall be provided, as necessary.
- (3) Loading areas (where applicable): Sufficient off-street loading/unloading and delivery areas shall be provided. Such areas shall be separated from non-employee parking areas, pedestrian walkways and general use circulation drives. The design of such areas shall be sufficient to allow the safe maneuvering of all anticipated sizes of delivery vehicles.
- (4) Sidewalks. Sidewalks at least five feet wide shall be provided where necessary to accommodate pedestrian traffic flow.
- (5) Paving. All parking, drives and loading areas shall be paved in accordance with the construction standards of § 202-6.4. The Planning Board may allow the installation of permeable pavement surfaces if it determines that such pavement on a particular site will be more environmentally sound and will not lead to dust or erosion having an adverse impact on adjacent properties or users of the site.

F. Underground electrical and communication cables. Electrical, telephone, cablevision and

other types of wires traditionally strung overhead shall be buried underground in all land developments. Utility lines shall be in a trench on the opposite side of the street from the water mains.

- G. Fire safety. The Rye Fire Chief shall review and approve the site plan and certify that it adequately provides for fire safety. All site developments shall:
- (1) Provide circulation systems that allow for adequate access to a building by fire apparatus.
 - (2) Adequately provide for safe egress from buildings and the site in case of fire.
 - (3) Be serviced by adequate water supply and hydrant and/or standpipe facilities for firefighting, considering the nature of the proposed use of the site. Site developments in areas without adequate water supply to assure the safety of users of the site shall be disapproved as premature land developments.
- H. Signage. All signs shall comply with the requirements of the Rye Zoning Ordinance. Signs shall be located in a manner that is not obtrusive to views from abutting properties and that is compatible with the aesthetic development of the site.
- I. Visual impact. Site developments shall be of a scale compatible with surrounding development and/or the rural character of the Town of Rye. The Planning Board may impose additional structural and/or locational limitations on building construction which it determines are necessary to meet this standard.
- J. Off-site improvements.
- (1) Waterlines and sewer lines. For major site developments involving the initial development of a site and for condominium conversions involving five or more units, the applicant shall connect the site development to public water and sewer on sites where any boundary is:
 - (a) Within 1000 feet of a public water supply, as measured along the road frontage serving the subdivision. (Amended 9-20-2022)
 - (b) Within 1000 feet of a public sewer and capable of being connected via gravity flow, as measured along the road frontage serving the subdivision. (Amended 9-20-2022)
 - (2) Other. Applicants for site developments shall be required to construct any off-site drainage or street, road or highway improvements necessary to accommodate the site development.

§ 202-6.4. Street construction standards.

Streets shall comply with the following construction standards.

- A. Commencement of construction.
 - (1) Construction of roadway and other utilities and facilities within a subdivision shall not begin until the approved subdivision plat has been recorded in the Rockingham County Registry.
 - (2) A pre-construction meeting shall be held with the developer, design engineer, contractor, Planning and Zoning Administrator or Planning Board representative, Public Works Director, and the Planning Board Engineer. The purpose of this meeting shall be to establish ground rules, discuss construction schedule and strategy, resolve any areas of confusion and to exchange all contact numbers.
- B. Clearing. The entire area of each street shall be cleared of all stumps, brush, roots, boulders and like material, and all trees not intended for preservation and cleared materials shall be removed from the site.
- C. Subgrade preparation. All loam and other yielding material shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross-sectional depth of not less than two feet below the subgrade, or as modified by the Planning Board on a case-by-case basis, and replaced with clean noncontaminated sand or gravel in compliance with NHDES Administrative Rules Env-Sw 302.03(b)(9).
- D. Survey of grades and bounds. All road bounds, grades and contours, as well as all drainage pipes, culverts and facilities, shall be installed by grades set up by a qualified engineer and shall be checked by him, and any necessary corrections made under his supervision before the same shall be submitted to the Planning Board Engineer for acceptance.
- E. Utilities. All water mains, sewers, and utilities and utility conduits going underground shall be installed in the granular or shoulder area of the road, and services to all lots where road crossings are needed shall be in place before final road surface is placed. It is the intent of this subsection that no such utilities shall be installed under street pavement, except for necessary connections which must cross under such pavement. Utility lines and sewer and drainage lines shall be in a trench on the opposite side of the street from water mains. All electrical transformers and their pads shall be outside the road right-of-way on easements straddling lot boundaries.
- F. Base. All streets shall be constructed with a minimum of six inches of crushed base gravel and 12 inches of subbase gravel totaling a minimum of 18 inches of gravel per New Hampshire Department of Transportation Construction Manual Specification

Section 304 to the full cross-sectional width. Material shall not be placed in lifts greater than six inches.

- G. Asphalt surface. All streets shall have a minimum of four inches of hot bituminous pavement as per New Hampshire Department of Transportation Construction Manual Specification Section 403.11. The pavement shall consist of a binder course 2.5 inches thick and a surface course 1.5 inches thick.
- H. Surface pavement course. The surface course shall not be placed by the developer until building development on all lots in the subdivision is substantially complete as determined by the Public Works Director.
 - (1) If all other improvements are complete, the Planning Board may release surety in accordance with § 202-7.1, provided that the developer places an amount in escrow which is sufficient to pay for surface paving. Said amount shall be determined by the Public Works Director and approved by the Selectmen and Planning Board and agreed to by the developer.
 - (2) However, if the escrow proves to be insufficient for any reason whatsoever, the developer shall be responsible for paying any excess costs. Surety for any excess cost shall be provided as part of the maintenance surety required by § 202-7.1.
 - (3) Under no circumstances will surface paving by the Town be commenced until such time as the Select Board has accepted ownership of the street after a public hearing pursuant to RSA 674:40-a and Article 20 of the 2021 Annual Town Meeting. (Amended 9-20-022)
- I. Bridges. On stream crossings of 10 feet or more, the structure shall be designed to H15-S20 loading (AASHTO Specifications H20-S20). The minimum paved roadway width shall be 24 feet. Where appropriate bridge designs shall include pedestrian and bicycle needs. Bridges shall be designed for the fifty-year/twenty-four-hour storm.
- J. Sidewalks. When required, sidewalks shall be separated from the street edge by a grass strip of at least eight-foot width. Sidewalks shall be at least two inches of thick hot bituminous pavement (New Hampshire Department of Transportation Construction Manual Specification Section 403) and shall be constructed on a six-inch thick gravel base course (New Hampshire Department of Transportation Construction Manual Specification Section 304).
- K. Curbs. When required, curbs shall be granite and shall be constructed on the base course. Dimensions shall provide a curb height of six inches from finish grade at curb.
- L. Erosion control. All erosion control measures shall be shown on the erosion and sediment control plan as required in Article VIII.

- M. Tidal crossings. No bridge, culvert or road shall be constructed in a manner that impedes tidal flows. Tidal crossings shall be engineered, designed and constructed to maintain a free-flowing system in both directions.

§ 202-6.5. Waterline construction.

The layout, materials, pipe size, hydrant spacing and installation for all water system improvements in or off site of a land development shall meet all of the requirements of the governing water district, which shall approve all such plans prior to land development approval by the Planning Board. Criteria on free flow requirements shall be as determined by the New Hampshire Board of Underwriters, but in no case shall waterlines less than six inches in diameter be installed.

§ 202-6.6. Sanitary sewer construction.

The materials, sizes and installation of all new sanitary sewers and appurtenances in or off site of a land development shall meet all of the standards of the New Hampshire Department of Environmental Services Subsurface Bureau, currently codified at New Hampshire Administrative Rules Env-Wq 1000, Subdivisions. The Planning Board Engineer shall review and approve all plans and specifications for the construction of new sanitary sewers.

§ 202-6.7. Septic system standards.

- A. New Hampshire Department of Environmental Services, Subsurface Systems Bureau standards. All land developments having on-site septic systems shall comply with all applicable standards set by the New Hampshire Department of Environmental Services (NHDES) Subsurface Systems Bureau in New Hampshire Administrative Rules Env-Wq 1000, Subdivisions: Individual Sewage Disposal Systems, the Rye Building Code[1] and the soil-based lot sizing standards contained in Site Specific Soil Mapping Standards for New Hampshire and Vermont (December 2017 as amended) by the Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 3, Version 5.0 (as amended) available at <https://sssnne.files.wordpress.com/2018/05/site-specific-soil-mapping-standards-for-new-hampshire-and-vermont.pdf>.
- B. Minimum lot size by soils classification. When in the judgment of the Planning Board the soils characteristics of a site warrant larger lot sizes due to conditions such as shallow depth to bedrock, impermeable layers or wetland soils, the Board may require the larger lot sizes based on the lot sizing set forth in Site Specific Soil Mapping Standards for New Hampshire and Vermont (December 2017 as amended) by the Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 3, Version 5.0 (as amended).
 - (1) Parcels with mixed soils. Where more than one soil type is found on a lot, a weighted average of those soils occurring on the lot shall be used to determine the minimum lot size.
 - (2) Wetlands. Wetlands may be used to fulfill the minimum lot size requirement; however, every lot shall have at least 44,000 square feet of contiguous non-wetland soil, as required by § 202-6.8B(2).

- (a) Areas designated as poorly drained soils may be used to fulfill the minimum lot size required in this section provided that a contiguous non-wetland area of at least 30,000 square feet having a configuration suitable to adequately accommodate a dwelling and on-site waste disposal system is provided.
 - (b) Areas designated as very poorly drained, freshwater or saltwater marsh or alluvial soils may not be utilized to fulfill minimum lot size.
 - (c) No subsurface wastewater disposal system shall be constructed within 75 feet of any designated wetland area.
 - (3) Public water. In subdivisions having a public water supply and whose water source is outside the drainage basin of the proposed subdivision, the standards of § 202-6.7, B may be reduced by 20%. This provision shall not be construed as permitting lots smaller than those required by the Rye Zoning Ordinance. (Amended 9-20-2022)
 - (4) For lots having two-family dwellings, where the total number of bedrooms in the dwelling does not exceed five, the minimum lot sizing standards set forth in Site Specific Soil Mapping Standards for New Hampshire (December 2017 as amended) by the Society of Soil Scientists of Northern New England (SSSNNE) shall be increased by 40%.
 - (5) For lots having single-family dwellings with more than four bedrooms, the standards set forth in Site Specific Soil Mapping Standards for New Hampshire and Vermont, Version 2.0 January 1999, by the Society of Soil Scientists of Northern New England shall be increased by 15% for each additional bedroom exceeding four.
- C. Additional requirements. In addition to meeting the NHDES Subsurface Systems Bureau standards, all on-site waste disposal systems that are part of a land development shall comply with the standards set forth below:
- (1) Designated leach field area. All topographic plans and/or site plans shall indicate a leach field area which is the larger of twice the minimum size required by New Hampshire Administrative Rules Env-Wq 1005.02, Lot Size, or a minimum of 4,000 square feet, in order to provide a reserve area should the initial leach area fail.
 - (a) Prohibited soils. The designated leach field area shall not occupy nor be within 75 feet of any of the following soils:
 - [1] Soils with a percolation rate greater than 60 minutes per

inch.

[2] Poorly drained or very poorly drained soils.

[3] Soils where bedrock or impervious substratum is within 24 inches of the surface.

(b) Additional setback requirements.

[1] Leach field areas shall not occupy any side yard setback established by the Rye Zoning Ordinance, nor shall they be within 100 feet of watercourses or ponds.

[2] The Planning Board may require that leach beds and trenches be set back greater distances from side property lines than required by Subsection C(1)(b)[1] above when, in the judgment of the Board, the gradient warrants it.

(c) Use of leach field area. The designated leach field area must be left as open space and is not to be used for the siting of any incompatible purpose, including but not limited to a driveway, or structures of any type.

(2) Test pits and percolation tests. Test pits and percolation tests shall be located within the designated leach field area; shall be of sufficient number (a minimum of two) to reliably indicate the nature of the receiving soils; shall be witnessed by the Building Inspector or his authorized representative; and shall not be performed between June 15 and September 15 unless waived by the Building Inspector. Test pits shall be dug to at least 10 feet depth, or refusal.

(3) Distance to seasonal high water table. On-site systems shall not be located on any soils having a seasonal high water table (SHWT) within two feet of the surface. For soils with SHWT two feet or deeper, the bottom of the proposed leaching bed or bench and the floor of a leaching cesspool or leaching pit shall be a minimum of four feet above the SHWT, and fill may be added to meet this requirement.

(4) Shallow bedrock conditions. The bottom of the proposed leaching bed or trench and the floor of a leaching cesspool or leaching pit shall be a minimum of eight feet above the top of any bedrock or impermeable substratum unless there is a municipal or state-approved community water supply, in which case the distance to bedrock or impermeable substratum may be reduced to six feet. Fill may be added to meet this requirement.

(5) Flood areas. All on-site waste disposal systems shall be located so as to

avoid impairment to them or contamination from them during flooding.

- (6) Mounding. If mounding is required for an on-site waste disposal system, the mounding shall not cause an increase in surface runoff onto adjacent properties.

§ 202-6.8. Standards for the preservation of natural features and the environment.

A. General.

- (1) The land developer shall identify and take suitable steps as required by the Planning Board to preserve and protect significant existing features such as trees, stone walls, scenic vistas, brooks, streams, rock outcroppings, water bodies, wetlands, other natural features and historic landmarks.
- (2) Land judged by the Planning Board to be unsafe for building development because of exceptional danger to health or peril from flood, tidal water, poor drainage, impermeable soil, excessive slope or other hazardous conditions shall not be approved for development until appropriate measures have been taken to eliminate the hazards.

B. Wetlands. (Amended 9-20-2022)

- (1) All lots shall have at least 44,000 square feet of area outside of the Wetland Conservation District.

C. Woodlands and trees.

- (1) Existing woodlands shall not be disturbed behind a line three feet from the back edge of the ditch line paralleling the street. Trees within existing Town rights-of-way shall not be disturbed without the specific approval of the Planning Board, which may require a suitable replacement. (Amended 9-20-2022)
- (2) Where appropriate along each street and on both sides, the Planning Board may require that the developer plant trees that with existing trees provide a spacing no closer than 30 feet and no further apart than 60 feet. Said trees shall be of a species acceptable to the Planning Board; shall be a minimum of 10 feet high; shall be located within the ROW so as not to interfere with utilities; and shall be guaranteed for at least one year after street acceptance by the Planning Board.
- (3) The requirements of RSA 231:158 shall be complied with on all roads designated scenic roads by the Town pursuant to RSA 231:157.

D. Historic resources. Where land developments are adjacent to historic places, buildings or family cemeteries and burial plots, the Planning Board shall require setbacks or other land development limitations it deems necessary to preserve the historical resource.

- E. Open areas. The Planning Board may require for developments of 20 acres or greater or eight dwelling units or greater that a land developer show one or more sites of suitable character, size, shape and location to be used as community open space, park or neighborhood playground. The open areas must comprise at least 15% of the total land development unless the applicant voluntarily proposes more.
- F. Groundwater protection. Land developments shall not adversely affect the groundwater resources of the Rye Water District, the water districts of surrounding towns, or of individually owned wells. Major subdivisions and major site developments located in the Aquifer and Wellhead Protection District shall comply with the guidelines in the May 2021 “Guidelines for lawns/turf areas for lawn care and fertilizer that protect water quality.” See Appendix F. (Amended 9-20-2022)

The groundwater recharge objectives of § 202-9.2 & 9.3 shall be balanced with the objectives of preserving woodlands and trees and minimizing the alteration of the natural terrain as the result of grading and filling. (Added 9-20-2022)

§ 202-6.9. Climate adaptation and resilience standards.

- A. Purpose. The purpose of the climate adaptation and resilience standards is to minimize and prevent impacts from coastal and freshwater flooding. As documented in the Tides to Storms Vulnerability Assessment (Rockingham Planning Commission, 2015), New Hampshire Coastal Risk and Hazards Commission Report (2016) and New Hampshire Coastal Flood Risk Summary - Part I (UNH, 2019) Rye is highly vulnerable to flooding and erosion from seasonal high tides, coastal storms, sea-level rise and extreme precipitation. It is in the best interest of the Town and its residents, businesses and visitors to ensure development is carried out in a manner that does not overburden municipal services or cause damage to public or private property or degradation of the coastal environment.
- B. Goals. The goals of these standards are to:
 - (1) Identify and evaluate the vulnerability of proposed developments to flooding and incorporate appropriate designs and measures to reduce flood risk.
 - (2) Consider projected flood conditions from sea-level rise in the design and siting of buildings, infrastructure and landscape features to minimize potential flood impacts today and into the future.
 - (3) Protect public and private property and natural resources from the impacts of flooding.
 - (4) Reduce or minimize impacts of flooding from stormwater runoff.

- (5) Minimize the cost of infrastructure maintenance and emergency services in high-risk flood areas.
- (6) Maintain natural shoreline processes and benefits provided by natural shoreline systems.
- (7) Create resilience in the local economy, including residential, coastal businesses and industries, tourism, recreation and enjoyment of coastal areas.

C. Standards for site plan review and subdivision applications. All applications shall comply with the following requirements:

- (1) Existing and proposed conditions plans shall reference Rye's Tides to Storms Vulnerability Assessment report and maps (RPC, 2015) and shall depict the extent of the three sea-level rise projections (e.g., 1.7 feet, 4.0 feet and 6.3 feet) evaluated in this report on all site plans and subdivision plans. [Note: Additional information on sea-level rise projections from high to the low probability ranges at 2030, 2050 and 2100 can be found in the New Hampshire Coastal Flood Risk Summary - Part II: Guidance for Using Scientific Projections (UNH, 2019).]
- (2) Applications shall include a preliminary determination of whether the development or any portion of the subject parcel(s) is located within projected high-risk flood areas as shown on the Tides to Storms Vulnerability Assessment maps.
- (3) New septic systems shall be located outside high-risk flood areas, wherever possible, and the proposed septic leaching bed or bench and the floor of a leaching cesspool or leaching pit shall be a minimum of four feet above the seasonal high water table (SHWT), and fill may be added to meet this requirement. Existing septic systems located in high-risk flood areas may be replaced per New Hampshire Department of Environmental Services standards only if no public or private sewer is available. The proposed replacement septic leaching bed or bench and the floor of a leaching cesspool or leaching pit for a replacement system shall be a minimum of four feet above the SHWT, and fill may be added to meet this requirement.
- (4) Public, private and interior access roads. Finished road surfaces in high risk flood areas shall be constructed two feet above the mean higher high water elevation (defined as elevation 4.4 feet for the New Hampshire coast). In high risk flood areas the bottom of road base (consisting of a six-inch crushed gravel base and eighteen-inch gravel base as depicted in Figure 1) shall be constructed two feet above the current seasonal high water table. (Amended 9-20-2022)
- (5) Buffers required under Rye Zoning Ordinance § 190-3.1H(1) will be expanded when necessary to include the full extent of the two-foot sea-level rise scenario at 2050 as measured from mean higher high water.
- (6) If necessary, drainage easements shall be identified and protected to

accommodate and manage flow of floodwaters.

- D. Definitions. As used in this section, the following terms shall have the meanings indicated:

FOURTH NATIONAL CLIMATE ASSESSMENT - The 2018 Assessment (<https://nca2018.globalchange.gov>) reports the following projections of future sea level: relative to the year 2000, global average sea level is very likely to rise by 0.3 to 0.6 foot by 2030, 0.5 to 1.2 feet by 2050, and one to four feet by 2100. The higher sea-level ranges at 2030, 2050 and 2100 will be shown on site plans and utilized as the baseline for all design and siting requirements.

HIGH-RISK FLOOD AREAS -Land inundated by the three sea-level rise and three sea-level rise plus storm surge scenarios as shown on the Tides to Storms Vulnerability Assessment maps (RPC, 2015).

MEAN HIGHER HIGH WATER - The average of the higher high water height of each tidal day observed over the National Tidal Datum Epoch. The National Tidal Datum Epoch (NTDE) is a specific nineteen-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values (e.g., mean lower low water, etc.) for tidal datums. It is necessary for standardization because of periodic and apparent secular trends in sea level. The present NTDE is 2001 through 2020. The NTDE is actively considered for revision every 20 to 25 years.

SEASONAL HIGH WATER TABLE - From NHDES Env-Wq 1002.61 the seasonal high water table means the depth at which the uppermost soil horizon contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth.

§ 202-6.10. Premature land development.

- A. General. The Planning Board may not approve any premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of adequate water supply, drainage, transportation, schools, fire protection or other public services or necessitate the excessive expenditure of public funds for the supply of such services. In making the determination of whether a proposed subdivision is premature, the Planning Board's considerations may include (but are not limited by) the following:

- (1) Distance from nearest elementary school.
- (2) Capacity of school system and effect on school bus transportation.
- (3) Adequacy of access street(s) and/or sidewalk(s).
- (4) Adequacy of water supply for domestic and firefighting purposes.

- (5) Potential health problems due to on-site sewage systems and for water supply.
 - (6) Potential fire protection problems due to location and/or special conditions relative to type of use.
 - (7) Potential special policing problems.
 - (8) Potential surface drainage problems both on the site and downstream.
 - (9) Creation of excessive expenditure of public funds.
- B. Phasing. Where necessary to prevent premature development or to achieve the objectives of the adopted Capital Improvements Program or any growth control ordinance enacted by the Town, the Planning Board may require the appropriate phasing of the development of any proposed subdivision.

§ 202-6.11. Special provisions for flood hazard areas.

Land developments located in flood hazard areas shall comply with all requirements of the Town of Rye Floodplain Development and Building Ordinance as well as the following requirements:

- A. The Planning Board shall review the proposed land 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 Control Act Amendments of 1972, 33 U.S.C. 1334. (Adopted 12-8-2020)
- B. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination 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.

ARTICLE VII

CONSTRUCTION PERFORMANCE GUARANTEE AND INSPECTION

§ 202-7.0. Impact fees.
(Reserved)

§ 202-7.1. Performance guarantee requirements. (Amended 12-19-2023)

The Planning Board may condition any approval or the authorization for the sale of any parcel associated with a subdivision upon the submission of a performance guarantee or surety, in the form of a self-calling letter of credit or cash surety, covering the costs of all required on-site and off-site improvements plus a ten-percent contingency, including erosion and sediment control measures during construction. The scope and amounts of said performance guarantee must be acceptable to the Planning Board. Except for performance guarantees related to roads and utilities in subdivisions, such performance guarantee shall be provided as a condition to final approval by the Planning Board; for performance guarantees related to roads and utilizes in subdivisions, such performance guarantee shall be provided as a condition to authorization to convey lots within the subdivision or the issuance of building permits for any structures for human occupation. Any performance guarantee to be provided under this section must be reviewed and approved as to form and sureties by the Town Counsel.

- A. Letter of credit and other forms of guarantee.
 - (1) The Planning Board may accept only irrevocable letters of credit or cash surety properly endorsed to the Town and retained by the Town. Other forms of surety may be accepted by the Planning Board, at its discretion, provided Town Counsel determines that they are enforceable under all applicable provisions of RSA chapter 674. (Amended 9-20-2022), (Amended 12-19-2023)
 - (2) As allowed by RSA 674:36, III(c), the Planning Board may assess the costs of completing street and utility work in approved subdivisions against the lots (or land) within the subdivision which benefit from the improvements.
- B. Two-year periods. Performance guarantee or other sureties shall be conditioned upon the completion of all required improvements within two years or as extended by Planning Board approval and reevaluation of the performance guarantee or surety under this section.
- C. Maintenance during development. Said performance guarantee or surety shall guarantee that the applicant constructs per approved plans and maintains all streets and stormwater management, water and sewer facilities in the land development until such facilities are accepted by the Town or Water District. The construction cost estimate, plus a ten-percent contingency, shall be prepared by the applicant and reviewed for accuracy by the Town Engineer, and approved by the Planning Board.
- D. Partial release of performance guarantee or surety. (Added 12-19-2023)
 - (1) Performance guarantees or other performance sureties shall be entitled to a partial release by the Planning Board upon the completion of improvements or installation or upon the

substantial improvements being made. In seeking a partial release, the applicant shall identify the work that has been performed and the cost of the work performed, as against the anticipated project costs. Upon the certification from the project Engineer that the improvements that have been completed or partially completed have been done in a satisfactory manner in accordance with the approved plans, these regulations and standards are adopted herein by reference. Such partial release shall be without reservation of the Planning Board to seek a guarantee and maintenance surety in accordance with Paragraph (E).

E. Release of performance guarantee or surety. (Amended 9-20-9022, Re-numbered 12-19-2023)

(1) Performance guarantees or other performance sureties shall be released by the Planning Board and replaced by a guarantee and maintenance surety at such time as the Planning Board Engineer certifies that all required improvements have been satisfactorily completed in accordance with the approved plans, these regulations and any standards adopted herein by reference. The guarantee and maintenance surety shall:

- (a) Be acceptable to the Planning Board.
- (b) Be in an amount equal to 25% of the original guarantee.
- (c) Be acceptable as to form and surety to Town Counsel.
- (d) Guarantee the maintenance of all street, utility and drainage improvements until accepted by the Town or Water District, including snow plowing.
- (e) Guarantee the repair of any street, utility or drainage improvement necessary within a period of three years following the release of the performance surety.

(2) Inspections related to release of performance surety. (Added 12-19-2023)

- 1. Bonded parties seeking a full or partial release of any performance guarantee in accordance with Paragraphs D and E shall seek such a release in writing to the Planning Board.
- 2. The Planning Board, by and through the Town's Engineer, will conduct an inspection of any infrastructure claimed to have been completed or improved within thirty (30) days of the Town's receipt of such request.
- 3. The Planning Board shall notify the bonded party within fifteen (15) days of any inspection regarding any completed or non-compliant conditions.

4. The bonded party shall complete any incomplete work subject to the bond within 30 days of receipt of notification.

§ 202-7.2. Compliance with approved plans.

Construction shall comply with all land development plans and/or submittals that are part of the Planning Board's approval of a proposal. Final as-built plans must be submitted no later than two years from the completion of construction (per Section 2.3.6.b of the EPA MS4 permit, 2017).

Construction of a street in accordance with an approved subdivision plan and these regulations and subsequent approvals of the construction by the planning board engineer and planning board does not make the street a town street or guarantee that it will become a town street. In order for a street to become a town street it must be accepted by the Select Board after a public hearing and in accordance with RSA 674:40-a and Article 20 of the 2021 Annual Town Meeting. (Added 9-20-2022)

§ 202-7.3. Inspection of construction.

All construction work shall be inspected by the Planning Board Engineer as necessary to ensure that Town requirements are met. No roads or utilities shall be accepted or released from surety until the Planning Board Engineer and the Public Works Director both certify in writing that the work is complete and in compliance with these regulations. These inspections shall include those required under Article VIII and Article IX.

A. Street inspections.

- (1) The Rye Planning Board has established that inspections of road and infrastructure improvements are to occur at various stages throughout construction. The developer and contractor shall notify the Planning Board Engineer and Public Works Director seven days prior to the commencement of construction so that a pre-construction conference can be scheduled. At that time, the contractor will complete a construction contact list as provided by the Planning Board Engineer. The Planning Board Engineer and the Public Works Director shall be given a minimum forty-eight-hour notice prior to reaching any of the required inspection checkpoints listed below.
 - (a) Storm drainage and associated structures.
 - (b) Sanitary sewers and associated structures.
 - (c) Testing of sewers.
 - (d) Roadway subbase and base gravel placement.
 - (e) Final base gravel grading.

- (f) Paving.
 - (g) Surface.
 - (h) Loaming and seeding, shoulder construction, or other final surface preparation.
 - (i) Final completion.
- (2) Work that is completed without meeting the above inspection requirements is subject to recommendation for nonacceptance of the completed street, drainage infrastructure and utilities by the Rye Planning Board. Recommendation for final acceptance by the Planning Board Engineer and the Public Works Director shall not constitute acceptance by the Planning Board.

B. Submittals.

- (1) Construction documents. The Planning Board Engineer will be supplied with two sets of construction documents.
- (2) Shop drawings and product data. The developer's engineer shall supply the Planning Board Engineer with two sets of shop drawings or product data. All shop drawings shall have a licensed professional engineer's stamp clearly affixed to each item. The following items require shop drawings or product data:
 - (a) Storm drain pipes.
 - (b) Sanitary sewer pipes.
 - (c) Manholes.
 - (d) Catch basins.
 - (e) Geotextile fabric.
 - (f) Conduit.
 - (g) Hot mix asphalt pavement.
 - (h) Retaining walls.
- (3) Materials testing. The contractor shall supply the Planning Board Engineer with test results for materials testing performed as listed below.
 - (a) Roadway subbase material: gradation analysis and laboratory maximum

density test analysis. Density test shall be done in conformance with ASTM 1557 Method D-Modified. Gradation analysis shall be done in conformance with ASTM C-117 and C-136.

- (b) Roadway base material: gradation analysis and laboratory maximum density test analysis. Density test shall be done in conformance with ASTM 1557 Method D-Modified. Gradation analysis shall be done in conformance with ASTM C-117 and C-136.
- (c) In place compaction tests: roadway subbase material shall have sufficient in place compaction to verify 95% compaction based on the modified density test for the respective material. Testing agency will test compaction of soils in place according to ASTM D 1556, ASTM D 2167, ASTM D 6938, and ASTM D 2937, as applicable.
- (d) The contractor shall coordinate water line testing with the Rye Water District.
- (e) The contractor shall supply the Planning Board Engineer results from leak tests performed on the sanitary sewer lines and sanitary sewer manholes.
- (f) The Engineer may also require testing of bituminous pavement for compaction and/or surface smoothness if, in the Planning Board Engineer's opinion, insufficient or unsuitable equipment is being used to obtain the desired surface smoothness or pavement density.

C. Drainage and utility construction.

- (1) Conformance with design intent.
 - (a) Construction of infrastructure improvements, including catch basins, drainage manholes, sewer manholes, storm drain pipes, sewer pipes, culverts, detention and retention basins, and basin outlet structures, to design grades shall not constitute conformance with the approved plan's design intent. Contractor shall verify that the design intent can be achieved with specified grades and locations once established in the field.
 - (b) If in the contractor's opinion the design intent cannot be achieved as specified on the approved plans, it is the contractor's responsibility to notify the developer's engineer, the Planning Board Engineer and the Public Works Director in writing for direction on remedial action.
 - (c) Remedial action for situations not achieving the approved plan's design intent shall be determined by the developer and the developer's engineer. Proposed remedial action measures shall be approved by the Public Works Director, the Planning Board Engineer and the Planning Board prior to

implementation.

D. Hot bituminous pavement placement.

- (1) Weather limitations: Bituminous mixtures shall be placed only when the underlying surface is dry and frost free and the surface temperature is above (50° F) and rising for placement of surface course and above 40° F and rising for placement of binder courses. (Amended 9-20-2022)

E. Fees. The applicant shall pay the costs associated with construction inspection by the Planning Board Engineer. The Planning Board may require that an inspection fee be paid by the developer and held in escrow prior to final plan approval.

ARTICLE VIII

CONSTRUCTION SITE RUNOFF -EROSION AND SEDIMENT CONTROL STANDARDS

§ 202-8.0. Purpose and standards.

- A. The purpose of these standards is to safeguard persons, protect property, prevent damage to the environment and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land during construction as part of an application for site plan review or subdivision.
- B. An erosion and sediment control report and plans, adhering to the standards of this regulation, shall be submitted with site plan review and subdivision applications, if applicable, and shall be prepared and certified by a licensed New Hampshire professional engineer.
- C. An erosion and sediment control plan is not required for the following activities:
 - (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (2) Existing nursery and agricultural operations conducted as a permitted primary use or accessory use.
- D. The performance guarantee required in § 202-7.1 shall be sufficient to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the Planning Board, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

§ 202-8.1. Erosion and sediment control plan requirements.

- A. The erosion and sediment control plan shall include the following:
 - (1) A natural resources map identifying soils, forest cover, and resources protected under other sections of the Land Development Regulations, Zoning Ordinance or other local regulations.
 - (2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

- (3) All erosion and sediment control measures necessary to meet the objectives of this regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
 - (4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - (5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- B. Modifications to the erosion and sediment control plan shall be processed and approved or disapproved by the Planning Board by written authorization to the permittee as follows:
- (1) Major amendments of the approved erosion and sediment control plan.
 - (2) Field modifications of a minor nature may be approved by the Planning Board Engineer or other municipal staff upon inspection.

§ 202-8.2. Best practices for site plan review and subdivision applications.

All site plan review and subdivision applications must submit the following information and shall comply with the following standards:

- A. Apply best management practices that accommodate the increased runoff caused by changed soil and surface conditions during construction, including strong perimeter controls and soil stabilization methods. Sediment in stormwater runoff shall be contained by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Techniques that divert upland runoff away from disturbed slopes shall be used.
- B. Identify, locate, and show elevation, grades and/or contours at intervals of not more than two feet for the existing and proposed drainageways, drainage easements, drainage structures, and any surface water bodies.
- C. Identify and relatively locate and include drawings and specifications for each erosion and sediment control measure and structure proposed during construction, noting those measures that will become permanent structures retained after construction. Erosion and sediment control measures and structures shall be designed in accordance with the New Hampshire Stormwater Manual Volume 3: Erosion and Sediment Controls During Construction (New Hampshire Department of Environmental Services, December 2008, as amended) or new standards and guidance as released or adopted by the New Hampshire Department of Environmental Services.

- D. Include drawings, details and specifications for proposed flood hazard prevention measures and structures and for proposed temporary stormwater management facilities.
- E. Ensure that disturbance to or removal of vegetation, grading or other construction will be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected and supplemented to function as buffers.
- F. Construction sites must be stabilized within five days of clearing or inactivity in construction. Temporary application of seed and/or mulch may be required by the Planning Board to protect exposed critical areas during development. Techniques shall be employed to prevent the blowing of dust or sediment from the site. In areas where final grading has not occurred, temporary stabilization measures should be in place within seven days for exposed soil areas within 100 feet of a surface water body or wetland and no more than 14 days for all other areas. Permanent stabilization should be in place no more than three days following the completion of final grading of exposed soil areas. At the close of the construction season, the entire site must be stabilized, using a heavy mulch layer, or another method that does not require germination to control erosion.
- G. Waste removal and disposal.
 - (1) All waste generated on the site shall be controlled and discarded properly, including but not limited to building materials, concrete and concrete washout effluent, chemicals, litter and sanitary wastes.
 - (2) Waste shall not be discharged to the municipal MS4 system.

§ 202-8.3. Inspection and enforcement. (Amended 9-20-2022)

- A. The Town or its designated agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the agent designated by the Planning Board at the time interval specified in the approved plan.
- B. The Town or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Subsection B.
- C. Stop-work order. In the event that any person holding a site development permit pursuant to this article violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Town may issue a stop-work order.

ARTICLE IX

POST-CONSTRUCTION STORMWATER MANAGEMENT STANDARDS

§ 202-9.0.

Purpose and goals.

- A. The purpose of post-construction stormwater management standards is to provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate discharges from stormwater and runoff from land development projects and other construction activities to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.

- B. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of Rye. This regulation seeks to meet that goal through the following objectives:
 - (1) Minimize increases in stormwater runoff from any development to reduce flooding, siltation and stream bank erosion and maintain the integrity of stream channels.
 - (2) Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
 - (3) Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable as allowable by site conditions.
 - (4) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety and do not cause excessive municipal expenditures.
 - (5) Protect the quality of groundwater resources, surface water bodies and wetlands.

§ 202-9.1. Threshold for applicability.

- A. The following § 202-9.1A(1) applies to site plan review applications.

- (1) The post-construction stormwater management standards apply to any development or redevelopment project which is subject to site plan review and disturbs more than 5,000 square feet or disturbs more than 2,500 square feet within 100 feet of a surface water body.
 - (a) The Planning Board may grant a waiver from these regulations if the amount of the total site impervious cover created does not exceed 5,000 square feet upon a showing by the applicant as to why these regulations should not apply.
 - (b) The following activities are considered exempt from these regulations:
 - [1] Agricultural and forestry practices located outside wetlands and surface water setbacks and/or buffers.
 - [2] Resurfacing and routine maintenance of roads and parking lots.
 - [3] Exterior and interior alterations and maintenance to existing buildings and structures.

B. The following § 202-9.1B(1) and (2) apply to subdivision applications.

- (1) The post-construction stormwater management standards apply to subdivisions that result in creation of a private road or a road intended for adoption as a public road. All stormwater runoff generated from the proposed private or public roadway(s) and any other stormwater runoff contributing to the roadway stormwater management system(s) shall be managed and treated in full compliance with these standards.
- (2) For subdivisions comprising lots with frontage on existing private or public roadways, roadside drainage and any other stormwater runoff from the new lots discharging to the roadside drainage system must be managed for stormwater runoff quantity/volume and water quality treatment if stormwater is discharged to the municipality's drainage system subject to the EPA MS4 permit.

§ 202-9.2. Stormwater management for new development.

- A. All proposed stormwater management practices and treatment systems shall meet the following performance standards and apply methodologies from the New Hampshire Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design (New Hampshire Department of Environmental Services, December 2008).
- (1) Stormwater management and erosion and sediment control practices shall be located outside any specified buffer zones unless otherwise approved by the Planning Board. Alternatives to stream and wetland crossings that eliminate or minimize environmental impacts shall be considered whenever possible.

- (2) Low-impact development (LID) site planning and design strategies must be used to the maximum extent practicable, taking into consideration limitations caused by site conditions and environmental constraints, to achieve the following: reduce stormwater runoff volumes, protect water quality, and maintain pre-development site hydrology. Low-impact development (LID) techniques that preserve existing vegetation, reduce the development footprint, minimize or disconnect impervious area, and use enhanced stormwater BMPs (such as rain gardens, bioretention systems, tree box filters, drip edges, rain barrels, permeable pavers, permeable pavement, no-cut buffers and similar stormwater management landscaping techniques) shall be incorporated into landscaped areas. Capture and reuse of stormwater is strongly encouraged. The applicant must document in writing why LID strategies are not appropriate when not used to manage stormwater. (Amended 9-20-2022)
- (3) All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: trees, grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
- (4) Salt storage areas shall be fully covered with permanent or semi-permanent measures and loading/off-loading areas shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with NHDES published guidance. 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>.
- (5) Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused on site.
- (6) All newly generated stormwater from new development shall be treated on the development site. A development plan shall include provisions to retain natural pre-development watershed areas on the site by using the natural flow patterns.
- (7) Runoff from impervious surfaces shall be treated to achieve at least 80% removal of total suspended solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the New Hampshire Stormwater Manual, Volumes 1 and 2, December 2008, as amended or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMPs designed to optimize pollutant

removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the New Hampshire Stormwater Manual.

- (8) Measures shall be taken to control the post-development peak runoff rate so that it does not exceed pre-development runoff. Drainage analyses shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the one-inch rainstorm and the two-year, ten-year, twenty-five-year, and fifty-year twenty-four-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume GR_v 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: 0.00. 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.
- (9) The design of the stormwater drainage systems shall provide for the disposal of stormwater without flooding or functional impairment to streets, adjacent properties, downstream properties, soils, or vegetation.
- (10) The design of the stormwater management systems shall account for upstream and upgradient runoff that flows onto, over, or through the site to be developed or redeveloped, and provide for this contribution of runoff.
- (11) 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.
- (12) The design of stormwater management systems shall incorporate a fifteen-percent increase in precipitation for the fifty-year and greater design storms to accommodate projected increases due to climate change.

B. Submission requirements for stormwater management report and plans.

- (1) All applications shall include a comprehensive stormwater management plan (SMP). The SMP shall include a narrative description and an existing conditions site plan showing all pre-development impervious surfaces, buildings and structures; surface water bodies and wetlands; drainage patterns, subcatchment and watershed boundaries; building setbacks and buffers; locations of various hydrologic group soil types; mature vegetation; land topographic contours with two-foot intervals and minimum one-foot intervals; and spot grades where necessary for sites that are flat.
- (2) The SMP shall include a narrative description and a proposed conditions site plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent stormwater management elements and best

management practices (BMP), including BMP GIS coordinates and GIS files; important hydrologic features created or preserved on the site; drainage patterns, subcatchment and watershed boundaries; building setbacks and buffers; proposed tree clearing; and topographic contours with minimum one-foot or two-foot intervals. The plans shall provide calculations and identification of the total area of disturbance proposed on the site (and off site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms (New Hampshire Department of Environmental Services, December 2008; refer to Table 1, Summary of Design Criteria) at each of the outlet locations shall be included.

- (3) The SMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Element A and Element C. The SWP shall include design plans and/or graphical sketch(es) of all proposed aboveground LID practices.
- (4) The SMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice and GIS files containing the coordinates of all stormwater infrastructure elements (e.g., catch basins, swales, detention/bioretenion areas, piping).
- (5) The SMP shall include a description and a proposed site plan showing proposed erosion and sediment control measures, limits of disturbance, and temporary and permanent soil stabilization measures in accordance with the NHDES Stormwater Manual Volume 3 (most recent version) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.
- (6) The SMP shall include a long-term stormwater management BMP inspection and maintenance plan (see Element E) that describes the responsible parties and contact information for the qualified individuals who will perform future BMP inspections. The inspection frequency, maintenance and reporting protocols shall be included.
- (7) The SMP shall describe and identify locations of any proposed de-icing chemical and/or snow storage areas. The SMP will describe how de-icing chemical use will be minimized or used most efficiently.
- (8) In urbanized areas that are subject to the EPA MS4 stormwater permit and will drain to chloride-impaired waters, any new developments and redevelopment projects shall submit a description of measures that will be used to minimize salt usage and track and report amounts applied using the UNH Technology Transfer Center online tool (<http://www.roadsalt.unh.edu/Salt/>) in accordance with Appendix H of the New Hampshire MS4 permit.

§ 202-9.3. General performance criteria for stormwater management plans.

- A. All applications shall apply site design practices to: reduce the generation of stormwater in the post-developed condition; reduce overall impervious surface coverage; seek opportunities to capture and reuse stormwater runoff; and minimize the discharge of stormwater to the municipal stormwater management system.
- B. Water quality protection.
- (1) No stormwater runoff generated from new development or redevelopment shall be discharged directly into a jurisdictional wetland or surface water body without adequate treatment.
 - (2) All developments shall provide adequate management of stormwater runoff and prevent discharge of stormwater runoff from creating or contributing to water quality impairment.
 - (3) It is preferred that groundwater recharge rates be maintained by promoting infiltration through the use of structural and non-structural methods. If possible to accomplish without extensive alteration of the natural terrain and/or destruction of woodlands, the annual recharge from the post development site shall maintain or exceed the annual recharge from pre-development site conditions. BMP's such as drip edges, rain barrels, permeable pavers, permeable pavement, no-cut buffers, infiltration trenches, and vegetated buffers should be considered in lieu of retention facilities which extensively destroy woodlands or extensively alter the natural terrain. See also § 202-6.8, F. Stormwater management practices may include. (Amended 9-20-2022)
 - (a) Maximizing flow paths from collection points to outflow points.
 - (b) Use of multiple best management practices.
 - (c) Retention of and discharge to fully vegetated areas.
 - (d) Maximizing use of infiltration practices.
 - (e) Stormwater system design performance standards.
 - (4) Stormwater system design, performance standards and protection criteria shall be provided as prescribed in Table 5 at the end of this article. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the one-hundred-year twenty-four-hour frequency storm discharge rate.
 - (5) The sizing and design of stormwater management practices shall utilize new precipitation data from the Northeast Region Climate Center (NRCC)

<http://precip.eas.cornell.edu/> or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all stormwater management practices.

- (6) All stormwater management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice and how and who will manage and maintain this vegetation. The use of native plantings appropriate for site conditions is strongly encouraged for these types of stormwater treatment areas. The landscaping plan must be prepared by a registered landscape architect, soil conservation district office, or another qualified professional.

§ 202-9.4. Spill prevention, control and countermeasure (SPCC) plan.

Any existing or otherwise permitted use or activity having regulated substances in amounts greater than five gallons shall submit to the local official, such as the Fire Chief or Emergency Response Official, a spill prevention, control and countermeasure (SPCC) plan for review and approval. The plan will include the following elements:

- A. Disclosure statements describing the types, quantities, and storage locations of all regulated substances that will be part of the proposed use or activity.
- B. Owner and spill response manager's contact information.
- C. Location of all surface waters and drainage patterns.
- D. A narrative describing the spill prevention practices to be employed when normally using regulated substances.
- E. Containment controls, both structural and nonstructural.
- F. Spill reporting procedures, including a list of municipal personnel or agencies that will be contacted to assist in containing the spill, and the amount of a spill requiring outside assistance and response.
- G. Name of a contractor available to assist in spill response, contaminant, and cleanup.
- H. The list of available cleanup equipment with instructions available for use on site and the names of employees with adequate training to implement containment and cleanup response.

§ 202-9.5. Stormwater management for redevelopment.

- A. Redevelopment (as applicable to this stormwater regulation) means:

- (1) Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover by any amount, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if capital cost of improvements is greater than 30% of the appraised property value.
 - (2) Any new impervious area over portions of a site that are currently pervious.
- B. The following activities are not considered redevelopment:
- (1) Interior and exterior building renovation.
 - (2) Resurfacing of an existing paved surface (e.g., parking lot, walkway or roadway).
 - (3) Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
 - (4) Landscaping installation and maintenance.
- C. Redevelopment applications shall comply with the requirements of § 202-9.2B, Submission requirements for stormwater management report and plans, § 202-9.3, General performance criteria for stormwater management plans, and § 202-9.4, Spill prevention, control and countermeasure (SPCC) plan.
- D. For sites meeting the definition of a redevelopment project and having less than 60% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area is minimized and LID practices have been implemented on site to the maximum extent practicable.
- E. For sites meeting the definition of a redevelopment project and having more than 60% existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
- (1) Implement measures on site that result in disconnection or treatment of 100% of the additional proposed impervious surface area and at least 30% of the existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.
 - (2) If resulting in greater overall water quality improvement on the site, implement LID practices to the maximum extent practicable to provide treatment of runoff generated from at least 60% of the entire developed site area. However, treatment may not be less than the runoff volume from 100% of the additional proposed

impervious surface.

- F. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of total suspended solids and at least 50% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the New Hampshire Stormwater Manual, Volumes 1 and 2, December 2008, as amended or other equivalent means. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMPs designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the New Hampshire Stormwater Manual.

§ 202-9.6. Stormwater management plan and site inspections.

- A. The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system. The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices. The operations and maintenance shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.
- B. The applicant shall provide legally binding documents for filing with the Registry of Deeds which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain on-site stormwater infrastructure when necessary to address emergency situations or conditions.
- C. The property owner shall bear responsibility for the installation, construction, inspection, and maintenance of all stormwater management and erosion control measures required by the provisions of these regulations and as approved by the Planning Board, including emergency repairs completed by the Town.

§ 202-9.7. Stormwater management plan recordation.

- A. Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan. A notice of decision acknowledging the Planning Board approval of these plans shall be recorded at the Registry of Deeds. The notice of decision shall be referenced to the property deed (title/book/page number) and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The notice of decision shall reference the requirements for maintenance pursuant to the stormwater management and erosion and sediment control plans as approved by the Planning Board.

- B. The applicant shall submit as-built drawings of the constructed stormwater management system following construction.
- C. Easements. Where a development is traversed by or requires the construction of a watercourse or a drainageway, an easement to the Town of adequate size to enable construction, reconstruction and required maintenance shall be provided for such purpose. Easements to the Town shall also be provided for the purpose of periodic inspection of drainage facilities and BMPs should such inspections by the Town become necessary. All easements shall be recorded at the County Registry of Deeds.

§ 202-9.8. Inspection and maintenance responsibility and easements.

- A. Municipal staff or their designated agent shall be granted site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.
 - (1) If permission to inspect is denied by the landowner, municipal staff or their designated agent shall secure an administrative inspection warrant from the District or Superior Court under RSA 595-B, Administrative Inspection Warrants. Expenses associated with inspections shall be the responsibility of the applicant/property owner.
 - (2) If violations or noncompliance with a condition(s) of approval is found on the site during routine inspections, the inspector shall provide a report to the Planning Board documenting these violations or noncompliance including recommended corrective actions. The Planning Board shall notify the property owner in writing of these violations or noncompliance and corrective actions necessary to bring the property into full compliance. The Planning Board, at its discretion, may recommend to the Board of Selectmen to issue a stop-work order if corrective actions are not completed within 10 days.
 - (3) If corrective actions are not completed within a period of 30 days from the Planning Board or Board of Selectmen notification, the Planning Board may exercise its jurisdiction under RSA 676:4-a, Revocation of Recorded Approval.
- B. The applicant shall bear final responsibility for the installation, construction, inspection, and disposition of all stormwater management and erosion control measures required by the Planning Board. Site development shall not begin before the stormwater management plan receives written approval by the Planning Board.
- C. The municipality retains the right, though accepts no responsibility, to repair or maintain stormwater infrastructure if a property is abandoned or becomes vacant and in the event a property owner refuses to repair infrastructure that is damaged or is not functioning properly.

- D. Easements shall be granted to the Town for any stormwater conveyance or drainageways established on private property and within the road right-of-way to ensure access prior to acceptance of the road by the Town. The Planning Board has the right to review and approve or disapprove the layout, rights granted or language of any such easement.

- E. Landowners shall be responsible for submitting an annual report to the Building Inspector by September 1 each year by a qualified engineer that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The annual report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their annual report and include detail regarding when the infrastructure shall be repaired and functioning as approved. If no report is filed by September 1, municipal staff or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.

Table 5: Stormwater Infrastructure Design Criteria

Design Criteria	Description	
Water Quality Volume (WQV)	$WQV = (P)(R_v)(A)$	
	P = 1 inch of rainfall	
	$R_v = \text{unitless runoff coefficient, } R_v = 0.05 + 0.9(I)$	
	I = percent impervious cover draining to the structure converted to decimal form	
	A = total site area draining to the structure	
Water Quality Flow (WQF)	$WQF = (q_u)(WQV)$	
	WQV = water quality volume calculated as noted above	
	$q_u = \text{unit peak discharge from TR-55 Exhibits 4-II and 4-III}$	
	Variables needed for Exhibits 4-II and 4-III:	
	$I_a = \text{the initial abstraction} = 0.2S$	
	$S = \text{potential maximum retention in inches} = (1000/CN) - 10$	
	$CN = \text{water quality depth curve number}$ $= 1000 / (10 + 5P + 10Q - 10[Q^2 + 1.25(Q)(P)]^{0.5})$	
	P = 1 inch of rainfall	
	Q = the water quality depth in inches = WQV/A	
	A = total area draining to the design structure	
Groundwater Recharge Volume (GRV)	$GRV = (A_i)(R_d)$	
	$A_i = \text{the total area of effective impervious surfaces that will exist on the site after development}$	
	$R_d = \text{the groundwater recharge depth based on the USDA/NRCS hydrologic soil group, as follows:}$	
	Hydrologic Group	R_d (inches)
	A	0.40
	B	0.25
	D	0.00
Channel Protection Volume (CPV)	If the 2-year, 24-hour post-development storm volume does not increase due to development then: control the 2-year, 24-hour post-development peak flow rate to the 2-year, 24-hour pre-development level	
	If the 2-year, 24-hour post-development storm volume does increase due to development then: control the 2-year, 24-hour post-development peak flow rate to 1/2 of the 2-year, 24-hour pre-development level or to the 1-year, 24-hour pre-development level	
Peak Control	Post-development peak discharge rates shall not exceed pre-development peak discharge rates for the 10-year and 50-year, 24-hour storms	
EIC and UDC	$\%EIC = \text{area of effective impervious cover/total drainage areas within a project area} \times 100$	
	$\%UDC = \text{area of undisturbed cover/total drainage area within a project area} \times 100$	

[After: NHDES Stormwater Manual Volume 2: Post-Construction Best Management Practices Selection and Design (December 2008)]

ARTICLE X

OUTDOOR LIGHTING STANDARDS

§ 202-10.0. Purpose.

The intent of this article is to maintain the rural character of the Town of Rye, in part by preserving the visibility of nighttime skies, and to minimize the impact of artificial lighting on residents, motorists and pedestrians and nocturnal wildlife. This article recognizes the importance of lighting for safety and security while encouraging energy efficiency and promotes good neighborly relations by preventing glare from outdoor lights from intruding on nearby properties or posing a hazard to pedestrians or drivers.

§ 202-10.1. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DIRECT LIGHT:

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

FIXTURE:

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

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.

GLARE:

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

HEIGHT OF LUMINAIRE:

The height of a luminaire shall be the vertical distance from the ground directly below the center line of the luminaire to the lowest direct-light-emitting part of the luminaire.

IESNA;

Illuminating Engineering Society of North America.

INDIRECT LIGHT:

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

LAMP:

The component of a luminaire that produces the actual light.

LIGHT TRESPASS:

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

LUMEN:

A unit of luminous flux. One footcandle is one lumen per square foot. For the purposes of this article, the lumen output values shall be the initial lumen output rating of a lamp.

LUMINAIRE:

A complete lighting assembly that includes the fixture and its lamp or lamps.

OUTDOOR LIGHTING:

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

TEMPORARY OUTDOOR LIGHTING:

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

§ 202-10.2. Outdoor lighting design.

- A. Any luminaire emitting more than 1,800 lumens (with 1,700 lumens being the typical output of a one-hundred-watt incandescent bulb) shall be fully shielded so as to produce no light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. (Such fixtures usually are labeled dark sky certified or compliant.)
- B. Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all floodlights or spotlights with a lamp or lamps rated at a total of more than 900 lumens, shall be mounted at a height equal to or less than the value $3 + (D/3)$ where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire shall not exceed 20 feet.
- C. Any luminaire with a lamp or lamps rated at 1,800 lumens or less, and all floodlights or spotlights with a lamp or lamps rated at 900 lumens or less, may be used without restriction to light distribution or mounting height, except that, to prevent light trespass, if any floodlight or spotlight is aimed, directed or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to pedestrians or persons operating motor vehicles on public ways, the luminaire shall be redirected, or its light output reduced or shielded, as necessary to eliminate such conditions.
- D. Any luminaire used to illuminate a public area such as a street or walkway shall utilize an energy-efficient lamp such as a low-pressure sodium lamp, high-pressure sodium lamp, metal halide lamp, CFL lamp or LED lamp. Mercury vapor lamps shall not be used due to their inefficiency and high operating costs and toxic mercury content.

- E. Luminaires used in public areas such as roadway lighting, parking lots and for exterior building illumination shall be designed to provide the minimum illumination recommended by the IESNA in the most current edition of the IESNA Lighting Handbook.
- F. To protect light-sensitive wildlife habitats, artificial lighting in or on the periphery of areas identified as such by the New Hampshire Fish and Game Department shall be minimized and fully shielded to prevent any emission above a horizontal plane through the lowest light-emitting part of a luminaire.
- G. Whenever practicable, outdoor lighting installations shall include timers, dimmers, and/or motion sensors to reduce overall energy consumption and eliminate unneeded lighting, particularly after 11:00 p.m.
- H. Moving, fluttering, blinking, or flashing neon or tubular lights or signs shall not be permitted, except as temporary seasonal holiday decorations. Signs may be illuminated only by continuous direct white light with illumination confined to the area of the sign and directed downward.
- I. Luminaires mounted on a gas station canopy shall be recessed in the ceiling of the canopy so that the lens cover is recessed or mounted flush with the ceiling of the canopy and fully shielded. Luminaires shall not be mounted on the sides or top of the canopy, and the sides or fascia of the canopy shall not be illuminated.

§ 202-10.3. Exemptions.

- A. Luminaires used for municipal public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
- B. All temporary emergency lighting needed by the police, fire or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
- C. All hazard warning luminaires required by federal and state regulatory agencies are exempt from the requirements of this article, except that all such luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- D. Luminaires used primarily for roadway signal illumination may be mounted at any height required to ensure roadway safety, regardless of lumen rating.
- E. Seasonal holiday lighting and illumination of the American and state flags and other flags shall be exempt from the requirements of this article, providing that such lighting does not produce glare on roadways and neighboring residential properties.
- F. Installations existing prior to the enactment of this article are exempt from its

requirements. However, any changes to an existing lighting system, fixture replacements, or any grandfathered lighting system that is moved must meet these standards.

§ 202-10.4. Temporary lighting.

Any temporary outdoor lighting for construction or other purposes that conforms to the requirements of this article shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Planning Board after considering:

- A. The public and/or private benefits that will result from the temporary lighting.
- B. Any annoyance or safety problems that may result from the use of the temporary lighting.
- C. The duration of the temporary nonconforming lighting.

§ 202-10.5. Public area and roadway lighting.

Installation of any new public area or roadway lighting fixtures other than for traffic control shall be permitted only by decision of the Planning Board, following a duly noticed public hearing.

ARTICLE XI

LANDSCAPING STANDARDS

§ 202-11.0. General provisions.

Landscaping standards shall apply to site plan review and subdivision applications (excluding lot line adjustments). Landscaping and screening shall be provided to achieve the following outcomes:

- A. Define areas for pedestrian and vehicular circulation.
- B. Break up the mass of buildings and impervious areas.
- C. Incorporate existing native vegetation and other natural features into the site design.
- D. Manage and control stormwater at its source to minimize off-site runoff.
- E. Conserve water and reduce outside water use.
- F. Provide screening and buffering between residential and nonresidential uses and nonresidential uses that are highly impactful to the surrounding area.

G. Reduce heat island effects and improve air quality.

§ 202-11.1. Landscaping specifications.

A. Landscaping is required in the following locations, and retention of existing vegetation may substitute for plantings provided all landscaping specifications are met:

- (1) Lot frontage(s). A combination of trees, shrubs and ground cover shall be planted with a tree every 30 feet to a minimum width of nine feet as measured from the property boundary. This requirement applies to applications for site plan review and subdivisions.
- (2) Side and rear property boundaries. The retention of existing vegetation is encouraged along the side and rear property boundaries. At the discretion of the Planning Board, plantings may be required along the side and rear property boundaries to shield high-impact uses from neighboring properties.
- (3) Interior of parking areas with greater than 20 parking spaces. Within parking areas, landscaped islands shall be provided adjacent to rows of parking and between groups of parking spaces with the goal of breaking up large continuously paved areas. Landscaped islands shall be a minimum of eight feet wide or as necessary to provide adequate room for growth and so as not to interfere with access to vehicles, lines of sight, pedestrian travel, or long-term health of the plantings. Low-impact development techniques may be integrated into a parking area planting plan. For interior parking lot landscaping shall consist of heat- and salt-tolerant plants, shrubs and trees.
- (4) Perimeter of parking areas. The perimeter of parking areas shall be landscaped in order to soften the visual impact and light pollution from the street and neighboring properties. For perimeter parking areas landscaping shall consist of heat- and salt-tolerant plants, shrubs and trees.
- (5) Building entrances and walkways. Landscaping around building entrances and along walkways shall not interfere with or block line of sight, restrict travel, or present a hazard.
- (6) Storage areas and utilities. Vehicle storage areas, dumpsters and outdoor ground-level utilities shall be screened from view with plantings or fencing.

B. Creation of outdoor landscaped seating areas is encouraged.

C. Managed turf and lawn areas shall be minimized by use of perennial plants and ground cover.

D. Low-impact development techniques such as rain gardens, bioretention areas, and tree box filters and other stormwater management techniques may be incorporated into the

planting plan as approved by the Planning Board.

- E. All invasive species present on the development site shall be located and identified on the application site plan. Invasive species must be addressed using best practices and control methods reported in informational materials and technical references on the New Hampshire Department of Environmental Services Invasive Species Program website at <https://www.des.nh.gov/organization/divisions/water/wmb/exoticspecies/index.htm>. The landscaping planting plan required in § 202-11.4 shall include a control and/or elimination strategy for any invasive species found on the development site.

§ 202-11.2. Planting specifications.

The following planting specifications are to enhance the long-term survival and ensure that the benefits of the plant materials used for landscaping, screening and buffering are achieved.

- A. Planting holes for trees shall be at least two to three times the width of the root ball and shall be no deeper than the root ball.
- B. Planting holes for shrubs shall be three to five times the width of the root ball and shall be no deeper than the root ball. Shrubs shall be fully branched with a minimum height of 2.5 feet at the time of planting.
- C. Evergreen trees shall be fully branched with a minimum height of five feet at the time of planting.
- D. Deciduous trees shall be fully branched with a minimum size of two inches in caliper at the time of planting.
- E. Areas between plantings shall be arranged to cover the area within three years of growth. Areas of exposed soil shall be avoided and mulched for retain soil stability.
- F. Existing landscaping, trees and vegetation to be retained shall be protected with a snow fence or other durable fencing as necessary during construction to avoid damage to root zones and aboveground vegetation.
- G. When appropriate for trees placed within sidewalks or walkways, tree grates shall be installed for safety. Tree grates shall be made of a strong, durable material, installed flush with grade, and provide space to allow for tree growth.
- H. Screening and buffering criteria. Screening and buffering areas required shall be 50 feet wide measured from the property line. These areas shall include natural or added plantings including evergreen trees and hedges that provide screening year round. Screening and buffering are required between residential and nonresidential uses and from nonresidential uses that are highly impactful to the surrounding area.
- I. Existing invasive plant species shall be removed from the site and disposed of properly.

§ 202-11.3. Plant selection specifications.

- A. All proposed plantings shall be appropriate for soils, weather and environmental conditions on the site. Particular attention shall be paid to tolerance of potential road salt and sea spray and other de-icing treatments.
- B. Plantings shall be of specimen quality conforming to the American Standards for Nursery Stock and shall be guaranteed for at least two growing seasons.
- C. Plants on the New Hampshire Prohibited Invasive Plant Species List shall not be planted. Applicants shall refer to the New Hampshire Prohibited Invasive Plant Species List maintained by the New Hampshire Department of Agriculture at <https://www.agriculture.nh.gov/divisions/plant-industry/invasive-plants.htm>.
- D. Trees shall be selected for growing habits appropriate for the location and site. Consideration shall be given to crown height and canopy spread at maturity, particularly for trees used for screening and buffering, so as not to interfere with structures, visibility, pedestrian, cyclists and utilities.
- E. Refer to the following resources for different types and functions of landscaping, screening and buffering plantings:

Shoreland/Riparian Buffers

<https://www.des.nh.gov/organization/divisions/water/wetlands/cspa/documents/native-shoreland-plants.pdf>

Raingardens

https://www4.des.state.nh.us/SoakNH/wp-content/uploads/2016/03/Native-Plants-for-NH-Rain-Gardens_20160322.pdf

Water Quality

<https://www.des.nh.gov/organization/Commissioner/pip/factsheets/sp/documents/sp-5.pdf>

Water Efficiency

<https://www.des.nh.gov/organization/Commissioner/pip/factsheets/dwgb/documents/dwgb-26-21.pdf>

§ 202-11.4. Landscaping planting plan.

A landscaping planting plan prepared by a licensed landscaper or landscape architect shall be submitted for site plan review and subdivision applications showing:

- A. Existing and proposed vegetation, including trees, shrubs and ground cover and decorative plants, and identifying all existing vegetation that will be retained.

- B. Dimensions of undisturbed areas and measures that shall be used to protect during construction existing natural vegetation that will be retained.
- C. A plant schedule that includes botanical and common names, plant sizing and size at maturity, plant quantity, growth habits, and tolerance to conditions such as road salt, soil types, compaction, drought and heat.
- D. Plantings consisting of a combination of large and small trees, shrubs, perennial and annual flowers and ground cover that provide seasonal variety.
- E. A full color planting plan shall include detailed plant and tree specifications and planting schedule.
- F. Landscaping plan sheet(s) and maintenance plan shall be referenced on the recorded site plan.
- G. The landscaping plan shall include best practices for controlling and/or eliminating any invasive species on the development site.

§ 202-11.5. Maintenance of landscaping, screening and buffering.

- A. Maintenance. A plant maintenance plan shall be submitted with the application for site plan review to be approved as part of the final site plan set. All landscaping screening and buffering areas shall be inspected one year following completion of installation and site construction. The property owner(s) shall be responsible for maintenance, repair, and replacement of all required landscaping, screening and buffering materials. All required plant materials shall be tended and maintained in a healthy growing condition, replaced as necessary, and kept free of weeds, invasive plants, refuse and debris. The property owner shall remove and replaced dead or diseased plants and trees immediately during the growing season and after winter months with the same type, size and quantity of plants materials as originally installed, unless alternative plantings are requested and approved by the Planning Board.
- B. Irrigation. Irrigation should be minimized to the extent possible through use of native drought-tolerant species and the use of landscaping that does not require permanent irrigation systems. Plant material and landscape maintenance procedures that incorporate water conservation techniques are preferred. Low-impact development stormwater management techniques, drip lines, rain barrels, cisterns and other water-harvesting techniques can be used to supplement irrigation needs.
 - 1. Site Developments. If a Site Development is to include an irrigation system or systems the application shall include an Irrigation System Plan. Irrigation System Plans and irrigation systems shall comply with the requirements of Appendix G. (Added 9-20-2022)

A Site Development application which does not include an Irrigation System Plan shall include a note on the Landscaping Plan that the applicant does not intend to install irrigation systems on the site and that any irrigation systems installed in the future shall require approval by the Technical Review Committee of an Irrigation System Plan demonstrating compliance with Appendix G. (Added 9-20-2022)

2. Subdivisions. Major and Minor Subdivision Plans shall include a note stating that any irrigation systems installed on approved lots shall require approval by the Technical Review Committee of an Irrigation System Plan demonstrating compliance with Appendix G. (Added 9-20-2022)

APPENDICES

Appendix A

NOTIFICATION FEES:

Notification fees (\$90.00) for legal advertisements are required with all preliminary and final applications, except Conceptual Consultation applications.

Abutter fees to \$9.00 **per** each abutter and include all abutters, applicants/owners, any engineer, architect, land surveyor, soil scientist whose professional seal appears on any plat submitted; and all holders of conservation, preservation or agricultural preservation restrictions as defined in RSA 477:45.

APPLICATION FEES:

A.	Conceptual Consultation:	\$100.00
B.	Major Subdivision Application: One half of total fee is due at time of Preliminary application and balance at filing of final application.	\$500.00 per lot (\$90 Notice + \$9.00 each abutter)
C.	Lot Line Adjustment Application	\$250.00 (\$90 Notice + \$9.00 each abutter)
D.	Minor Site Plan Application:	\$200.00 (\$90 Notice + \$9.00 each abutter)
E.	Minor Subdivision	\$250.00 (plus \$50.00 per Lot + (\$90 Notice + \$9.00 each abutter) (Plus \$50per unit))
F.	Special/Conditional Use Permit	\$250.00 (\$90 Notice + \$9.00 each abutter)
G.	Major-Site Plan Application: One half of total fee is due at time of filing prelim. site plan & balance with final site plan application.	\$500.00 (\$90 Notice + \$9.00 each abutter)
H.	Driveway or Tree Cutting on Scenic Road Application for Site Review abutter)	\$100.00 (\$90 Notice + \$9.00 each abutter)

In addition, Planning Board may require special investigation fees (per S. 202-7.3) or engineering review, traffic study, etc.

RECORDING FEES:

For approved applications requiring recording, applicant shall pay the cost of recording by check payable to Rockingham County Registry of Deeds **and** a handling/delivery fee of **\$50 payable to The Town of Rye.**

INSPECTION FEES:

Per S. 202-7.3, applicants will be required to pay the costs of construction inspection by the Planning Board Engineer after plans have been approved. A separate escrow agreement will be drawn to cover the construction inspection fees. Generally, this only involves major site developments and subdivisions.

Appendix B

**APPLICATION FOR WAIVER OF SUBDIVISION REQUIREMENT
FROM RSA 674:36,II(n)
§ 202-1.9. General waiver authority.**

To the Chairman and Members of the Rye Planning Board:

On _____, 20___, I submit a plan for (subdivision/site plan review) approval to the Board, entitled _____ prepared by _____ and hereby request a waiver from Article _____ Section _____ of the Rye Land Development Regulations.

A. The Planning Board may waive requirements of these regulations in accordance with RSA 674:36, II (n), and RSA 674:44, III (e)

B. RSA 674:36, II(n), for subdivision applications and RSA 674:44, III(e), for site plan review applications require that the basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may only grant a waiver if the Board finds, by majority vote, that strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of these regulations or that specific circumstances relative to the subdivision (or site plan) or conditions of the land indicate that the waiver will properly carry out the spirit and intent of these regulations. Requests for waivers shall be submitted in writing 7 at least 10 days before the meeting at which the Board considers the waiver request. A written waiver request shall describe how compliance with the regulations for which a waiver is requested would pose an unnecessary hardship to the applicant and why the waiver would not be contrary to the spirit and intent of the regulations.

Explanation for Wavier Request: _____

Signature of Applicant (or designee)

Date

APPENDIX C
SAMPLE LETTER OF CREDIT

{DATE}
Rye Planning Board
10 Central Road
Rye, NH 03870

Re: IRREVOCABLE LETTER OF CREDIT
 {Applicant}
 {Applicant's Address}

Dear Planning Board Members:

By this document {Name of Lender} (hereinafter "issuer"), hereby issues an irrevocable letter of credit in the amount of {spell dollar amount} (\$xxxxx) to the Town of Rye, New Hampshire on behalf of {Applicant} (hereinafter called "developer"). This irrevocable letter of credit is issued to guarantee completion of all improvements required by the Rye Planning Board and the Rye Planning Board Land Development Regulations in conjunction with the construction of {name of project}, in accordance with a subdivision plan entitled {title} dated {date} and approved by the Rye Planning Board on {date}. Said approved plan contains {#} sheets of engineering drawings.

1. It is understood that the improvements guaranteed by this irrevocable letter of credit include but are not limited to the following:
 - a. Construction of _____ linear feet of new street in accordance with Sheets #_____ of said plan.
 - b. Construction of _____ feet of waterline as shown on. Sheets #____ of said plan.
 - c. Construction of all stormwater and drainage improvements shown on sheets xxx of said plan.

2. If all improvements guaranteed by this letter of credit are not completed by midnight {date}, and if a certificate indicating satisfactory completion and Planning Board approval of all improvements has not been issued by the Rye Planning Board, then the developer shall be deemed to be in default of the obligations guaranteed by this letter of credit. In such case, this letter of credit shall be automatically considered to have been called, and, without further action of the Rye Planning Board or the Town of Rye, the {name of lender} shall forthwith forward a check in the amount of \$240,000.00 to the Treasurer of the Town of Rye. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements which are guaranteed by this letter of credit. Any funds not needed by the Town to complete the improvements guaranteed by this letter of credit shall be returned to the {name of lender}.

3. The amount of credit issued by this letter may be reduced as improvements are satisfactorily completed by the developer. Such reductions shall be made only pursuant to submittal of a fully executed Request for Letter of Credit Reduction per Exhibit I. Such requests shall be submitted prior to the next to last Tuesday of the month in order to be acted upon by the Planning Board at its following regular meeting, which is the second

Tuesday of each month. A request shall be signed by the developer and shall include the certification of a professional engineer licensed in New Hampshire as to the amount of remaining incomplete work and the estimated cost of completion. The Planning Board shall have the sole discretionary authority to approve or deny or adjust the requested reduction. In no case shall the credit be reduced below an amount of \$60,000.00. If the credit issued by this letter has been reduced and if this letter is called pursuant to Section 2 above, the amount of funds to be forwarded to the Town by the issuer shall be in the amount of the credit balance, as reduced.

4. The face amount of this irrevocable letter of credit shall be automatically reduced to \$60,000 upon receipt by the {name of the lender} from the Rye Planning Board of a certificate indicating satisfactory completion and Planning Board approval of all improvements covered by this letter. Thereafter, the amount of credit provided by this letter shall guarantee said improvements against failure to function as designed. In the case of any such failure, the Planning Board may submit drafts against this irrevocable letter of credit, and the issuer shall forthwith forward to the Treasurer of the Town of Rye a check for the amount so drawn. The funds so forwarded shall be used exclusively for correction of said failure(s).
5. Drafts drawn under Section 4 above must be signed by a majority of the members of the Rye Planning Board. The draft shall state that “The Issuer shall not be required to inquire into the validity of any representations.” The draft must be accompanied by a statement signed by the Chairman or Vice-Chairman of the Rye Planning Board describing the repairs and/or corrective actions that are necessary and stating that they are due to failure of the improvements to function as designed. The statement must indicate that the Developer was given notice and opportunity to correct any failure thirty (30) days prior to the date of such statement. A copy of the statement shall be simultaneously provided to the Developer. Each draft must bear on its face the clause: “Drawn under Irrevocable Letter of Credit No. SWS 092788, dated _____, {name of lender}, {address of lender}.
6. This irrevocable letter of credit, as reduced, shall expire three (3) years from the date the Planning Board certifies under § 4 that the improvements were completed and approved.

This irrevocable letter of credit is governed by NH RSA Chapter 382—A, Uniform Commercial Code, as amended.

{Name of Lender}

Dated: _____ By _____
(Name) Title

I have read this irrevocable letter of credit and agree to its terms.

Dated: _____
Authorized Official

LAND DEVELOPMENT REGULATIONS
TEXT FOR AMENDMENT OF LETTER OF CREDIT

The irrevocable letter of credit issued to the Town of Rye by {name of lender} on {insert date} is hereby amended to add the following provision:

{Insert amendment}

Note: the above language should be placed on the letterhead of the issue lender and title "Amendment of Irrevocable Letter of Credit". It should be dated and signed by an authorized official of the issuing lender and also by the developer, in the same manner as the letter of credit.

TOWN OF RYE, NEW HAMPSHIRE
REQUEST FOR REDUCTION IN LETTER OF CREDIT

The undersigned hereby requests the Planning Board of the Town of Rye, New Hampshire to reduce the amount of credit issued by: bank , Issuer, to the Town of Rye, New Hampshire on behalf of Applicant/project proposal Developer, under Irrevocable Letter of Credit dated , 200 to guarantee completion of the improvements relating to a Site Plan for subdivision, (road and location), Rye, New Hampshire by an amount of Dollars (\$), leaving a balance of Dollars (\$).

Executed this Day of , 20 .

NAME OF DEVELOPER/PROJECT

 Witness

 {Applicant Name }:

Date:

ACTION BY THE PLANNING BOARD

Approved this day of , 20 .

Denied this day of , 20 .

Limiting Conditions:

 Planning Board Chair or duly authorized representative

DECLARATION OF ENGINEER

Name of Engineer _____ of _____

Address of Engineer _____

The above party hereby declares to the Planning Board of the Town of Rye that only the following work covered by the Letter of Credit described on the reverse side of this declaration remains incomplete:

Date: _____

Signature of Registered NH
Professional Engineer

PE Seal:

LAND DEVELOPMENT REGULATIONS

202 Attachment 4
Town of Rye

APPENDIX D GUIDELINES FOR TEMPORARY USE PERMITS

1. Applications for a Temporary Use Permit must be submitted at least 30 days before the intended use is to take place.
2. The use must be located in the Commercial or Business District and be a use permitted by right in the district.
3. Adequate access and egress must be provided and be approved by the Building Inspector, Fire Chief and Police Chief.
4. The use may be allowed for no more than a five (5) day period, and it may occur only three times per calendar year. Set-up time and takedown time shall be included in the approved period. Temporary facilities or structures required for the temporary use shall not remain in place outside of the approved period.
5. The periods of the Temporary Use Permits shall not be concurrent. Temporary Use Permits shall not be issued for the same location closer than seven (7) days apart.
6. If the application for a permit is not made by the property owner, a letter from the property owner shall be submitted giving authority to use the property and stating the specific use and expected dates of the use.
7. The application and permit shall include the names of all persons who will be responsible for managing the activity listed on the permit.
8. The type(s) of products to be sold shall be listed on the application and permit.
9. The permit shall be displayed in a conspicuous place during the hours of operation of the activity.
10. The temporary use shall be limited to daylight hours only. The hours of operation shall be listed upon the application and permit.
11. The Temporary Permit fee is \$ 25.00 per day, payable in advance.
12. Signage shall conform to the requirements of the zoning ordinance. Signs shall be removed within 24 hours of termination of the temporary use.
13. Holiday tree sales are exempt from Guidelines Nos. 2, 4, 5, 10. A Temporary Use Permit

for holiday tree sales shall state the approved duration of the permit and the approved hours of operation. Sales approved for locations within a residential zoning district shall not occur after 7:00 p.m.

14. The Building Inspector may attach conditions to the issuance of a Temporary Use Permit which she deems necessary to the health, safety and general welfare of the community. If conditions are violated, the Building Inspector may revoke the permit. In the event of revocation, the temporary use shall be immediately suspended and any temporary facilities and/or structures associated with the temporary use shall be immediately removed.

Note: The Planning Board reserves the right to require a subsequent site plan review application or an application for an exemption from site plan review for an approved temporary use, not withstanding the issuance of a Temporary Use Permit. (Added August, 2005)

LAND DEVELOPMENT REGULATIONS

202 Attachment 5

Town of Rye

Appendix E Driveway Regulations

Section 1-E: Authority and Purpose:

Pursuant to RSA 236:13, V, the Rye Planning Board hereby adopts these Driveway Regulations and delegates responsibility for administering the regulations and for issuing Driveway permits to the Town of Rye Public Works Director. These regulations are an amendment to the Rye Planning Board Land Development Regulations. This Driveway Regulation was adopted by the Rye Planning Board on November 9, 2010.

Section 2-E: General Provisions:

It shall be unlawful to construct any new driveway or access point or to alter any existing driveway or access point which does not conform to the terms and specifications of a written driveway permit issued by the Rye Public Works Director, in accordance with these regulations.

No building permit shall be issued with respect to any property until such time as the property owner or his authorized agent has obtained a driveway permit in accordance with these regulations.

Any person who alters the location, alignment, width, grade, or drainage of an existing driveway or access point within the town right-of-way shall obtain a driveway permit in accordance with these regulations. Work which consists only of paving or repaving an existing driveway and which does not otherwise alter the driveway does not require a driveway permit but shall require a paving permit.

Driveway permits are valid for one year from the date of issuance.

Section 3-E: Definitions:

All definitions shall be the same as those defined within the subdivision and site plan review regulations with the following additions:

Access: A way or means of approach to provide physical entrance to a property.

All season site distance: A line that encounters no visual obstruction between two points, each at a height of 3 feet 9 inches above the road surface, allowing for a snow windrow and/or seasonal changes. The line represents the line of sight between the operator of a vehicle using the driveway and the operator of a vehicle approaching from either direction.

Construction: For the purpose of this regulation means not only the construction of a new driveway but any reconstruction, alteration, relocation, or paving of an existing driveway which changes the alignment, grade, width, drainage or dimensions within the Town's right-of-way.

Driveway: A private way for vehicles which provides entrance, exit, access or approach to or from land in Rye to a public street.

Section 4-E: Fees:

All permits shall be \$25.00

Section 5-E: Construction Standards:

- A. No driveway shall be constructed within 100 feet of an intersecting road, said distance measured from the nearest road side line to the nearest driveway sideline. *(Section 602.2 B (4) of the Rye Planning Board Land Development Regulations)*
- B. No driveway shall be constructed within 10 feet of an abutting property line, said distance measured from the nearest abutting side line to the nearest driveway sideline.
- C. Corner lots driveways shall access only from the lesser traveled road. *(Section 202.6 Rye Zoning Ordinance)*
- D. Access to a lot must be over its own frontage. *(Section 202.14 Rye Zoning Ordinance.)*
- E. A minimum 200 foot all season safe sight distance in each direction must be provided and maintained.
- F. The driveway shall have a maximum finished width of 14 feet at the property line and flare to a maximum finished width of 20 feet at the road surface.
- G. The grade of all driveways shall slope away from the road surface at a minimum slope of ¼ inch per foot (2%) to a point at the center of the drainage swale or the property line whichever is encountered first.
- H. Any driveways which require a driveway culvert to maintain proper road drainage shall have a culvert minimum inside diameter of 12 inches, and be a minimum of twenty (20) feet long. All driveway culverts shall be constructed of HDPE plastic with water tight joints. In addition all culverts shall begin and end with headwalls or flares.
- I. It is the responsibility of the property owner to determine whether wetland permits are required. Any driveway construction which disturbs a wetland or body of water shall have received a permit from the State of New Hampshire, Department of Environmental Service prior to beginning construction.

- J. Driveways shall be constructed to anticipate and address any and all storm water or drainage flow along the road, without directing the flow into or onto the travel way. No storm or site drainage shall be directed into or onto the road surface.
- K. Driveways shall not interrupt the natural flow of storm water or drainage. Where such interruption is likely the driveway shall be adequately swaled or culvert installed.
- L. Driveways shall intersect roadways at an angle as close as practicable to 90 degrees, but in no case shall the intersecting angle be less than 75 degrees.
- M. The Board shall seek the comment of the Fire Chief on any proposed new driveway. The Board will seek the Fire Chief's comment with regard to any or all of the following: width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway. In addition to the foregoing, driveways greater than 150 feet measured from the edge of the paved roadway to the residence shall be equipped with a suitable turnaround area for emergency apparatus and require written approval from the Rye Fire Chief.
- N. A shared driveway facilitating greater than two dwellings requires Planning Board approval.
- O. Property owners requesting more than one driveway per lot shall require Planning Board approval.
- P. Temporary access points across Town property or right of ways for the purpose of logging, gravel removal, or other temporary uses shall require the issuance of a temporary driveway permit.
- Q. The property owner is responsible to adhere to any and all local, state and federal rules and regulation associated with the requested driveway construction.
- R. All driveways shall have a finished surface of either, concrete, bituminous asphalt, or modular paving units within the Town right of way.
- S. All driveways shall be constructed in such a manner as to not create any potential for any damage to road maintenance equipment, or the public. Any driveway with the potential to do so will be required to be reconstructed or removed at the owner's expense.
- T. The Public Works Director may require submission of a detailed drainage and grading plan, at his/her sole discretion, whenever there is a question regarding compliance with these regulations. Said plan shall be prepared by a licensed professional engineer at the expense of the property owner.
- U. Driveways located on state highways also require a Driveway Permit from NH DOT District 6.

V. Driveways for non-residential and multi-family uses shall be constructed per the standards of Section 704 of the *Rye Planning Board Land Development Regulations*. (Section 611.5 (E) of *Rye Planning Board Land Development Regulations*.)

Section 6-E: Procedure:

- A. Prior to starting any work the applicant shall file a driveway permit application with the Rye Public Works Director on the appropriate form.
- B. Prior to issuance of a driveway permit the Public Works Director , or his designee shall conduct a site visit to determine site conditions
- C. The applicant is responsible for marking the center line or side limits of the subject driveway.
- D. The Rye Public Works Director shall make a final inspection of the driveway to determine satisfactory completion in conformance with these regulations, prior to signing off on the certificate of occupancy.

Section 7-E: Enforcement:

These regulations shall be administered by the Rye Public Works Director; and enforced by the Rye Building Inspector and Rye Board of Selectmen.

The standards may be waived when in the opinion of the Rye Planning Board specific circumstances surrounding a proposal, or a condition of the land, indicates that strict adherence to the standards would not be possible or create an unnecessary burden for the landowner, and such waiver will not be in conflict with the purpose and intent of these regulations.

Standards 5C, 5d may not be waived without a variance from the Zoning Board of Adjustments. Waivers to Standards 5A, 5V require Rye Planning Board approval per Section 900 of the Rye Planning Board Land Development Regulations.

Any person who violates any of the provisions of these regulations shall be subject to fines and penalties as spelled out in RSA 676:17.

These regulations may be amended by the Planning Board at any time after conducting a public hearing regarding the changes.

LAND DEVELOPMENT REGULATIONS

202 Attachment 6

Appendix F

May 2021 (Rev 6/29/22)

**Guidance for lawn/turf areas for lawn care and fertilization that protects water quality.
Prepared in association with Emma Erler, UNH Cooperative Extension, Landscape Field
Specialist**

Soil Tests/Soil Health Needs

- Lime
- Choose grasses such as fescues that require fewer nutrients and watering.
- New Hampshire soils are high in phosphorus and is usually not needed but soil test will provide that information
- Most NH soils are deficient in potassium (potash)
- Sandy soils need organic content or weeds will start to take over. Ideally, lawn soil should contain 3-5% organic matter. Compost for top dressing can provide needed organics for turf growth.
- Liming will help with pH adjustment if needed, but automatic liming should not be part of annual maintenance without pH testing

Fertilizer Application

- Soil tests should be conducted on topsoil/cover to be seeded prior to initial grass and fertilizer application on new development and redeveloped sites. Soil tests should be conducted every three years thereafter to guide management.
- For most homeowner lawns, apply only a single application of fertilizer per year before Memorial Day
- Commercial and more heavy use lawns may need two times per year
- If nitrogen fertilization is decided upon, use a formulation with 50% slow-release nitrogen to reduce leaching of nitrogen into groundwater.

- If fertilization is decided upon, apply one-half to one-third (or less) of that recommended on the fertilizer bag label then monitor lawn response. Reapply at the reduced rate only when lawn response starts to fall below acceptability.
- If fertilization is decided upon, set a target maximum loading rate of 2 lbs. N/1,000 ft.²/year on established lawns of 10 years old or older. Newly seeded turf, especially on new home or building sites where the topsoil has been removed, may require more.
- Penn State Fact sheet best for fertilizer application calculations
 - <https://extension.psu.edu/how-to-calculate-a-fertilizer-ratio>

Other Management Practices

- Return clippings and mow as high as can be tolerated (leave at least 3 inches). This can supply a slow-release course of nitrogen to the lawn and allow for reduced fertilizer applications.
- Water deeply, not frequently. No more than one (1) watering per week usually needed and should be based on soil moisture.
- Grasses go dormant and will brown during hot summer; they will rebound in the fall.
- If you choose a landscape professional to care for your lawn, seek out a service that has taken the UNHCE courses on Landscaping for Water Quality. A list of these professionals found at https://extension.unh.edu/resources/files/Resource005519_Rep7701.pdf
- The next UNHCE conference for Landscapers is on November 3 and 4 2021. Check the details for this and other lawn care guidance at <https://extension.unh.edu/tags/landscaping-water-quality>

LAND DEVELOPMENT REGULATIONS

202 Attachment 7

Appendix G

Irrigation System Requirements

Irrigation system plans and irrigation systems shall comply with the following requirements taken from the NH Department of Environmental Services' "Model Water Efficient Landscaping Regulation for Municipalities", as revised May 2020.

V. MINIMUM PLAN REQUIREMENTS

A.

- i. Location: Address and Map/Parcel Number.
- ii. Landscape Design.
 - a. Total landscaped area in square feet.
 - b. Total lawn area in square feet.
 - c. Total irrigated area in square feet.
 - d. List of tree and shrub plantings to be installed.
 - e. Description of grass mix to be used.
- iii. Irrigation System Details.
 - a. Name of irrigation system designer.
 - b. Name of irrigation system installer.
 - c. Number of irrigation zones.
 - d. Design flow rate of spray heads.
 - e. Proposed irrigation system controller and devices that will be used to prevent irrigation from occurring when it is not needed.

VI. IRRIGATION SYSTEM REQUIREMENTS.

A. General Site Requirements.

- i. Site disturbance shall be minimized and existing vegetation and undisturbed soil shall be retained whenever possible. When site disturbance is necessary, topsoil shall be stock-piled and stabilized for on-site redistribution within new landscaped areas. Stock-piled soil shall remain covered to prevent soil loss and sedimentation of nearby surface waters.
- ii. Existing non-invasive vegetation shall be preserved wherever possible. Maximum effort should be made to preserve small stands of trees, rather than individual trees, to minimize the potential for damage due to wind, grade changes and soil compaction.

B. Artificially Watered Lawn Areas.

- i. All lawn areas to be artificially watered shall be underlain by no less than six inches of loam amended to consist of no less than 10% organic materials by volume.
- ii. Water efficient grass mixes consisting of a minimum of two different grass species with three or more preferred shall make up the seed or sod. Mixes with a high percentage of fine fescues are preferred.

iii. Artificially watered lawns may comprise no more than 40% of the total landscape area.

C. Tree & Plant Areas.

i. Trees and plants shall be selected based on consideration of site conditions as well as tree and plant function. Use of native species is encouraged; hybrid varieties that are non-native and non-invasive are permitted if they are drought tolerant and do not require supplemental irrigation after establishment. Use of invasive species included on the N.H. Invasive Species Committee's most current list of prohibited invasive species is not permitted in accordance with New Hampshire Agricultural Rule NH AGR 3800.

ii. All exposed soils shall be covered and maintained with a two- to three-inch layer of mulch.

D. Irrigation Systems.

i. Irrigation systems are prohibited unless the guidelines established by this section are followed.

ii. Irrigation systems shall be designed and installed by an irrigation professional certified by the EPA's WaterSense Program. If three or less WaterSense certified irrigation professionals provide service to the area, a non-WaterSense certified irrigation professional may be utilized if permission is obtained from the Planning Board. EPA provides a list of certified partners by state.

iii. Irrigation systems shall be designed and installed to sustain the landscape without creating runoff or direct overspray during a minimum operating duration.

iv. Irrigation systems shall achieve a lower quarter distribution uniformity (DULQ) of 65% or greater. Distribution uniformity shall be measured on the largest spray-irrigated area.

v. Irrigation systems shall be equipped with technology that inhibits or interrupts operation of the irrigation system during periods of rainfall or sufficient moisture (e.g., rain sensors, soil moisture sensors).

vi. Sprinkler heads shall have a four inch or greater popup height and matched precipitation nozzles.

vii. Irrigation systems shall be equipped with irrigation controllers that contain the following features:

- a. Multiple programming capabilities - shall be capable of storing a minimum of three different programs to allow for separate schedules.

- b. Multiple start times - shall be capable of a minimum of three different start times to allow for multiple irrigation cycles on the same zone for areas prone to runoff.
 - c. Variable run times - shall be capable of varying run times (for example, one minute to a minimum of one hour).
 - d. Variable scheduling - shall be capable of interval scheduling (minimum of 14 days) to allow for watering on even day scheduling, odd day scheduling, calendar day scheduling, and interval scheduling.
 - e. Percent adjust (water budget) feature - shall include a “Percent Up/Down Adjust” feature (or “Water Budget” feature) such as a button or dial that permits the user to increase or decrease the run times or application rates for each zone by a prescribed percentage, by means of one adjustment without modifying the settings for that individual zone.
 - f. Capability to accept external soil moisture and/or rain sensors.
 - g. Non-volatile memory or self-charging battery circuit.
 - h. Complete shutoff capability for total cessation of outdoor irrigation.
- viii. Sprinkler type irrigation shall not be used on strips of grass less than four feet wide or on slopes in excess of four feet of horizontal run per one-foot vertical rise (4:1).
- ix. Sprinkler type irrigation shall not be used to water plantings other than grass.
- x. At a minimum, microirrigation systems shall be equipped with pressure regulators, filters, and flush end assemblies. Two watering schedules, developed by the WaterSense irrigation partner shall be posted at the controller. One schedule shall be designed to address the initial grow-in phase of the landscape, and the second schedule shall be designed to address an established landscape. Both schedules shall vary according to the seasons.
- xi. Irrigation systems shall be audited no less than once every three years by a WaterSense certified irrigation professional. The audit shall ensure proper operation of all irrigation components required above. If three or less WaterSense certified partners provide service to the area, a non-WaterSense certified irrigation professional may be utilized if permission is obtained from the Planning Board. EPA provides a list of certified partners by state.
- xii. The irrigation system shall be leak-checked during the audit. If leaks are discovered, the irrigation system shall not be operated until leaks are repaired.

xiii. Audit reports shall be provided to the Rye Planning Board, the Rye Building Department and the Rye Water District or other water purveyor.

VII. Definitions.

A. Artificially watered lawn: Areas of grass that will receive artificial water to supplement precipitation.

B. Deed Restriction: A restriction on the use of land usually set forth in the deed for the property. A deed restriction is also sometimes referred to as a “restrictive covenant.”

C. Distribution Uniformity: A measure of how uniformly water is applied to an area being watered, expressed as a percentage.

D. Drought Tolerant or Drought Resistant: A tree, shrub, or other plant that once established, will require limited or no regular irrigation for adequate appearance, growth and disease resistance.

E. Ground Cover: Low plants that generally form a continuous cover over time that are typically three feet or less in height.

F. Invasive (Plant) Species: Any plant species included on the most current list of prohibited invasive species prepared by the New Hampshire Invasive Species Committee in accordance with New Hampshire Agricultural Rule NH AGR 3800.

G. Irrigation System: An automated system of pipes, spray heads, and nozzles designed to artificially apply water to a landscape.

H. Loam: Loose friable topsoil that combines relatively equal parts of sand, clay, and silt and that is generally free from stones, lumps, stumps, roots, weeds, or similar objects larger than two inches.

I. Landscape Area: The designed area of landscape excluding the footprint of the home and permanent hardscape areas such as driveways, sidewalks and patios.

J. Lower Quarter Distribution Uniformity: The ratio of the average of the lowest 25% of uniformity measurements to the overall average distribution uniformity measurement.

K. Microirrigation System: The frequent application of small quantities of water on or below the soil surface as drops, tiny streams, or miniature spray through emitters or applicators placed along a water delivery line. Microirrigation encompasses a number of methods or concepts such as bubbler, drip, trickle, mist, or spray and subsurface.