

**Lisbon, New Hampshire
Site Plan Review Regulations
Amended ***, 2016**

[NOTE: Section Number formatting to be made consistent when updating numbering after adoption.]

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ARTICLE I. AUTHORITY

Pursuant to the authority vested in the Lisbon Planning Board by the voters of the Town of Lisbon in accordance with the provisions of Chapter 36, Section 19-a New Hampshire Revised Statutes Annotated, 1955, the Lisbon Planning Board adopts the following rules governing the review, and approval or disapproval of site plans for the development of tracts for nonresidential uses and multifamily dwellings. These regulations shall be entitled "Site Plan Review Regulations, Town of Lisbon, New Hampshire.

ARTICLE II. PURPOSE

The purpose of the Site Plan Review procedure is to protect the public health, safety and welfare; to protect property values; to prevent premature and uncoordinated development of land without the adequate provision of public services and facilities; to avoid unnecessary and adverse impacts on neighboring property and uses; and to guide the character of development.

The Site Review Procedure in no way relieves the developer from compliance with the Zoning Ordinance, Subdivision Regulations or any other ordinance or regulations that pertain to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations.

Site plan review is required for new nonresidential and multifamily development, redevelopment, expansion (including additional use) and change of use, whether or not such development includes a subdivision or resubdivision of the site, and shall include manufactured home parks and condominium developments.

ARTICLE III. DEFINITIONS

The definitions contained in the Zoning Ordinance and the Subdivision Regulations shall apply to the Site Plan Review Regulations, where applicable.

ARTICLE IV. REVIEW PROCEDURE

4.01 When Site Plan Review is Required. Whenever any development of a site regulated by this regulation is proposed; before any construction, land clearing or building development is begun; before any permit for the erection of any building or authorization for development on such site shall be granted; and before any site plan may be filed in the Office of the Register of Deeds of Grafton County, the developer or his/her authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure.

4.02 Preliminary Consultation and Review. The applicant may appear at a regular meeting of the Planning Board to discuss a proposal in conceptual form and in general terms. Such preliminary consultation shall be informal and directed toward:

- A. Reviewing the basic concepts and proposal
- B. Reviewing the proposal with regard to the Town Master Plan, Zoning Ordinance, and Subdivision Regulations
- C. Guiding the applicant relative to necessary state and local requirements

Preliminary consultation and review shall not bind the applicant or the Board. No discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described hereinafter.

4.03 Completed Application. A completed application, sufficient to invoke jurisdiction of the Board, must include sufficient information to allow the Board to proceed with consideration and to make an informed decision.

The following shall be required for and shall constitute a completed application: An application for Site Plan Approval properly filled out and executed by the applicant and filed with the Board in accordance with Section 4.04 together with the following:

- A. The names and addresses of the applicant and all abutters as indicated in Town records not more than five (5) days before the day of filing.
- B. A check payable to the Board to cover filing fees, mailing, advertising, recording, and other costs provided in Section 4.08.
- C. Three paper print copies of the Site Plan Layout in accordance with and accompanied by the information required in Article VI.

4.04 Filing and Submission of Completed Application. The completed application shall be filed with the Board or its agent at least fifteen (15) days prior to a scheduled public meeting of the Board.

The completed application shall be formally submitted to and accepted by the Board only at a regularly scheduled public meeting after due notification to the owner(s), applicant(s) if different than the owner, abutters, easement holders, any professional whose seal appears on the plan, and the general public, of the date the application will be submitted to and considered by the Board for acceptance as a complete application.

The Board will not formally accept an incomplete application filed by the applicant, nor will notices of a public hearing be mailed, posted, or published as provided under Section 4.7.

The Board may disapprove applications without public hearing on grounds of failure of the applicant to supply information required by these regulations, including:

- A. Abutters identification and required information
- B. Failure to pay costs of notices or other costs and fees required by these regulations
- C. Failure to meet any reasonable deadline established by these regulations

When the Board accepts a completed application, the Board shall provide a receipt to the applicant indicating the date of formal acceptance.

New Section xxx. Developments with Potential Regional Impact

Pursuant to RSA 36:56, upon receipt of an application for site plan review, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Lisbon. This regional impact could result from a number of factors, such as, but not limited to, the following:

- A. relative size or number of units compared with existing stock;
- B. transportation networks;
- C. proximity to the borders of a neighboring community;
- D. anticipated emissions such as light, noise, smoke, odors or particles;
- E. proximity to aquifers or surface waters which transcend municipal boundaries; and
- F. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within five (5) business days of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

4.05 Board Action on Completed Application. Within sixty-five (65) days of acceptance of the application as complete, and after a duly noticed public hearing as provided in Section 4.06, the Board shall grant a conditional approval, final approval, or denial of the application, subject to extension or waiver as provided in accordance with RSA 676:4 as amended.

Approval of the Site Plan shall be certified by written endorsement on the Site Plan and signed by the Chairman or Secretary of the Board. The board or its agent shall transmit a mylar copy of the Site Plan with such approval endorsed in writing therein to the Register of Deeds of Grafton County. The developer shall be responsible for the payment of all recording fees. In case of disapproval of any plan submitted, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and written notice given to the applicant.

If the Planning Board has not obtained an extension as provided in RSA 676:4, and has not taken action to approve the completed application within sixty-five (65) days of its acceptance,

the applicant may obtain from the Selectmen an order directing the Board to act within thirty (30) days. If the Board does not act on the application within that thirty (30) day time period, then within forty (40) days within issuance of the order, the Selectboard shall certify on the application that the plat is approved pursuant to RSA 676:4 I (c) (1) unless during that period the Selectboard has identified in writing that the site plan does not comply with some specific provision of the site plan regulations or Zoning Ordinances.

4.06 Public Hearing. Prior to approval of a Site Plan, a public hearing shall be held as prescribed by RSA 676:4,, and notice to applicant, owner(s) if not applicant, easement holders, abutters and the public shall be given in accordance with Section 4.07. The Planning Board may hold a hearing on Site Plan review in conjunction with a subdivision hearing if both are required for a project. A hearing for Site Plan Review by the Planning Board may be held at the same time and place that the Board of Adjustment holds a hearing for a Special Exception for the project.

4.07 Notices. Notice of the submission of a completed application shall be given by the Board to the owner(s), applicant if not the owner, abutters, easement holders, and any professional whose seal appears on the plan, by certified mail, mailed at least ten (10) days prior to the submission. Notice shall be given to the public at the same time by posting in at least two public places in the town and publication in a newspaper of general circulation. The notice shall give the date, time, and place of the Board meeting at which the application will be formally submitted to the Board, and shall include a general description of the proposal which is the subject of the application , and shall identify the applicant and location of the proposed site development.

For any public hearing on the completed application, the same notices as required for notice of submission of the completed application shall be given. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of any adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

4.08 Fees. The required fees as provided by the town administrative office shall accompany a completed application.

All costs of notices, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plan without a public hearing.

The Board may require special investigative studies, environmental assessments, traffic studies, economic impact studies, and a legal review of documents, administrative expenses, and other matters necessary to make an informed decision. The cost of such studies and investigations shall be paid by the applicant prior to the approval or disapproval of the Site Plan.

ARTICLE V. PERFORMANCE GUARANTY AND INSPECTION FEES

5.01 Performance Guaranty. As a condition precedent to approval of any Site Plan, the developer shall file with the Board a performance bond, irrevocable letter of credit, or other types or types of security acceptable to the Selectboard, in an amount of money equal to the total cost of construction of all streets, utilities, and improvements, as specified in the approved Site Plan.

The Board may waive the requirement to post bond or other surety and grant approval of the Site Plan on condition(s) acceptable to the Board and the developer.

5.02 Inspection Fees. Where so required by the Planning Board, prior to the approval endorsement of the Planning Board on the final plan, the applicant shall pay the Town an amount of money estimated by the Planning Board to fully compensate the Town for all inspections and testing charges deemed necessary by the Planning Board relating to such improvements required as conditions of approval. All inspection and testing shall conform in quality and quantity to accepted engineering and construction practices.

ARTICLE VI. SUBMISSION REQUIREMENTS

6.01 General Requirements. Site Plan with the following characteristics:

- A. Maximum plan size: 22" X 34"
- B. Suggested scale: 1" = 40'
- C. Submit three (3) copies of blue or black line prints
- D. Date, title, north point, scale
- E. Name and address of developer, applicant and owner(s) if not the applicant.
- F. Name, address, and stamp of the Registered Professional Engineer and/or Registered Land Surveyor who prepared the plan.

6.02 Site Plan Requirements. The following items shall be included:

- A. Surveyed property lines showing bearings, distances, monuments, and lot areas, and names of all abutters.
- B. Existing and proposed grades, drainage systems and structures, with topographic contours at intervals not exceeding 2 feet with spot elevations where grade is less than 5 percent, otherwise not exceeding 5 foot contour intervals.
- C. The location of all buildings within 50 feet of sight lines of existing abutting streets, and the location of all intersecting roads or driveways within 200 feet, together with an identification of the use of abutting properties.
- D. Natural features such as streams, marshes, lakes or ponds, types of vegetation, and ledge outcrops. Manmade features such as, but not limited to, existing roads, structures, and landscaping. Such map shall indicate which of such features are to be retained and which are to be removed or altered.

- E. A vicinity sketch (suggested scale 1" equals 400') showing the location of the site in relation to the surrounding public street system. The zoning districts and boundaries for the site and up to 1,000 feet from the site shall be shown. One hundred year flood elevation line shall be included where applicable.
- F. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities, and all distances from existing water and sewage facilities on the site and on abutting properties to a distance of 200 feet. (Required for on-site water and sewage facilities only.)
- G. The size and location of existing and proposed public and private utilities and utility connections, with all necessary engineering data. Include provisions for fire protection.
- H. The shape, size, height, and location of the proposed structures, including expansion of existing buildings.
- I. The location, type, and size of all proposed landscaping and screening.
- J. Exterior lighting plans and proposed signs (advertising and instructional) to be located on the site.
- K. A stormwater management plan providing adequate detail to demonstrate compliance with the appropriate applicable best management practices identified in Volumes 1, 2 and 3 of the "New Hampshire Stormwater Manual," current edition, published by NHDES. This shall include, for example, a drainage plan, including plans for retention and slow release of stormwater where necessary; and the location, elevation and site of all catch basins, dry wells, drainage ditches, swales, culverts, retention basins, and storm sewers. Indicate direction of flow through the use of arrows. Show the engineering calculations used to determine drainage requirements as well as the date and source for precipitation data. A plan for long-term maintenance of the stormwater facilities must be included. Plan for snow removal and storage should also be indicated.
- L. A circulation plan of the interior of the lot showing provisions for both auto and pedestrian circulation. An access plan showing means of access and egress, and proposed changes to existing streets, sidewalks or curbs, including any traffic control devices or signs necessary in conjunction with the site development plan.
- M. Proposed streets with street names, driveways, parking spaces, sidewalks, with indication of direction of travel for one way streets and drives, and inside radii of all curves. Include estimated trip generation volumes. The width of streets, driveways, and sidewalks, and the total number of parking spaces shall be shown along with the calculations used to determine the required number of spaces. In addition, loading spaces and facilities associated with the structures on the site shall be shown.
- N. Construction drawings including, but not limited to, pavements, walks, steps, curbs, and drainage structures.
- O. The location of all building setbacks required by the Zoning Ordinance.
- P. Location of zoning district boundaries.
- Q. The location of wetlands, poorly drained soils, flood hazard areas, soils subject to flooding, and mapped fluvial erosion hazard areas.

- R. The lot area, street frontage, and zoning requirements for minimum lot size and frontage.
- S. The location of all existing and proposed deed restrictions, easements, covenants, etc.
- T. A soils classification map, together with descriptive information for each type of soil (required for on-site sewage disposal only.)
- U. Copies of all applicable state approvals and permits and associated application material.
- V. Visual and noise barriers to adjacent properties, if applicable.
The Planning Board may require such additional other information as it deems necessary in order to apply the regulations contained herein. The cost of all such additional information will be paid by the applicant.

ARTICLE VII. GENERAL STANDARDS

In review of any Site Plan conducted under these regulations, the Planning Board shall ascertain that the owner or his authorized agent for the following has made adequate provisions:

A. Vehicular and Pedestrian Access. Improvements to existing streets, traffic access to the site from town streets, on-site vehicular and pedestrian circulation, parking, loading facilities, emergency vehicle access, shall all be designed to ensure the safety of vehicles and pedestrians. Signal devices shall be included if necessitated because of increased traffic generated by the development.

B. Parking Space Requirements.

- 1. Off-street parking spaces shall be provided in any district in accordance with the specifications set forth in this section whenever any new use is established or any existing use enlarged. Parking provided by public lots or other off-site parking in lieu of on-site parking may be utilized to fulfill some or all of the parking requirements when provided within a distance appropriate to the proposed use but not exceeding 400 feet, upon approval of the Planning Board. Pervious surfaces and shared parking will be encouraged to reduce disturbance of natural vegetation and stormwater runoff. Minimum standards for parking lot construction are outlined in the following table. The parking plan shall include adequate documentation to support the proposed number and size of spaces. Requests for a reduction in the parking requirements must be accompanied by a technically adequate parking analysis.

Type of Land Use	Required Parking Spaces
Residential:	
Including single and two family dwelling, multifamily, and mobile home parks	2 per dwelling unit

Type of Land Use	Required Parking Spaces
Commercial:	
Outdoor sales of food, produce, or vegetables.	1/150 sq ft GFA
Rooming houses, boarding houses, tourist homes, hotels, and motels, housekeeping cottages.	1/unit + 1 per 2 employees on major shift
Retail establishments	1/250 sq ft GFA
Restaurants	1/75 sq ft GFA
Indoor recreational facilities.	1/150 sq ft GFA
Personal service establishment maintained as a separate building, (such as barber shops, laundry pick-up agencies, or self service laundromats).	1/250 sq ft GFA
Office buildings	1/250 sq ft GFA
Service stations	1/150 sq ft GFA
Automobile sales	1/150 sq ft GFA
Industrial:	
Manufacturing, research and testing laboratories	Greater of 1/employee major shift or per 1,000 sq ft principal use
Automobile repair garage	1/150 sq ft GFA
Planing mills, sawmills and lumber treatment establishments	Greater of 1/employee major shift or per 1,000 sq ft principal use
Warehouse, storage or wholesale establishment, fuel storage, fuel distribution center, and other activities involving a substantial amount of trucking	Greater of 1/employee major shift or per 1,000 sq ft principal use
Wholesale bakery, food processing plant, wholesale laundry, cleaners, dyers and similar uses	Greater of 1/employee major shift or per 1,000 sq ft principal use
Civic:	
Clubs, lodges, and fraternal organizations	1/50 sq ft GFA
Sanatoria, nursing homes	1/4 beds, 1/2 day shift employees
Educational institutions	Elementary and Jr.High - 1/1.5 employees High school - 1/1.5 employees plus 1/25 students
Churches	1/3 seats in principal assembly room
Other	
Public Parks and playgrounds	1 space peak hour user
Day care	1 per 8 supervised adults or children plus 1 per peak hour employee

2. Where a use is not indicated in the table above, the Planning Board will establish parking standards on an individual basis as the public safety shall require.
 3. The parking plan shall demonstrate adequate parking for the number and type of vehicles which are expected as part of the operation of the facility, including any oversized vehicles such as tour buses, trailers and ramps for loading and unloading, e.g., recreational equipment or livestock.
 4. Site plan applications may include provision for events or other uses that are expected to occur no more than twelve times per year and no more than twice in any given month. In these cases, adequate temporary parking areas must be indicated as part of the site plan application. These parking areas may include a combination of areas on premises, off premises with the owner's written permission, or through the off-peak use of legally designated on-street parking. In the case of off-premises or on-street parking, documentation of the means of passage of event participants from the parking area to the premises shall be required, e.g. sidewalk or other pedestrian way, shuttle bus.
 5. In the event the need for parking exceeds projections, and the excess number, size or type of vehicles leads to unsafe conditions in the judgment of the Planning Board, or to parking on roadsides in locations other than legally designated parking spaces, the owner shall be required as a condition of approval to submit an application for an amendment to the approved site plan showing how the additional parking will be provided. In some cases, the applicant will be required to show a reserve area on the plan which will be set aside for the construction of additional parking if needed in the future.
 6. Adequate parking shall be provided for all commercial vehicles that are required for the ordinary operation of the facility.
- C. **Off-street loading facilities.** Shall be provided for all institutional, commercial, and industrial uses. These facilities shall be located so that delivery vehicles are parked outside of the street right-of-way.
- D. **Landscaping and screening.** Shall be provided with regard to the impact on the adjacent properties, the public highway and the site itself.
1. Parking areas shall be landscaped.
 2. Signs shall be properly placed.
 3. Buffer zones are required for all commercial, industrial, and multi-family uses. The minimum requirements shall be as follows:
 - a. A minimum of 25% of the total lot area must be landscaped with grass.

- b. A fifteen (15) foot wide grass strip shall be maintained along the street frontage on the subject property with one street tree (minimum caliper 2") for every fifty (50) linear feet of frontage.
- c. A minimum five (5) foot grass strip shall be maintained along the side boundary line.

A wider buffer zone may be required to reduce noise, for visual considerations, or where impact of development is not compatible with abutting uses.

E. **Stormwater.** The development shall be designed in a manner which will minimize and treat stormwater runoff and prevent erosion consistent with the following:

1. All stormwater management and erosion control measures in the plan shall adhere to Volumes 1, 2 and 3 of the "New Hampshire Stormwater Manual," current edition, published by NHDES, to the extent practicable.
2. The smallest practical area of land should be exposed at any one time during development.
3. When land is exposed during development, the exposure should be kept to the shortest practical period of time. Land should not be left exposed during the winter months.
4. Where necessary, temporary vegetation and/or mulching and structural measures should be used to protect areas exposed during development.
5. Provisions should be made to effectively accommodate the increased run-off caused by the changed soil and surface conditions during and after development.
6. The permanent, final vegetation and structures should be installed as soon as practical in the development.
7. The development plan should be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation should be retained and protected.
9. The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.
10. Flow volume, velocity, and pollutant loading, including but not limited to sediments, total suspended solids (TSS), phosphorus, nitrogen, metals, pathogens, dissolved substances, floatable debris, and oil and other petroleum products. shall not be higher at the property line post-development when compared with pre-development conditions.

F. **Flood Hazard Areas.** For sites indicated by FEMA Flood Insurance Rate Maps or fluvial erosion hazard area mapping or other evidence as being located within the 100 year floodplain or fluvial erosion hazard area, provisions shall be made to minimize flood damage and exposure to flood hazards on and off site. Site

specific study may be required to demonstrate such mapped areas are above the 100 floodplain and out of fluvial erosion hazard areas. All site plans for involving lands identified as “Special Flood Hazard Areas” (SFHA) by the National Flood Insurance Program (NFIP), shall meet the following requirements:

1. The Planning Board shall review the proposed developments to assure that all the 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. (1995)
2. The Planning Board shall require that all subdivision proposals and other proposed new development greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation (BFE) data (i.e. floodplain boundary and 100-year flood elevation).
3. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - a. all such proposals are consistent with the need to minimize flood damage;
 - b. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - c. adequate drainage is provided so as to reduce exposure to flood hazards.

G. Snow storage. Provision shall be made for snow storage during winter months.

H. Utilities. Provisions shall be made for the site to be services by necessary utilities that may include water for fire and domestic use, sanitary sewer, electric, and gas.

I. Lighting. Provisions shall be made for adequate and appropriate outdoor lighting which protect dark skies, prevent light pollution by minimizing the spillover of light onto adjacent properties, and protect the public safety by preventing glare from outdoor lighting sources.

1. Definitions.

- a. Direct light means light emitted directly from the lamp off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.
- b. Fixture means the assembly that house 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.

c. Lamp means the component of a luminaire that produced the actual light.

d. Light pollution means light emitted from a luminaire that illuminates more than the object or area it was intended to.

2. Regulations.

a. All nonexempt outdoor lighting fixtures shall be shielded in such a way that direct light emitted by the installed fixture will be at an angle of twenty (20) degrees or more below the horizontal plane of the bottom of the fixture.

b. Post-top lighting is permitted, to a maximum of 150 watts per luminaire.

c. Outdoor recreation facility lighting, however appropriate conditions will be required to minimize glare and unwanted light shining outside the property perimeter, and to restrict the lighting to appropriate times.

d. Outdoor lighting at places of business or public venues shall be turned off no later than one hour after closing, except what is needed for basic security. Vacant parking lots shall not remain lighted except as needed for basic security. In addition, there shall be no light trespass to any other property or glare when viewed from a road.

3. Exemptions.

The following types of lighting are exempted from these requirements:

a. Lighting installed or used by public authorities or emergency crews.

b. Lighting required by the FAA or FCC.

c. Security lighting controlled by sensors set to provide illumination for a maximum of fifteen (15) minutes.

d. Lighting lawfully installed prior to the effective date of the adoptions of this Ordinance.

e. Lighting of non-commercial flags expressing constitutionally protected speech.

f. Decorative holiday lighting for a temporary period, provided that the amount of holiday lighting at any one property does not create a public nuisance.

J. Signs.

1. Signs shall not be placed in a location which interfere with the line of sight or otherwise obstructs the visibility of drivers or pedestrians.

2. Exterior or interior sign lighting shall not interfere with the line of sight for street traffic or within public pedestrian walkways, shine in drivers' eyes, or cause a distraction for drivers.
3. Signs involving movement, whether mechanical or air activated, shall not be sited in a manner in which they would cause a distraction for drivers.
4. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded to prevent glare toward the public way, neighboring properties, and the sky.

K. Natural Features. Provisions shall be made for protection of natural features.

L. Compliance with Other Local Requirements. All developments shall meet the standards and requirements included in the town zoning ordinance and subdivision regulations.

M. Construction Requirements. Shall be in accordance with "Standard Specifications for Road and Bridge Construction," as amended, as published by the State of New Hampshire Department of Transportation and the Town of Lisbon, New Hampshire Subdivision Regulations. Where alternative construction specifications are given, the Planning Board shall determine which shall be applicable.

N. Regulations are Minimum Standards. The Planning Board may set more stringent requirements with respect to any of the foregoing specifications if conditions warrant such action in the opinion of the Board. Topography and natural features of the site, as well as the density of development, are examples of such conditions.

ARTICLE VIII. WAIVER OF REQUIREMENTS

A. Application Requirements. Upon written request by the applicant, or upon the motion of any member, the Board may vote to waive, in whole or in part, any provision(s) of Section 6.02 when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question.

B. Regulations. Upon written request by the applicant, the Board may vote to waive, in whole or in part, any provision(s) of these regulations when, in the majority opinion of the Board:

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

ARTICLE IX. ENFORCEMENT AND PENALTIES

A. Enforcement. These regulations shall be considered to be a part of each approved site plan. These regulations shall be enforced by the Selectboard. The Selectboard shall undertake such enforcement in a manner similar to that of enforcing the Zoning Ordinances, including the delegation of prosecution of specific enforcement actions to such other qualified individuals as may be appropriate from time to time.

If the Planning Board comes to possess any evidence that these regulations (or any ongoing conditions of a site plan approval) are being violated, the Planning Board shall forward such evidence to the Selectboard for consideration of further enforcement

B. Penalties. Any and all penalties available to the appropriate enforcement official per RSA 676:15-18 as amended are hereby incorporated into these regulations by reference.

ARTICLE X. AMENDMENTS

Amendments to these Site Plan Review Regulations shall be made in the same manner in which amendments to Subdivision Regulations are made.

ARTICLE XI. SEPARABILITY

If any provision herein shall be held to be invalid for any reason by a Court, such holding shall not invalidate in any manner any other provision contained herein.

ARTICLE XII. EFFECTIVE DATE

This ordinance shall take effect upon a vote by the Planning Board, and filing of the Regulation with the Town Clerk, and the Board of Selectmen.