



# TOWN OF LINCOLN, NEW HAMPSHIRE SITE PLAN REVIEW REGULATIONS

Adopted by:  
The Lincoln Planning Board  
October 5, 1988

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## **ARTICLE I** **AUTHORITY**

Pursuant to the authority vested in the Lincoln Planning Board by the voters of the Town of Lincoln in accordance with the provisions of RSA 674:43, the Lincoln Planning Board adopts the following rules governing the review and approval or disapproval of site plans for the development or change or expansion of use of tracts for non-residential uses or for multi-family dwelling units other than one- and two- family dwellings, whether or not such development includes a subdivision or resubdivision of the site.

## **ARTICLE II** **INTENT**

The purpose of the site plan review procedure is to protect the public health, safety and welfare; to promote balanced growth; to protect property values, to encourage uses that are in harmony visually and esthetically with rural living and a recreational economy; to prevent premature and uncoordinated development without the adequate provision of public services and facilities; to ensure sound site utilization; and to avoid unnecessary and adverse impacts on neighboring property and uses.

## **ARTICLE III** **COMPLIANCE AND EXEMPTIONS**

- A. The site review procedure in no way relieves the developer, landowner, or other site plan review applicant, his/her agent or any individual from compliance with the Subdivision Regulations, Land Use Plan Ordinance, Sign Ordinance, or any other ordinance which pertains to the proposed development. No site plan will be approved until it complies in all respects to any and all pertinent ordinances and regulations. All site plans shall conform to Lincoln's Site Plan Review and Subdivision Regulations depending upon their applicability, to be determined by the Lincoln Planning Board.
- B. A development or change or expansion of use shall be considered exempt from these regulations if it is located on Federal or State land and the development is owned, used and occupied by either the State or Federal Government, and conforms to all Federal and State regulations and it meets the requirements under the Land Use Plan Ordinance; provided however that governmental uses on State land shall be subject to notification, hearing and comment in accordance with RSA 674:54, I; and provided further that in accordance with RSA 674:54, II, a non-governmental use occurring on governmental land shall be subject to these regulations to the same extent as if that use were occurring on private land.

## **ARTICLE IV** **DEFINITIONS**

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

**DEVELOPMENT:** The construction or improvements on a tract or tracts of land for nonresidential use or use for multi-family units other than one and two family dwellings. For purposes of these regulations the word "development" includes a "change or expansion of use" as defined below.

## **CHANGE OR EXPANSION OF USE:**

- (a) The conversion of any lot, parcel or building, or portion thereof, from a residential use to a nonresidential or multi-family use;
- (b) The addition of more than 500 square feet of floor area or other impermeable surface to an existing nonresidential or multi-family use;
- (c) The addition of less than 500 square feet of floor area or other impermeable surface to an existing nonresidential or multi-family use, if constructed within 3 years of any prior construction on the same lot or parcel;
- (d) A change of use from one category of permitted or special exception use, as listed in the land use schedule of Article VI of the Lincoln Land Use Plan Ordinance, to another such category of listed use, regardless of whether the change involves construction;
- (e) Any material change to a previously-approved site plan, or series of changes over a 3-year period resulting cumulatively in a material change, as determined by the Planning Board Chair and Town Planner; and
- (f) Any material change to a development that pre-existed prior to the adoption of Site Plan Review Regulations, or a series of changes over a 3-year period resulting cumulatively in a material change, as determined by the Planning Board Chair and Town Planner.

**SPECIAL EVENT:** A public gathering or other non-residential activity, or activities, on a parcel(s) of land for a duration of fifteen (15) calendar days or less within any single calendar year. Provided that there is a previously approved site plan on file for the area of proposed activity, the Planning Board, at the written request of an applicant, may determine in writing that a proposed activity at the site does not require further review under this Special Event Regulation; for example, such a determination by the Planning Board may be the establishment of a threshold number, e.g., x, xxx parking spaces to be occupied for the site activity, below which there is not a need for review under this Special Event Regulation. Some examples of a "special event" include, but are not limited to: a concert, a concert with associated camping, a craft fair, the so-called Highland Games, a foliage festival, a street fair, a motor vehicle rally, or a motorcycle rally. Special sales or programs associated with existing businesses are considered as "special events" unless such activity has been reviewed and approved as part of a formal site plan review process, or, the Planning Board has determined that such activity is an "accessory use" of the business activity. Owners are encouraged to submit written inquiries to the Planning Board in regards to determinations of acceptable "accessory use or uses."

Note: As set forth in Volume 15 of New Hampshire Practice [Land Use, Planning and Zoning, Second Edition, by Peter J. Loughlin, at Page 124], et seq., "An accessory use is 'one which is dependent on or pertaining to the permitted principal use, i.e., a subordinate use of the property occasioned by the main use and an incident of it, rather than a principal use in and of itself.' (CITATION *Becker v. Hampton Falls*, 117 N.H. 437 (1977).)

**PERMANENT APPROVAL:** In regards to only a Special Event, "permanent approval" means that the application for approval of a special event is approved without a limit on duration of approval, provided that there is no significant change (increase) in the intensity of use associated with the approved application; upon increase in use of one or more of the criteria set forth in the application, a new and complete application must be submitted for review and approval by the Planning Board.

**ENFORCEMENT PROCEDURE (only in regards to Special Events):** In the event that any approved Special Event activity exceeds one or more of its identified functions as proposed or conditionally imposed as part of the application approval process, the Compliance Officer, prior to consideration of issuance of a formal Notice of Violation, will identify any concerns in writing and request that the applicant meet with the Planning Board to discuss the possible resolution of identified concerns. As part of resolution of the identified concerns, the Planning Board may determine that an application to revise the previous permanent approval need only address one or more specific functions in lieu of requiring re-submission of a complete application. If, however, all identified concerns are not completely resolved between the Applicant and the Planning Board to the satisfaction of the Compliance Officer, the Compliance Officer may then issue a Notice of Violation in regards to the alleged concerns that continue to exist.

- B. The definitions contained in the Land Use Plan Ordinance, Sign Ordinance and Subdivision Regulations shall apply to the Site Plan Review Regulations.

#### **ARTICLE V** **APPROVAL OF DEVELOPMENT REQUIRED**

- A. Whenever any development or change or expansion of use of a site regulated by these Regulations is proposed; before any construction, land clearing or building development is begun, or change or expansion of use implemented; 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 with the Register of Deeds of Grafton County, the individual, the developer or his authorized agent shall apply for and secure approval of such proposed site development in accordance with the following procedure.

**B. Temporary Land Use Application Review**

1. **Permitting Process:** Any person seeking a permit under this ordinance shall apply to the Selectmen on an application form provided by the Town and include the following documentation, in addition to any additional requirements requested by the Selectmen.
2. **Application.** The application form must include:
  - a. Name, home and business address of the applicant;
  - b. Name and address of the owner of the vending business, if other than the applicant;
  - c. Name and address of the owner of the property on which the vending operation is to occur if it is different from that of the applicant, including the property owner's signature as a co-applicant;
  - d. A description of the merchandise or services to be sold;

- e. Anticipated attendance;
  - f. Anticipated police details;
  - g. A description of the proposed location and dates and hours of operation of the vending business; and
  - h. A description of any motor vehicle or stand to be used in the vending business including registration data, if applicable.
3. **Site Plan:** The applicant shall submit to the Town seven (7) copies of plans prepared in ink or marker on sheet sizes of either 11"x17" or 22"x34" paper containing the following elements:
- a. **Title Block:** Located in the bottom right corner of the page containing the following elements:
    - i. Title;
    - ii. Parcel identification (Map and Lot and street address);
    - iii. Owner and applicant names and contact information;
    - iv. Date;
    - v. Zoning District Information;
    - vi. North arrow; and
    - vii. Scale, no greater than one inch equals fifty (50) feet.
4. **Plan Elements:** The applicant shall exhibit the following elements on the plan:
- a. **General Elements:** The Applicant shall provide the following:
    - i. Property lines including lot area;
    - ii. All buildings within fifty (50) feet of the site including their use and approximate size;
    - iii. All building setbacks required by the Land Use Plan Ordinance;
    - iv. All existing natural features, such as brooks, rivers, ponds, woods, etc.
    - v. Proposed water supply services and restroom facilities;
    - vi. The type and location of solid waste disposal facilities.

- b. **Circulation Elements:** The Applicant shall provide the following:
    - i. Locations of all intersecting roads or driveways within two hundred (200) feet of the site;
    - ii. Locations of dedicated off-street parking and loading spaces;
    - iii. Locations and widths of access ways and egress ways.
  - c. **Event or Sale Elements:** The Applicant shall provide the following:
    - i. Locations and dimensions of all temporary structures supporting the event or sale including the setbacks to all property lines; and
    - ii. All areas associated with the business (sales, storage, and display areas).
5. **Other Documentation:** The Applicant shall provide the following:
- a. Copies of all applicable state approvals and permits;
  - b. A current list of property abutters;
  - c. Sign permit application detailing all proposed signage related to the application, if applicable;
  - d. Proposed traffic control plan, if required by the Selectmen;
  - e. Any other relevant documentation requested by the Selectmen.

**C. Special Events:**

- 1. For businesses that conduct more than one Special Event each year, a "Comprehensive Annual Program" may be submitted for Special Events that are not yet permanently approved in lieu of submitting a separate application for each and every Special Event, provided that said Comprehensive Annual Program addresses all of the proposed Special Events for the entire year (or a continuous 12-month calendar period). The submitted Comprehensive Annual Program must address the same requested information that is set forth in the special events application form for each proposed Special Event, i.e. as set forth in paragraph B. above.
- 2. Within Article VIII of this Regulation, only Section "A." and Section "B." are applicable to consideration of an application for approval of a special event.
- 3. Within Article IX of this Regulation, all sections are applicable to consideration of an application for approval of a special event, except that the term "site plan" within Article IX is to mean "the submitted application, including all attachments thereto." Furthermore, an application for a "new" special event, i.e., an event that has not been operated during the previous five (5) years, will only be, initially, conditionally approved for only a one (1) year duration; thereafter, subsequent applications for renewal may be approved by the Planning Board for either: a one (1) year approval, a two (2) year approval, a three (3) year approval or, a permanent approval.

4. Article X, "Public Hearing" and Article XI, "Notices" of this Regulation are applicable to consideration of an application for approval of a special event.
5. Within Article XII of this Regulation, only Section "A." and Section "B." are applicable to consideration of an application for approval of a special event, except that the term "plat" within Section "B" is to mean "the submitted application, including all attachments thereto."
6. Article XIII, "Performance Guaranty or Bond," Article XIV, "Site Plan Requirements" and Article XV, "Site and Building Design Requirements" of this Regulation are not applicable to consideration of an application for approval of a special event.
7. Recognizing the uncertainty associated with attendance at Special Events, the Compliance Officer and the Planning board Chairman are authorized to approve any last minute changes or changes during the Special Event itself in instances where changes are necessary and do not create adverse impacts on the public or their abutters and it is unreasonable to convene the Planning Board in a timely manner, provided that both Town officials are in agreement and any such revisions(s) to the Special Event approval is reported to the Planning Board at its next regularly scheduled meeting.

#### **ARTICLE VI**

#### **PRELIMINARY CONSULTATION AND REVIEW**

- A. 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 conceptual review shall be informal and directed toward:
  1. Reviewing the basic concepts of the proposal.
  2. Reviewing the proposal with regard to the Town Master Plan, Land Use Plan and Sign Ordinance and Subdivision Regulations.
  3. Guiding the applicant relative to necessary state and local requirements.
  4. Review the Site Plan Review Checklist.
- B. Preliminary conceptual review shall not bind the applicant or the Board. Such discussion may occur without formal public notice as provided in Article X and XI. However, no discussions beyond the conceptual and general review shall take place without identification of and notice to abutters and the general public as described in Article XI.
- C. Preliminary conceptual review shall be separate and apart from formal consideration under Article XII and XIII and the time limits for acting under Article IX shall not apply until a formal completed application is submitted.



**ARTICLE VII**  
**INFORMATION NEEDED FOR COMPLETED APPLICATION**

- A.** 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.
- B.** The following shall be required for and constitute a completed application: an application for site plan approval properly filled out stating in some detail the nature of the use being proposed for the property, executed by the applicant and filed with the Board in accordance with Article VIII together with the following:
  - 1. 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 on two sets of mailing labels.
  - 2. A check payable to the Board to cover filing fees, mailing, advertising, recording and other costs provided in Article XII.
  - 3. Three (3) paper print copies of the site plan layout in accordance with and accompanied by the information required in Article XIV.

**ARTICLE VIII**  
**SUBMISSION OF APPLICATION**

**A Preliminary.** In order to help assure compliance with previously approved subdivision or site plan applications, no more than one (1) such application can be actively in phases of construction unless specifically permitted otherwise by the Planning Board.

This requirement pertains only to submission of a completed application and does not prevent the filing of any number of applications in regards to conceptual consultation, design review phase applications or other pre-application considerations of the Planning Board.

This requirement is invoked in those instances when the Town staff has not deemed a previously approved application (of the same applicant) to have been either substantially completed or the previously approved application has formally expired in accordance with either the Subdivision Regulations or Site Plan Regulations. This requirement pertains to either the same applicant or to a subsequent application involving the same property.

- A.** 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.
- B.** 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 applicant, abutters and the general public of the date.
- C.** An incomplete application filed by the applicant will not be formally accepted by the Board, nor will notices of a public meeting be mailed, posted or published as provided under Article XI.
- D.** The Board will not accept an application if the applicant fails to provide:

1. Abutters' identification and information required for preliminary layout.
  2. Failure to pay costs of notices or other costs and fees required by these regulations.
  3. Completed set of plans in conformance with these regulations.
- E. When a completed application is accepted by the Board, the Board shall indicate in the official minutes to the applicant the date of formal acceptance.

## **ARTICLE IX**

### **ACTION ON COMPLETED APPLICATION**

- A. The Board shall begin consideration of the completed application within thirty (30) days of its submission. After review of the completed application and after a duly noticed public hearing as provided in Article X, the Board shall act to approve or disapprove the completed application within ninety (90) days after submission of the completed application, subject to extension or waiver as provided in accordance with RSA 676, as amended.

#### **B. Disapproval:**

1. The Board may disapprove an application after acceptance of the application, with or without a hearing, for the applicant's failure to supply information required by the Board during the review of the proposal.
2. 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.

#### **C. Conditional Approval:**

The Planning Board may grant conditional approval of an application in accordance with this section.

1. A conditional approval may become final, without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant, of satisfactory compliance with the conditions imposed, only when the conditions involve:
  - a. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or
  - b. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
  - c. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies.
2. All other conditions shall require a hearing and notice in order for the conditional approval to become final.

3. All conditional approvals granted by the Board shall expire one (1) year from the date of conditional approval, if the condition is not satisfactorily fulfilled within the time limit or such other such time period as the Board may have imposed.

#### **D. Final Approvals:**

1. No site work shall occur towards the implementation of the site plan until the Board grants final approval.
2. Final approval of a site plan may be granted by the Board with or without conditions to be subsequently met.
3. Final approval of a site plan may also occur when the conditions of a conditional approval are completed in accordance with Article IX, C of these regulations.
3. 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 may transmit a copy of the site plan with such approval endorsed in writing therein to the Register of Deeds of Grafton County. The applicant shall be responsible for the payment of all recording fees.

#### **E. Withdrawal:**

1. 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.
2. All requests to withdraw an application shall be submitted in writing.
3. Application and notice fees are not refundable for withdrawn applications.
4. The applicant shall pay any fees, costs or other charges assessed or incurred during the review process up to the point of withdrawal.
5. One copy of withdrawn plans and required submittals shall remain with the Planning Board.

#### **F. Resubmittal:**

The Planning Board may refuse to accept resubmittal of an application, which is identical to, or substantially the same as, an application disapproved by the Board, unless:

1. The reasons for disapproval appear to have been resolved;
2. The regulations (or other legal basis for disapproval) have been amended in a manner that would no longer bar approval; or
3. A substantial period of time has elapsed since the disapproval and the Board finds that conditions justifying the disapproval may have changed.

The mere acceptance of a previously disapproved application shall not constitute a finding or representation by the Board that the basis for disapproval has been resolved or that the resubmitted application is approvable.

- G. If the Planning Board has not obtained a waiver or an extension and has not taken action to approve or disapprove the completed application within ninety (90) days of its acceptance; the applicant may obtain from the Selectmen an order directing the Board to act within fifteen (15) days. Failure of the Board to act upon such order of the Selectmen shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4, as amended.
- H. Active development or at least substantial progress toward implementation of the Site Plan Approval must occur within two years or the approval becomes void.
- I. Final approval with or without conditions can be renewed by the Planning Board, for additional 1-year periods, only if the plan is still in compliance with all town regulations in effect at that time. Before the final approval is extended the Planning Board shall hold a Public Hearing and may require the applicant to appear before the Board to discuss the status of the project or any aspects of the plan.
- J. Upon expiration of the time limit established for compliance with a Condition of Approval, or if the Board otherwise believes that a condition is not being met the Board shall call a Compliance Hearing in accordance with RSA 676:4I(i). After the Hearing the Board may take such action, as it deems appropriate.

#### **ARTICLE X** **PUBLIC HEARING**

- A. Prior to a final decision on a site plan, a public hearing shall be held as prescribed by RSA 676:4 I (d), and notice to the applicant and abutters and the public shall be given in accordance with Article XI. 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.
- B. The Planning Board shall hold a Public Hearing prior to making a decision to approve or disapprove an application for a development proposal that has been revised to substantially change a material element covered by these regulations.
- C. 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 or during a public hearing constitute implied conditions of approval which are binding on the applicant and his successors and which are enforceable under Article XXI of these regulations.

## **ARTICLE XI**

### **NOTICES**

- A.** Notice of the submission of a completed application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the submission, and to the public at the same time by posting in at least two (2) public places in the town or publication in a newspaper of general circulation. The notice shall give the date, time and place of the Board meeting at which the application or other items(s) will be formally submitted to the Board and shall include a general description of the proposal which is the subject of the application or of the item to be considered and shall identify the applicant and location of the proposed site development.
- B.** 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 if proper notice of the date, time and place of the adjourned session was made known at the prior hearing.

## **ARTICLE XII**

### **FEES AND COSTS**

- A.** A completed application shall be accompanied by a filing fee of thirty dollars (\$30).
- B.** 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 plat without a public hearing.
- C.** The Board may require special investigative studies, such as environmental assessments, traffic impact analysis or other studies necessary to make an informed decision. Expert services may be required by the Planning Board to review plans or documents for such matters as fire protection, water supply, sewerage, legal documents or other areas of technical concern to enable the Board to make an informed decision. The applicant, in an amount determined to be reasonable and appropriate by the Board, shall pay the cost of such studies, investigations, experts, consultants or other professionals. The applicant shall be advised of the costs prior to the studies being performed. The fees shall be paid prior to the approval or disapproval of the site plan.
- D.** A site plan review fee is not required when the site plan application is carried out in conjunction with a subdivision application.

**ARTICLE XIII**  
**PERFORMANCE GUARANTY OR BOND**

- A. As a condition precedent to approval of any site plan, in lieu of completion of on- or off-site improvements, the developer shall file with the Board and Board of Selectmen before approval of the site plan a irrevocable letter of credit, a certified check payable to the Town of Lincoln or a faithful performance bond running to the town and issued by a surety company acceptable to the Selectmen, in an amount of money equal to the total of the cost of construction of all streets, utilities and improvements, as specified in the site plan or such other surety acceptable to the Selectmen.
- B. A performance agreement between the developer and the Town will specify the manner in which the on- or off-site improvements will be completed and the specific manner in which the surety will be released.

**ARTICLE XIV**  
**SITE PLAN REQUIREMENTS**

- A. A site plan with the following items shall be required:
1. Scale: not less than one (1) inch equals forty (40) feet.
  2. Submit three (3) copies of blue or black line prints.
  3. Date, title, North point and scale.
  4. Name and address of the owner, the developer and the applicant.
  5. Name and address of the New Hampshire registered land surveyor who certified the plan.
  6. An accurate plan of the site showing existing natural features, including watercourses and water bodies, various types of vegetation, topographical features and any other features which should be considered in the site design process.
  7. The type, extent and location of existing and proposed landscaping and open space areas indicating what existing landscaped and open space areas will be retained.
  8. Existing and proposed topography of the site at two-foot contour intervals.
  9. Soil mapping units and unit boundaries.
  10. The location of all buildings within fifty (50) feet of the site and the location of all intersecting roads or driveways and utilities (water, sewer, etc.) within two hundred (200) feet.
  11. The location of all building setbacks required by the Land Use Plan Ordinance.
  12. The location of district boundaries, including wetlands and the floodplain.
  13. The lot area, street frontage and the requirements for minimum lot size.

14. Location of off-street parking and loading spaces with a layout of the parking indicated.
15. The location, width, curbing and type of accessways and egress ways.
16. The location of all existing and proposed deed restrictions, covenants, etc.
17. Surveyed property lines, showing their deflection angles, distances, radius, lengths of arcs, control angles, along property lines and monument locations and names of all abutters.
18. If the development is a subdivision, then lines and names of all proposed streets, lands and ways of easements intended to be dedicated for public use. All subdivision regulations shall apply.
19. Plan views of all buildings, either existing or proposed, with their use, size, location and floor elevations indicated.
20. A typical elevation view of all existing and proposed buildings indicating their height and signing.
21. The type and location of solid waste disposal facilities.
22. The location, size and design of proposed signs and other advertising or instructional devices.
23. Stormwater drainage plan showing:
  - a. The existing and proposed methods of handling stormwater runoff.
  - b. The direction of flow of the runoff through the use of arrows.
  - c. The location, elevation and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers.
  - d. Engineering calculations used to determine drainage requirements. (See Lincoln Stormwater Management Ordinance for other requirements.)
24. The size and proposed location of water supply and sewage facilities and provision for future expansion of sewage and water facilities.
25. The size and location of existing and proposed public and private utility connections, including provisions for fire protection.
26. The location and type of all existing and proposed lighting for all outdoor facilities.
27. Copies of all applicable state approvals and permits.
28. A note is to be placed on the site plan stating that matters pertaining to bonding have been addressed to the satisfaction of the Board of Selectmen, as set forth in Article XIII, "Performance Guaranty or Bond."

**ARTICLE XV**  
**SITE AND BUILDING DESIGN REQUIREMENTS**

**A. PURPOSE AND OBJECTIVES:**

The main goal and purpose of this section is to outline the site and architectural features, which are acceptable for development within the Town of Lincoln. The Planning Board wishes to promote a Northern New England village character to Lincoln's downtown, as well as to encourage New England style buildings throughout the rest of the community. The Planning Board feels that appearance of sites and buildings are increasingly important to promoting the Town. Architectural and site review are intended to insure that a high quality of design and construction is maintained in future developments.

**B. ARCHITECTURAL REQUIREMENTS:**

The following architectural requirements shall apply to all new structures. Additions or alterations to existing structures may be exempted from specific requirements at the reasonable discretion of the Planning Board, based on such factors as the cost, scope and extent of the work, the relative proportion of the existing structure to be added or altered, and the goal of harmony with the existing structure or structures.

**1. ROOFS:**

Roofs shall be of various pitched varieties commonly found within the North Country.

- a. Gable or Hip Roofs are most preferred. Shed and Gambrel style roofs are also acceptable. False mansard or other flat roofs are the least desirable. All roofs should have appropriate overhangs.
- b. Flat roofs should not be completely eliminated from consideration, but should only be built where the size of the building does not permit a pitched roof. When flat roofs are permissible, any roof top mechanicals should be hidden from the main viewpoints on ground level.

**2. ROOF MATERIALS:**

Roofs shall be constructed of materials, which are commonly found in Northern New England. Shingled roofs constructed of asphalt or wood shingles are preferred. Standing seam, copper or other metal roofs are also acceptable. Multiple roof plain slopes are acceptable, as New England Architecture often includes a variety of roof styles and plains, however it should be limited. Roll roofing, built-up tar and gravel, plastic, or fiberglass roofing materials are not appropriate. On flat roofs that are not visible from public areas, other roof materials may be considered.

**3. SIDING:**

- a. The following siding treatments most commonly found in New England shall be used: Clapboard, vertical board, brick, stone, and wood shingles. Natural materials are preferred.



- b. The use of vinyl or aluminum is strongly discouraged in the Village Center Zone. Concrete block, stucco, adobe, or other non-traditional siding types are also discouraged. Sidings having a panelized or prefabricated appearance are unacceptable.

#### 4. ARCHITECTURAL FEATURES AND DETAILS:

Balconies, decks, covered porches, decorative shingles, bracketed eaves, columns, balustrades, towers, turrets, skylights, and arches are among the details to be considered. All features and details should be in proportion with the building. Use of metal, fiberglass, or plastic awnings is not appropriate.

#### 5. WINDOWS AND DOORS:

All windows and doors shall be of a New England character. Large plate glass windows are discouraged unless they are broken up with mullions or muttons. Mirrored glass or walls are not acceptable. Also, aluminum windows/wall systems with or without colored metal panels known as curtain wall systems are not acceptable. Windows and doorways should be encased with trim. Decorative trim is preferred.

#### 6. LIGHTING:

Lighting for new developments whether mounted on the building or on poles shall be designed so as not to spill onto adjacent properties. Shielded lights are preferred or exposed bulb fixtures, which are historic in character. Lighting elements shall be covered by globe or shielded. Low-level lighting is preferred over large high-level light fixtures.

#### 7. EQUIPMENT:

All roof, wall or ground mounted mechanical equipment shall be screened from public view.

### C. LANDSCAPING AND SITE PLANNING REQUIREMENTS:

The following landscaping and site planning requirements shall apply to all new development. Additions, modifications, or changes of use to existing structures or improvements may be exempted from specific requirements at the reasonable discretion of the Planning Board based on such factors as the cost, scope and extent of the proposed work, the degree to which existing investment made prior to the adoption of the requirement would be lost if strict compliance were required, and the relative importance of the requirement in protecting the public health, safety and welfare.

#### 1. PARKING:

- a. Parking space requirement. Off-street parking spaces shall be provided in any district in accordance with the specifications set forth in the Land Use Plan Ordinance whenever any new use is established or any existing use enlarged or when a use is changed.

- b. All parking lots, drives and loading areas shall be paved. The Planning Board may allow the installation of other surfaces provided that they will not lead to dust or erosion having an adverse impact on adjacent properties or users of the site.
- c. Parking areas shall be located to the side or rear of new buildings. This will allow for a visually close relationship of the structure to the street, which helps to promote pedestrian access between and within various developments. Parking lots with more than 30 spaces shall be either divided into several areas, divided by landscaping or building features or be interspersed with planted tree islands. Adequate space for snow removal shall also be provided.

## 2. LANDSCAPING:

- a. Landscaping and screening shall be provided with regard to the impact on the adjacent properties, the public highway and the site itself.
- b. Plant materials, which are selected, must be of the type, size and quality and variety, which are suitable for the location and the climate. Developments should use plant species, which are indigenous to the North Country or have a heartiness factor of Zone 4. Due to the severity of our winters, these plants are heartier, tend to survive better and require less maintenance. Salt tolerant varieties shall be planted along roadways and parking areas. Plantings must also not be located as to obstruct the vision of motor vehicle operators.

## 3. PEDESTRIAN AND AUTOMOTIVE CIRCULATION:

- a. It shall be required that all developments be designed so as to promote pedestrian access, not only within the development, but also to adjacent properties and the street.
- b. In order to reduce the impact of the automobile on traffic and to insure public safety, the Board may require sidewalks or pedestrian paths to be maintained year round within and between developments.
- c. The Board may also require the connection of adjacent properties via the use of common drives.

## 4. SAFETY:

Improvement to existing streets, traffic access to the site from town streets, on-site vehicular and pedestrian circulation, parking, loading facilities and emergency vehicle access shall all be designed to ensure the safety and convenience of vehicles and pedestrians.

## 5. EQUIPMENT AND SERVICE AREAS:

- a. 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.

- b. Service areas, delivery locations, dumpster and trash receptacle locations and other similar uses shall be screened from the street, and from public view. They may be screened through a variety of materials such as walls, fences, plantings or a combination of these materials.
- c. All loading areas shall be designed so as to minimize interference with automobile and pedestrian circulation on the site, and so as to provide adequate space and facilities.

6. FENCING, WALLS, AND BUFFERS:

- a. All fences and walls must be of a traditional New England material such as wood, brick, or stone. Iron fences are also acceptable. The least desirable fences shall include chain link, stucco, concrete, etc.
- b. Where appropriate, buffer zones shall be provided for all commercial and industrial uses and multi-family structures in order to assure privacy and noise reduction for residential areas abutting site developments. A buffer zone may be required where the impact of development is not compatible with the abutter's uses of property. Buffer strips should contain vegetation, which will screen non-residential uses from residential areas during the winter months. Where appropriate, existing vegetation should be incorporated into buffer strips.

7. DRAINAGE:

Storm drainage of the site shall be designed with provisions for retention and gradual release of stormwater if the existing drainage system is inadequate. On-site waste and sewage disposal systems shall be designed to avoid polluting water supply systems, wetlands, river frontage and floodplains. (See Lincoln Stormwater Management Ordinance for other requirements.)

8. CONSTRUCTION REQUIREMENTS:

Construction requirements for roads, parking, streets, drainage and bridges shall be in accordance with the Standard Specifications for Road and Bridge Construction, as published by the State of New Hampshire Department of Public Works and Highways, and the road standards of the Town of Lincoln. Where alternative construction specifications are given, the Planning Board shall determine which shall be applicable.

**ARTICLE XVI**  
**SUBDIVISIONS AND SITE PLANS THAT INVOLVE LAND DESIGNATED AS**  
**"SPECIAL FLOOD HAZARD AREAS" (SFHA) BY**  
**THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)**

For subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):

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

- B. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).
- C. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to 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 XVII** **OFF-SITE IMPROVEMENTS**

The Planning Board may require applicants to make off-site improvements to community facilities, or to make payments for the reasonable costs associated with the impacts of the proposed development or change or expansion of use. Such improvements may include but are not limited to the widening of streets and improvement of intersections providing access to the site; the installation of curb and sidewalks along streets serving the site; and drainage improvements necessitated by the development of the site.

#### **ARTICLE XVIII** **WAIVING OF REQUIREMENTS**

- D. Upon written request by the applicant or upon the motion of any regular member, the Board may vote to waive, in whole or in part, any provision of these Regulations, except those regulations pertaining to subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP).

A waiver may be granted when in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to an informed evaluation of the site in question, and such waiver would not adversely compromise the purpose or intent of these Regulations.

#### **ARTICLE XIX** **AMENDMENT OF REGULATIONS**

Amendments to these Site Plan Review Regulations shall be made in the same manner in which amendments to the Subdivision Regulations are made as in accordance with New Hampshire Law.

#### **ARTICLE XX** **APPEALS**

Any person aggrieved by an official action of the Board may appeal therefrom to the Superior Court as provided by New Hampshire Law.

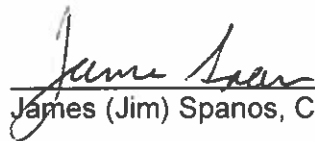
**ARTICLE XXI**  
**ENFORCEMENT**

The Planning Board or its duly authorized representative shall enforce these regulations, or any provision, specification or condition of any site plan approved or decision made under these regulations. Upon well founded information of a possible violation, the Selectmen or their designee shall initiate immediate steps for enforcement of these regulations by issuing a notice of violation under RSA 676:17, a cease and desist order under RSA 676:17-a, or a local land use citation under RSA 676:17-b. Fines, penalties, injunctive relief and other remedies, including actions by owners of land specifically damaged by a violation, shall be as set forth in RSA Chapter 676.

**ARTICLE XXII**  
**VALIDITY**

The validity of any provision of these regulations shall not affect the validity of any other provision.

Site Plan Review Regulation amendments adopted at January 4, 2023, regularly scheduled Planning Board Meeting per NH RSA 674:6 following public notice and public hearings.



James (Jim) Spanos, Chairman



Joseph Chenard, Vice-Chairman



Stephen Noseworthy



Paul Beaudin, II



O. J. Robinson, Selectmen's Representative

