



Town of Rye

Land Development Regulations

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RYE PLANNING BOARD
LAND DEVELOPMENT REGULATIONS

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Rye Land Development Regulations A User's Guide¹

In 1952 the voters of Rye granted the Planning Board the authority to regulate the subdivision of land, and in 1980 the voters granted the Planning Board the authority to regulate site plans for non-residential and multi-family residential development. The Rye Land Development Regulations which follow set forth the procedures followed by the Planning Board in fulfilling these responsibilities; the performance criteria against which subdivision plans and site plans are measured; construction standards for land development; and administrative and enforcement provisions. These Land Development Regulations consolidate and replace two separate sets of regulations previously administered by the Rye Planning Board: (1) the Rye Subdivision Regulations; and, (2) the Rye Site Plan Review Regulations.

Many “players” in the local land use regulation process – such as developers, engineers, surveyors, lawyers and local officials – are intimately familiar with these types of regulations and how to use them. This user’s guide is not for them. Rather, it is intended to assist those who infrequently encounter the process of local government review of development plans. Hopefully, the ten steps outlined herein will assist such persons in understanding and complying with the process as practiced with the Rye Planning Board.

AN OVERVIEW OF THE APPLICATION PROCESS.

These Land development regulations apply to every situation where a person is: (1) subdividing land; or (2) converting land and/or buildings to the condominium form of ownership; or (3) developing land for non-residential or multi-family residential use; or (4) changing or expanding a non-residential or multi-family residential use. Each of these situations is considered “development,” and in each situation one must apply to the Planning Board for approval of the development plans. The final application process involves the following basic steps:

1. **Application:** An application form must be filed along with all required plans and information. Applications must be filed no later than the next-to-last Tuesday of each month in order to be considered at the next month’s regular, second Tuesday meeting. Incomplete applications will not be considered.
2. **Fees:** Application fees and notice fees must be paid at the time of filing.
3. **Public Hearing:** A Public Hearing is held by the Planning Board on all final applications (and on all preliminary applications).
4. **Site View:** Members of the Board will usually inspect the site of the proposed development.
5. **Board Deliberation:** Board deliberation usually requires at least one additional

¹ The User’s Guide is intended to be only an explanation “guide” to the use of these regulations. It is not part of the enacted regulations and, therefore, has no legal effect. Applicants are responsible for knowledge of and compliance with all aspects of the Rye Land Development Regulations.

regular meeting of the Board, after the first public hearing. Thus, one should plan on *at least* 8 weeks between filing and approval. Complicated proposals often take longer.

USING THESE REGULATIONS.

In preparing these regulations the Planning Board attempted to organize complicated procedures and technical performance criteria into a “user friendly” format. This framework uses separate articles for each purpose of the regulations. For example:

- **Planning Standards:** Article VI is the most important part of the regulations. It contains the planning standards by which the Board reviews land developments.
- **Required Plans & Information:** Article IV lists and describes in detail all of the plans and other submittals required of applicants.
- **Procedure:** Article III sets forth the procedures followed by the Board in reviewing applications.
- **Construction Standards:** Article VII contains the construction specifications which developers must follow when building roads, site work, drainage, etc.

In order to facilitate the application process, prospective applicants may wish to follow the steps outlined below.

Step 1: Determine if these Regulations Apply to You.

As summarized above, these regulations cover most types of development activity. If your plans include any of the following, you must comply with these regulations.

1. **Subdivisions.** All subdivisions must comply with these regulations. Most subdivisions involve dividing a parcel into two or more lots. However, other less common activities are also considered subdivisions:
 - a. Lot line adjustments between lots.
 - b. Re-subdivisions of land that has already been subdivided.
 - c. Condominium conversion.
2. **Non—Residential Site Development.** The development of a parcel for non—residential use or the expansion or change of use of an existing non-residential use must comply with these regulations.
3. **Multi-Family Residential Site Development.** The development of a parcel for multi—family residential use or the expansion or change of use of an existing multi—family use must comply with these regulations. Multi—family is defined as

structures containing more than two (2) dwelling units.

The above categories include most types of development activity. In effect, the only types of development not covered by these regulations are: (1) the construction of a single—family or two—family dwelling on an existing lot; and, (2) the expansion of single—family or two—family residential uses.

Step 2: Determine Which Type of Land Development You Have.

These regulations divide the types of land development into six (6) categories. It is important to know the category for your project because the amount and type of required information submittals vary for each category. The categories, which are defined in Article II on pages 2 and 3 of the regulations, are:

- Major Subdivisions: usually four or more lots
- Minor Subdivisions: usually three or fewer lots
- Lot Line Adjustment Subdivisions
- Major Site Developments
- Minor Site Developments
- Condominium Conversions

In Rye, the majority of applications are for subdivision approval —either major, minor or a lot line adjustment.

Step 3: Review the Application Procedures and Required Information Submittals.

Applications are accepted only once a month, and improperly prepared applications or applications missing required information are rejected by the Board. Potential applicants are advised to carefully review the application procedures and information requirements of Article III and IV at the beginning of the process in order to avoid the delay of an incomplete application.

The Rye Planning Board performs a thorough and rigorous review of all land development applications. Only the simplest and most straightforward of applications gain approval at the initial Planning Board meeting. The typical application is reviewed at two consecutive monthly Board meetings before gaining approval, more complicated applications sometimes take several months.

Step 4: Review the Performance Criteria of Article VI.

An understanding of procedure is important — but the real purpose of the review process is embodied in Article VI, which sets the planning standards for land development. All land development must comply with these standards. An applicant or his agent should become thoroughly familiar with these standards at the beginning of the planning process. The standards include:

- Lot configuration and arrangement
- Street layout and design
- Septic systems
- Surface water management
- Erosion and sediment control
- Preservation of natural features
- Buffers and screening
- Parking and interior circulation

Step 5: Consider the Possibility of a Conceptual Consultation.

If you feel you need some general guidance from the Planning Board on how to plan your land development, or if you have questions about how the regulations will be applied to your project, you may request a conceptual consultation with the Board. Such consultations are non-binding and do not involve public hearings. A conceptual consultation requires an application and a sketch plan of your proposal. Conceptual consultations are described in more detail at § 301, p. 4 and § 402, p. 10 of the Regulations.

Step 6: Determine What Other Permits Are Needed.

Many land development projects require permits from other local, state or federal agencies. All such permits must be obtained prior to final approval by the Rye Planning Board. On-site waste disposal permits from the NH Water Supply and Pollution Control Division must be obtained before the Planning Board will accept an application.

All applications must comply with the Rye Zoning Ordinance. It is important to understand that the Rye Planning Board cannot legally waive a zoning requirement. Applications that do not comply with the Zoning Ordinance must receive the necessary variance or special exception from the Rye Board of Adjustment prior to Planning Board approval. If there is any doubt as to the required action, a consultation with the Planning Board is recommended.

Step 7: Consider Meeting Informally With Your Abutters.

All of the abutters to your parcel will receive written notice of your application and of their right to be heard at the public hearing on it. You should consider contacting them yourself to inform them of your plans and to inquire about their concerns. Sometimes such tactfulness prevents unpleasant surprises at the public hearing and results in a more efficient, quicker and less controversial review process.

Step 8: On a Major Project, Consider a Preliminary Application.

The preliminary review process, which is described in § 302, p. 5 and §403, p. 11, is optional and is available only to major subdivisions, major site developments and condo conversions. Preliminary applications require notices to abutters and a public hearing. The advantage of a preliminary application is that it provides an opportunity for working out problems with a project earlier in the planning stages, before an applicant incurs the expense of final engineering and before the details of a site design becomes “entrenched.” The disadvantages of preliminary applications are that they extend the time frame for review and that the result is not final and legally not binding on either the Board or the applicant.

Step 9: Begin to Prepare Your Applications As Soon As Possible.

Every complex undertaking requires initial organization and planning. The application process contains many potential pitfalls for applicants, many of which can be avoided with good initial organization. The most important thing is to understand fully what plans and information are required and how much time it takes to prepare them. As previously noted, Article IV, p. 9—19, describes these submittals in detail. Also, the application forms of Appendix D contain checklists which should be a helpful guide in planning and organizing an application.

Step 10: Submit Your Application on Time.

The Rye Planning Board hears applications only at its regular meeting, which is held on the second Tuesday of each month. These regulations require that complete applications be filed three weeks (i.e. 21 days) prior to the regular meeting. This is the next-to-last Tuesday of the month prior to the scheduled regular meeting. Missing the deadline will delay approval by one month.

RYE PLANNING BOARD

LAND DEVELOPMENT REGULATIONS

ARTICLE I

INTRODUCTION

SECTION 100 TITLE

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

SECTION 101 SCOPE AND APPLICABILITY

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 S 103 (developments in Rye Beach Precinct) and S 201.2 C (exempt site developments).

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. (Rev. 10/91)

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.

SECTION 102 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.

SECTION 103 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 NH Session Laws of 1937.

SECTION 104 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.

SECTION 105 DEFINITIONS

See Appendix A.

ARTICLE II

TYPES OF LAND DEVELOPMENTS

SECTION 200 GENERAL

Land Developments governed by these regulations are either subdivisions or site developments. Sometimes a land development may be both a subdivision and a site development.

200.1 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, 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.

200.2 Definition of Site Development.

A site development is any building or construction activity that develops changes or expands a non-residential or multi-family residential use of land. Site development includes 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.

SECTION 201 CATEGORIES OF LAND DEVELOPMENTS

For the purpose of efficiency in regulating land developments, the Rye Planning Board has established six (6) categories of land development: lot line adjustment subdivisions; minor subdivisions; major subdivisions; minor site developments; major site developments; and condominium conversions. The procedural requirements set forth herein vary for each category of land development.

201.1 Subdivisions.

- A. Major Subdivisions are subdivisions of land which contain more than three (3) lots or which require construction of a new street or extension of an existing street.
- B. Minor subdivisions are subdivisions of land which contain not more than three (3) buildable lots and which do not require any street construction.
- C. Lot line adjustments are subdivisions which involve only adjustment of boundaries among existing lots and which do not create any new buildable lots.

201.2 Site Developments.

- A. Major site developments are all site developments which involve any one of the following circumstances:
1. The initial development of a site.
 2. Expansion of the building ground coverage on a site by more than fifteen percent (15%).
 3. Expansion of the aggregate parking, driveway and loading and unloading areas of a site by more than fifteen percent (15%).
 4. Expansion of the bulk of the buildings on the site by more than fifteen percent (15%).
 5. Construction or expansion of a non-building accessory structure (other than a structure covered by S 3 above) which involves the disturbance of more than 400 square feet of land area.
 6. Construction of a structure more than twelve feet in height above grade, other than utility poles.
- B. Minor site developments are all site developments which are not major site developments as described by S 201.2 A. Minor site developments which involve only additions to buildings or additions to parking, loading/unloading and driveway areas that are less than 100 square feet in area are exempt from these regulations.
- C. Exempt site developments are those site developments which involve only minimal changes to the site and environment. Review is not required for:
1. A building addition having ground coverage of 100 square feet or less.
 2. Expansion of any parking areas, driveways or loading/unloading areas by 400 square feet or less.
 3. The surfacing of existing unsurfaced parking areas, driveways or loading/unloading areas of 400 square feet or less.
 4. Changes in use (including use intensification) which do not expand a building or involve construction on the site, provided that:
 - a. No additional off-street parking is required; and
 - b. Sanitary waste loading of the site does not increase beyond that which the site can absorb; and

- c. No adverse impacts beyond site boundaries will occur, including but not limited to:
 - Increased traffic hazards
 - Groundwater and drainage
 - Sanitary & solid waste disposal
 - Lighting
 - Noise Pollution
 - Air pollution

NOTE: See Sec. 405.4 for the procedure required to achieve exempt status.

201.3 Condominium Conversions.

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.

ARTICLE III

APPLICATION PROCEDURES

SECTION 300 GENERAL

There are three levels of application review by the Rye Planning Board:

1. Conceptual Consultations
2. Preliminary Applications
3. Final Applications

As set forth in S 301, 302 conceptual consultations and preliminary application are optional for the applicant. However, any person proposing to subdivide land or to develop or change or expand the use of non-residential or multi-family residential sites must apply to the Rye Planning Board for final application approval, unless exempted under S 201.2 C. A copy of the Application form is provided in Appendix D.

SECTION 301 CONCEPTUAL CONSULTATIONS

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

301.1 Purpose.

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.

301.2 Requests for Consultation.

Requests for conceptual consultation 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 twenty-one (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.) 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.

301.3 Required Plans and Information.

Applications for a conceptual consultation shall be accompanied by the plans and information required by S 402.

301.4 Required Fees.

There is a One hundred dollar (\$100.00) application fee for a Conceptual Consultation.

301.5 Hearings and Notice Requirements.

None.

SECTION 302 PRELIMINARY REVIEW OF APPLICATIONS

Any potential formal applicant may request a preliminary review of a proposed major subdivision, major site development or condominium conversion. Preliminary 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.

302.1 Purpose.

Preliminary reviews are for the purpose of providing preliminary guidance to the applicants on matters that go beyond the "conceptual" level of preliminary consultation. Preliminary reviews are intended to address specific situations where resolutions of matters of a "threshold" nature will affect the future design of a proposal or, possibly, its viability.

Guidance provided at preliminary reviews shall be advisory only. The preliminary review process is not a substitute for formal, final application; and, any applicant who receives a discouraging preliminary review may still proceed with final application for approval.

302.2 Application for Preliminary Review.

Applications for preliminary review 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 twenty-one (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.)

302.3 Required Plans and Information.

Applications for preliminary review shall be accompanied by the plans and information required by S 403.

302.4 Required Fees.

An application for preliminary review requires payment of fees in accordance with the fee schedule attached to these regulations as Appendix C. As authorized by RSA 673:16 (II), all fees shall be placed in a separate, non-lapsing account and not commingled with other municipal funds.

302.5 Hearings and Notice Requirements.

Preliminary reviews shall include a public hearing with notification to abutters, in accordance with notice procedures set forth in Article V.

SECTION 303 FINAL APPLICATIONS

All persons who subdivide land or develop or change or expand the use of non-residential or multi-family residential sites must make final application to the Rye Planning board for approval.

303.1 Applications for Approval.

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 twenty-one (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.

303.2 Required Plans and Information.

Applications for formal approval shall be accompanied by the plans and information required by S 404 for subdivisions or by S 405 for site developments.

303.3 Required Fees.

An application for formal approval requires payment of fees in accordance with the fee schedule attached to these regulations as Appendix C. 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, non-lapsing account and not commingled with other municipal funds.

303.4 Formal Consideration By Planning Board.

Within thirty (30) days after filing of the completed application in accordance with S 303.1, 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: (1) as provided in S 303.6 (lot line adjustments); or, (2) 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. (Added, January 11, 2011 and Amended October 14, 2014)

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. (Added, January 11, 2011)

- 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 centerline and lot corners shall be flagged with lot numbers and centerline stations identified.
- C. Ninety (90) Day Review Period: The Planning Board shall act to approve or disapprove the applications within ninety (90) days of the public hearing. Upon failure of the Planning Board to approve or disapprove the application, the applicant may obtain from the Selectmen an order directing the Planning Board to act within thirty (30) days. If the planning board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the selectmen shall certify on the applicant's application that the plat is approved pursuant to this paragraph, unless within those 40 days the selectmen have identified in writing some specific subdivision regulation or zoning or other ordinance provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15. Failure of the selectmen to issue an order to the planning board, or to certify approval of the plat upon the planning board's failure to comply with the order, shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order of approval pursuant to NH RSA 676:4 I.(c)(2). (Rev. 10/91).
- D. Extension of Ninety (90) Day Review Period: The Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove an application.
- E. Waiver of Ninety (90) Day Review Period: The applicant may waive the requirement for Planning Board action within the time periods specified in S 303.4 C, 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 seventy-two (72) 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).
- 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.
- 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.

303.5 Compliance with Growth Management Ordinance Limitation on Subdivision Lots.

In accordance with Article IX, Growth Management, of the Rye Zoning Ordinance, which was enacted the town of Rye on March 10, 1987:

- A. No more than six (6) lots per subdivision per calendar year shall be approved on final subdivision plans.
- B. No lot shall be approved on a final subdivision plan if the annual limitation on newly subdivided lots would be exceeded.
- C. Additional lots may be approved upon request if by November 1 the annual limitation has not been reached.

303.6 Hearing Exception for Lot Line Adjustments.

Applications for subdivisions involving only lot line adjustments, as described in S 201.1 C, 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.

303.7 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 eighteen (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 but the Planning Board is under no obligation to grant an extension. No extension shall be granted if the proposal does not comply with a zoning amendment or an amendment of these regulations which was enacted since conditional approval was granted. (Rev. 10/91).

303.8 Vesting of Approved Applications.

In accordance with RSA 674:39, every plat or site plan approved by the Planning Board and properly recorded in the Registry of Deeds shall be exempt from all subsequent changes in these regulations or the Rye Zoning Ordinance, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of recording, provided:

- I. Active and substantial development or building has begun on the site by the owner or his successors in interest in accordance with the approved plat within twelve (12) months after the date of approval, or in accordance with the terms of said approval, and, if a bond or other security is posted with the town at the time of commencement of such development; and
- II. Development remains in full compliance with the public health regulations and ordinances specified in this section; and
- III. At the time of approval and recording, the plat or site plan conforms to these regulations and the zoning ordinances then in effect.

Once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval or unless otherwise stipulated by the Planning Board, the rights of the owner or his successor in interest shall vest and no subsequent changes in these regulations or the zoning ordinance shall operate to affect such improvements.

Section 303.9 Developments of Regional Impact (DRI's).

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. 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 County Regional 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 IV

REQUIRED SUBMITTALS

SECTION 400 GENERAL

All applications shall be accompanied by the plans and information required herein. Applications that are not complete because of missing required information will be rejected by the Board, its representative or its agent. The information required varies according to both the type of review process selected by the applicant and the type of application. This article is subdivided as follows:

SECTION 401 ENGINEERING STANDARDS

SECTION 402 CONCEPTUAL CONSULTATIONS

SECTION 403 PRELIMINARY APPLICATIONS

- Major Subdivisions
- Major Site Developments and Condominium Conversions

SECTION 404 FINAL SUBDIVISION APPLICATIONS

- Lot Line Adjustment Subdivision
- Minor Subdivision
- Major Subdivision

SECTION 405 FINAL SITE DEVELOPMENTS

- Minor Site Developments
- Major Site Developments and Condominium Conversions

SECTION 401 ENGINEERING STANDARDS

401.1 Drafting Standards.

All plan sheets required herein, except sketch plans submitted with conceptual consultations, shall comply with the following standards:

- A. Each sheet in a set of plans shall be identified by a number, i.e., Sheet 1 of 5.
- B. A sheet size of 22 inches by 34 inches, or smaller.
- C. A scale not less than 1 inch equals 100 feet for subdivision plans and not less than 1 inch equals 20 feet for site development plans.

- D. The name of the proposal and the name and address of the owner of record and applicant(s) (if different).
- E. Name and address of the engineer, surveyor or architect and the N.H. license number and seal.
- F. A locus map.
- G. Tax map references (sheet and parcel).
- H. Location of all abutters, keyed to required abutters lists.
- I. Acreage quantities for all lots, to the nearest hundredth of an acre, and square footage on all lots less than two acres in size. The buildable area (i.e. area of non-wetland soils) shall also be delineated and quantified in the same manner.
- J. Date and north arrow.
- K. Match lines, as necessary.
- L. 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.
- M. Adequate space, on each sheet, for the approval signature of the Planning Board, the date of approval and the Planning Board file number.
- N. For multiple sheet submittals, there shall be included a list (or index) of all of the plans which are submitted.
- O. In complying with the information requirements of Sec. 403, 404, the applicant shall use separate plan sheets if necessary to preserve clarity of presentation.

401.2 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.

SECTION 402 CONCEPTUAL CONSULTATION

402.1 All Applications.

A completed application form indicating correct names and mailing addresses of owner(s) of record, applicant(s) (if different) and location of the proposal.

402.2 Subdivisions.

Three (3) copies of a sketch plan of the subdivision 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.

402.3 Site Development Plans and Condominium Conversions.

- A. Three (3) 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.
- B. Three (3) copies of a brief written "Summary of Proposed Use" describing the type and intensity of use proposed for the site.

SECTION 403 PRELIMINARY APPLICATIONS

403.1 Preliminary Applications for Major Subdivisions.

An applicant for preliminary review of a major subdivision shall submit six (6) copies of 22" x 34" and one copy 11" x 17" and PDF, if available.

- A. Application Form: A completed application form including the correct names and mailing addresses of the owner(s) of record, applicant(s) (if different) and the location of the proposal.
- B. Abutter's 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 (5) days before the date of filing. (Rev. 10/91).
- C. Inspection Permission: Written permission for the members of the Planning Board or their agents to inspect the site, as necessary.
- D. Preliminary Subdivision Plan: An engineered preliminary plan of the subdivision

meeting the engineering standards of Section 401 and showing all proposed streets and lots and other improvements, including 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, storm water pipes, drains and culverts. Cross-sectional drawings shall be provided at fifty (50) foot intervals for all new streets and shall show the existing terrain based on data obtained from cross-sectional field surveys.

E. Preliminary Topographic and Soils Plan: A topographical plan of the entire parcel being subdivided showing contours at two (2) foot vertical intervals referenced to National Geodetic Vertical Datum of 1929 (NGVD). The topographic plan shall also show:

1. The high and low points of each proposed lot.
2. Natural drainage vectors for each lot.
3. The soil types existent on the site as per High Intensity Soil Mapping standards, as set forth in the Society of Soil Scientists of Northern New England publication High Intensity Soils Maps for New Hampshire, Standards and Origins, January, 1987. See Appendix B.
4. 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, and an outline of the proposed leach field area.
5. For minor subdivisions only, the Planning Board may waive the requirement for the plan, as follows:
 - a. On proposed lots larger than three (3) 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.
 - b. 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.

F. Preliminary Surface Water Drainage Management Plan (SWDMP): The SWDMP shall be a separate plan from other required plans. It shall include at least three (3) plan sheets and a hydrological analysis, as follows:

1. An areawide plan at a scale of 1 inch equals 200 feet (tax map scale) which depicts the areawide drainage system into which the site drains. Said areawide plan shall show the flow from the site to the point at which the areawide drainage system outflows into one of the six watercourses shown on Plate 3 of the Rye Master Plan of June 1985.

2. A plan of the existing topography of the parcel, showing HIS data plus:
 - a. The high and the low point of the parcel.
 - b. Existing streams and watercourses, including seasonal watercourses and watercourses reasonably close to the parcel being developed.
 - c. Existing surface drainage vectors and existing flows onto abutting properties; into present watercourses; and into present storm drain systems. Such estimates shall be for both the 10 year/24 hour storm and for the 50 year/24 hour storm and shall be calculated in accordance with standard hydrological techniques for small watersheds such as those of the Soil Conservation Service's handbook: "Urban Hydrology for Small Watersheds, Technical Release No. 55," as amended.
3. A plan of the proposed surface water management system, showing all of the information required by G. 2, above, plus:
 - a. Finished grading of the site (for site developments only or otherwise as required by the Board).
 - b. Leachfield areas.
 - c. All proposed drainage facilities, including details of location, size and material.
 - d. Drainage vectors showing the directions of flow off each proposed lot, after development, and the flows onto abutting properties, after development.
 - e. 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 10/24 and 50/24 storms as per S 403.1 F. 2c., above.
4. A written hydrological analysis documenting that the SWDMP complies with all the substantive requirements of S 604.

403.2 Preliminary Application for Major Site Developments and Condominium Conversions.

An applicant for preliminary review of a major site development shall submit six (6) copies of 22" x 34" and one copy 11" x 17" and PDF, if available.

A. Application Form: A completed application form including the correct names and mailing addresses of the owner(s) of record, applicant(s) (if different) and the location of the proposal.

- B. Abutter's 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 (5) days before the date of filing. (Rev. 10/91).
- C. Inspection Permission: Written permission for the members of the Planning Board or their agents to inspect the site, as necessary.
- D. Preliminary Site Plan: The preliminary site plan shall;
 - 1. Include a locus diagram indicating the general location of the site within the Town.
 - 2. Cover the entire parcel being developed.
 - 3. Show all existing or proposed structures and all proposed additions thereto.
 - a. Parking areas, driveways and loading and unloading areas are considered structures under Rye's ordinances and must therefore, be depicted.
 - b. Setback dimensions must be shown for all structures, including parking areas.
 - c. First floor slab elevations must be shown for all existing or proposed buildings.
 - 4. Show the type and location of all existing or proposed utilities, drainage facilities and on-site waste disposal facilities.
 - 5. Indicate the locations of all structures on abutting properties and the distances to each one from the property line of the site.
 - 6. Show parking layouts with individual spaces delineated.
 - 7. Show location and types of all exterior lighting.
 - 8. Show existing and proposed landscaping, buffers or plantings.
 - 9. Show location of all solid waste collection facilities.
 - 10. Show all existing and proposed sidewalks, curbs and gutters.
- E. Preliminary Topographic and Soils Plan: The preliminary plan shall show all information required by S 403.1 E.

- F. Preliminary Surface Water Drainage Management Plan: The plan shall show all information required by S 403.1 F.
- G. Building Elevation: Elevation drawings from all applicable directions of all new buildings or additions to buildings.
- H. Water Line and Sanitary Sewer Extension Plans: Plans for any water line and sanitary sewer extensions required by S 701.2.
- I. Condominium Documents: For condominium conversions only, the condominium instruments required for recordation by RSA 356-B:7. (i.e., declaration, by-laws, site plans and floor plans).
- J. 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.
- K. 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 submittals of some of the information required herein constitutes an unnecessary hardship and that such submittals are not needed for the Board to reach the decisions required by Article VI, the applicant may request a waiver of the applicable submittal requirement.

SECTION 404 FINAL SUBDIVISION APPLICATIONS

404.1 General.

The requirements of this section are set forth in a cumulative manner. For example, an applicant for formal approval of a major subdivision must meet the requirements of S 404.5 for major subdivisions and all of the prior stated requirements of S 404.2 through 404.4.

404.2 All Subdivisions.

- A. Application Forms: Six (6) copies of 22" x 34" and one copy 11" x 17" and PDF, if available of a completed application form including the correct names and mailing addresses of the owner(s) of record, applicant(s) (if different) and the location of the subdivision.
- B. Abutters List: Four (4) copies of 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 (5) days before the date of filing. (Rev. 10/91).

- C. Inspection Permission: Written permission for the members or agents of the Planning Board to inspect the site, as necessary.
- D. Final Subdivision Plat: An original Mylar and six (6) prints of the final subdivision plat shall be submitted (copies of 22" x 34" and one copy 11" x 17" and PDF, if available). The plat must comply with all of the engineering standards of S 401. 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, 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 1 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 S 700.5.
 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.
 9. 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. This requirement applies to new homes on Lots No. _____."
- E. Permit List: Four (4) 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:

- Zoning Special Exception
- Zoning Variance
- Water District Permit
- Sewer Permit
- NH Wetlands Permit
- US Army Corps of Engineers
- NH DOT Access Permit
- Town Driveway Permit
- NHDES Construction Approval (On-Site Disposal)
- NHDES Significant Alteration of Terrain Permit
- NHDES Underground Storage Tank Permit

404.3 Lot Line Adjustment Subdivisions.

All of the submittals of S 404.2, above, are required for lot line adjustment subdivisions.

404.4 Minor Subdivisions.

In addition to the submittals required in S 404.2, above, six (6) copies of the following shall be submitted with applications for minor subdivisions:

- A. Topographical Plan: A final Topographic and Soils Plan which shall include all information required by S 403.1 E.
- B. Water and Sewer Extensions: Plans for any water line and sanitary sewer extensions required by S 700.10.

404.5 Major Subdivisions.

In addition to the submittals required by previous S 404.2 through 404.4, an applicant for major subdivision approval must submit: six (6) copies 22" x 34" and one copy 11" x 17" and PDF, if available of all of the following:

- A. Final Street and Utilities Plans: The final street and utilities plan 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 (50) foot intervals; and the profile with elevations at fifty (50) foot intervals. The location, sizes and materials of all water and sewer pipes; electric and telephone lines; and storm water pipes, drains and culverts shall be shown on all plans, including profile and cross-section drawings.
- B. Final Surface Water Drainage Management Plan (SWDMP): The final SWDMP shall include all information required by S 403.1 F.
- C. Erosion and Sediment Control Plan (ESCP): The ESCP shall contain proper provisions

to adequately control erosion and sedimentation in accordance with the standards of S 605. The ESCP submittal shall include:

1. 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 storm water management facilities.
 2. Narrative information describing the schedule for grading and construction activities and the design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- D. 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 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:
1. Soils and natural contours.
 2. Vegetation.
 3. Wetlands.
 4. Surface water quality.
 5. Groundwater quality, including impact on nearby wells.
 6. Spatial relationships with abutting developments or potential development.
 7. Rural character, including the visual impact of the proposal as seen from surrounding properties and arterial streets.
 8. Traffic volumes.
 9. Community facilities, including schools.
- E. Engineer's Estimate: A detailed estimate prepared by a registered professional engineer of the estimated construction cost of each improvement required by Article VII.
- F. Easements, Deeds, and Covenants: Drafts of any easements or deeds proposed for conveyance to the Town and of any covenants to be incorporated in lots to be sold.
- G. Approved Preliminary Plan: A copy of the approved preliminary subdivision plan, if applicable.

SECTION 405 FINAL SITE DEVELOPMENT APPLICATIONS

405.1 General.

The requirements of this section are set forth in a cumulative manner. For example, an applicant for minor site development approval must meet all of the requirements of Sec. 405.2, and an applicant for major site development review must meet all requirements of Sec. 405.2 and 405.3.

405.2 Minor Site Developments.

- A. Application Forms: Six (6) copies (22" x 34" and one copy 11" x 17" and PDF, if available) of a completed application form including the correct names and mailing addresses of the owner(s) of record, applicant(s) (if different) and the location of the subdivision.
- B. Abutter's List: Six (6) copies of 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 (5) days before the date of filing. (Rev. 10/91).
- C. Inspection Permission: Written permission for the members or agents of the Planning Board to inspect the site, as necessary.
- D. Final Site Plan: An original Mylar and six (6) prints of the final site plan shall be submitted (copies of 22" x 34" and one copy 11" x 17" and PDF, if available). The site plan shall include all information required by S 403.2 D.
- E. 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 the determinations required by Article VI.
- F. Permit List: Six (6) 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:
 - Zoning Special Exception
 - Zoning Variance
 - Water District Permit
 - Sewer Permit
 - NH Wetlands Permit
 - US Army Corps of Engineers
 - NH DOT Access Permit
 - Town Driveway Permit
 - NHDES Construction Approval (On-Site Disposal)

- NHDES Significant Alteration of Terrain Permit
- NHDES Underground Storage Tank Permit

405.3 Major Site Developments and Condominium Conversions.

In addition to the submittals required by S 405.2, above, six (6) copies (22" x 34" and one copy 11" x 17" and PDF, if available) of the following shall be submitted with applications for major site developments and condominium conversions:

- A. Final Topographic and Soils Plans: The plan shall show all information required by S 403.1 E.
- B. Final Surface Water Drainage Management Plan: The plan shall show all information required by S 403.1 F.
- C. Erosion and Sediment Control Plan: The application shall include all the requirements of S 404.5 C.
- D. Building Elevation: Final elevation drawings from all applicable directions of all new buildings or additions to buildings, including surface treatment.
- E. 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.
- F. Condominium Documents: For condominium conversions only, the condominium instruments required for recordation by RSA 356-B:7. (i.e., declaration, by laws, site plans and floor plans).
- G. 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 submittals of some of the information required herein constitutes an unnecessary hardship and that such submittals are not needed for the Board to reach the decisions required by Article VI, he may request a waiver of the applicable submittal requirement.

405.4 Exemption from Formal Review.

- A. Exempt procedure: In order to achieve exempt status, the owner of the property must apply in writing to the Planning Board for exempt status, submitting detailed use plans and reasons for requested exemption with special emphasis on each item of Sec. 201.2 C.

- B. The Planning Board (or its representative) will then answer within thirty (30) days, in writing, advising of necessity (or not) for formal review.

SECTION 406 LEGAL SIGNIFICANCE OF INFORMATION SUBMITTALS
(Rev. 10/91)

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 VIII of these regulations.

ARTICLE V

PUBLIC HEARINGS

SECTION 500 GENERAL

All public hearings required by these regulations shall comply with the provisions stated herein except lot line adjustment subdivisions, which require no hearing.

SECTION 501 NOTIFICATION

501.1 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 ten (10) days prior to the hearing.

501.2 Public Notice.

Notice to the general public of the hearing shall be given at least ten (10) days prior to hearing by posting in at least two public places or by publication in a newspaper of general circulation in Rye.

501.3 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.

SECTION 502 TESTIMONY AT HEARINGS

502.1 Persons with Direct Interest.

At the hearing, any applicant, abutter or any person with a direct interest in the matter may testify in person or in writing, or both.

502.2 Other Persons.

Other persons may testify at the discretion of the Board.

502.3 Order of Testimony.

Rules governing the conduct of public hearings shall be as set forth in Rules of Procedure (i.e. by-laws), which the Planning Board adopted pursuant to NH RSA 676:1.

SECTION 503 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.

SECTION 504 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.

ARTICLE VI

LAND DEVELOPMENT STANDARDS

SECTION 600 GENERAL

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.

SECTION 601 ZONING AND OTHER REGULATIONS

601.1 Zoning.

Land developments shall comply with the provisions of the Rye Zoning Ordinance. The Rye Planning Board is not legally authorized to waive or vary provisions of the Rye Zoning Ordinance. The Rye Zoning 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 Zoning Board of Adjustment.

601.2 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 NH Wetlands Board wetlands regulations; NH DOT highway access regulations; NH Department of Environmental Services regulations; NH RSA 155-E statutes governing excavations; the Rye Floodplain Development and Building Ordinance; and the Rye Scenic Roads Ordinance. Applicants have the responsibility for familiarizing themselves with federal, state and local laws and regulations that establish obligations related to land development.

SECTION 602 SUBDIVISION DESIGN STANDARDS

602.1 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.

- A. Lot Configuration: Except on cul-de-sacs, rectangularly shaped lots having side lot lines perpendicular to straight streets or radial to curved streets are preferred for buildable lots less than three (3) acres in size.

1. Lot lines intersecting the street shall not vary more than 30 degrees from the perpendicular or radial. Intersecting property lines at street intersections shall be joined by a curve of at least twenty (20) foot radius.
 2. Lot shapes shall not be grossly irregular.
 3. Lot lines shall not be gerrymandered to obtain required frontage, yard space or lot area.
 4. All front setback measurements shall begin at the right-of-way line of the street.
- B. 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.
1. In order to achieve an orderly relationship among developed lots the Planning Board may prohibit erection of structures on certain portions of lots.
 2. Reserve strips of land which, in the opinion of the Planning Board, show an intent on the part of the subdivider to control access to land dedicated to or to be dedicated to public use shall not be permitted.

602.2 Streets.

A. Arrangement of Streets.

1. Master Plan: The arrangement of new streets shall conform to the Rye Master Plan and the Official Map.
2. Through Traffic: Street arrangements shall discourage through traffic. Where through traffic must be accommodated, sidewalks and other safety provisions may be required.
3. 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.
4. Curvilinear Designs: Curvilinear designs of streets are preferred. Straight sections of street exceeding 400 feet in length are discouraged.
5. Intersections: Street intersections shall align with each other, and all intersections, including offset "T" intersections, shall be separated by at least 300 feet.

6. Lots on Major Roads: The creation of new lots having driveway access onto state highways and local arterial-level roads (as designated on Plate P-2 of the Rye Master Plan) shall be avoided if alternate access to such lots is possible. On corner lots, driveways shall be on the lesser traveled street.
7. 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 600 feet in length and shall terminate in a cul-de-sac, teardrop or loop.
 - a. Measurement: The 600 feet shall be measured to the beginning teardrop or loop.
 - b. Teardrops and Loops. The layout of a 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 teardrop shall be a minimum of 40 ft., pavement width shall be a minimum of 24 ft. "T" turns are not permitted. Dead end streets terminating in loops or teardrops shall not serve more than a total of ten (10) residential lots (i.e. inclusive of both the loop and the non-loop parts of the street).
 - c. More than ten (10) lots: any subdivision consisting of more than ten (10) lots shall have separate ingress and egress points on a public way which shall be separated by at least three hundred (300) feet.

B. Design of Individual Streets.

1. Cross Section.
 - a. 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.
 - b. Pavement, shoulders, ditches and slopes shall be in accordance with Figure 1.
 - c. Symmetry: Streets, shoulders and ditches shall be located symmetrically within the right-of-way, with the street centerline coinciding with the centerline of the right of way.
2. Grades: Street grades shall not exceed five percent (5%) and shall not be less than one percent (1%). Grades shall fall into a range of zero to three percent (0%-3%) within 50 ft. of an intersection. Grades shall be flat within fifty (50) feet of an intersection. The Planning Board may allow grades up to eight percent (8%) provided the steeper grade is necessary to minimize the environmental impact of

street construction and provided the Town Engineer certifies that the steeper grade will not adversely affect maintenance and/or public safety.

3. Horizontal Curvature: Horizontal curves having a curvature of less than a 230 foot radius are discouraged, except on cul-de-sacs, teardrops and loops.
4. Driveways: Driveways shall not be located within 100 feet of a street intersection. The Planning Board may specify driveway locations on a street in order to assure safe entry and exit.
5. Intersections: Horizontal alignments of all new streets shall be straight within 100 feet of an intersection. Curve radii shall be at least twenty-five (25) feet. Street intersections shall not vary from the perpendicular by more than 20 degrees.
6. 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:

Posted Speed (mph)	Minimum Intersection Sight Distance (Feet)	
	To Left	To Right
20	300	300
25	350	350
30	425	450
35	500	575
40	550	650
45	600	950

7. **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:

Posted Speed (mph)	At Grade Minimum Stopping Sight Distance (Feet)
20	125
25	150
30	200
35	240
40	300
45	340
50	440
51	

Speed (mph)	Grade	Adjustment for Grade (Feet)	
		Down Grade	Upgrade
30	3%	+ 10	--
	6%	+ 20	- 10
	9%	+ 30	- 20
40	3%	+ 20	- 10
	6%	+ 40	- 20
	9%	+ 70	- 30
50	3%	+ 30	- 20
	6%	+ 70	- 30
60	3%	+ 50	- 30
	6%	+110	- 50

8. **Traffic Safety:** No street shall be approved which will create (or worsen) an unsafe, hazardous condition for the traveling public.

SECTION 603 SEPTIC SYSTEM STANDARDS

603.1 NHWSPCD Standards.

All land developments having on-site septic systems shall comply with all applicable standards set by the New Hampshire's Water Supply and Pollution Control Division (NHWSPCD) of the NH Department of Environmental Services in NH Admin. Rules Ws Chapter 1000.

- A. **Subdivisions:** As required by S 401.4 B, a subdivision application must be accompanied by a permit evidencing NHWSPCD subdivision approval.

- B. Site Developments: NHWSPCD design approval must be received before final approval of a site development plan by the Planning Board.

603.2 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 set forth in Table 2.

- A. 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.
- B. Wetlands: Wetlands may be used as part of the completed lot size, as follows; however every lot shall have at least 44,000 square feet of non-wetland soil, as required by Section 606.3 B.
 - 1. Areas designated as poorly drained soils may be used to fulfill the minimum lot size required by Table 2 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.
 - 2. Areas designated as very poorly drained, freshwater or saltwater marsh or alluvial soils may not be utilized to fulfill minimum lot size.
 - 3. No subsurface wastewater disposal system shall be constructed within 75 feet of any designated wetland area.
- C. 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 Table 2 may be reduced by 20%. For the purposes of this provision, drainage basins shall be as delineated on Plate 3 of the June 1985 Rye Master Plan. This provision shall not be construed as permitting lots smaller than those required by the Rye Zoning Ordinance.
- D. For lots having two-family dwellings, where the total number of bedrooms in the dwelling does not exceed five (5), the standards of Table 2 shall be increased by 40%.
- E. For lots having single-family dwellings with more than four (4) bedrooms, the standards of Table 2 shall be increased by 15% for each additional bedroom exceeding four (4).

Table 2 (Rev. 12/92)

MINIMUM LOT SIZE BY SOIL CLASSIFICATION (Square Feet)

Note: See Appendix B for a key to the use of Table 2.

Soil Type	Slope			
	B	C	D	E
111—H	35500	42000	51500	68000
112—H	35500	42000	51500	68000
11X—H	68000	76000	86000	100000
121—H	35500	42000	51500	68000
122—H	35500	42000	51500	68000
12X—H	68000	76000	86000	100000
16t—H	35500	42000	51500	68000
16X—H	68000	76000	86000	100000
211—H	35500	42000	51500	68000
212—H	35500	42000	51500	68000
213—H	68000	76000	86000	100000
21X—H	68000	76000	86000	100000
221—H	44500	56000	68000	86000
222—H	44500	56000	68000	86000
223—H	68000	76000	86000	100000
22X—H	68000	76000	86000	100000
231—H	44500	56000	68000	86000
233—H	68000	76000	86000	100000
23X—H	68000	76000	86000	100000
241—H	68000	76000	86000	100000
243—H	68000	76000	86000	100000
24X—H	68000	76000	86000	100000
251—H	68000	76000	86000	100000
253—H	68000	76000	86000	100000
25X—H	68000	76000	86000	100000
261—H	44500	56000	68000	86000
263—H	68000	76000	86000	100000
26X—H	68000	76000	86000	100000
275—H	44500	56000		
311—H	44500	56000	68000	86000
312—H	44500	56000	68000	86000
313—H	68000	76000	-	100000
31X—H	68000	76000	86000	100000
321—H	44500	56000	68000	86000
322—H	44500	56000	68000	86000
323—H	68000	76000	86000	100000
325—H	68000	76000		
32X—H	68000	76000	86000	100000
331—H	44500	56000	68000	86000

Soil Type	Slope			
	B	C	D	E
333—H68000	76000		86000 100000	
33X—H68000	76000		86000 100000	
341—H68000	76000		86000	100000
343—H	68000	76000	86000	100000
34X—H68000	76000		86000 100000	
351—H	68000	76000	86000	100000
353—H	68000	76000	86000	100000
35X—H68000	76000		86000 100000	
361—H	44500	56000	68000	86000
363—H	68000	76000	86000	100000
36X—H68000	76000		86000 100000	
375—H	44500	56000		
411—H	44500	56000	68000	
412—H	44500	56000		
413—H	68000	76000		
41X—H68000	76000			
421—H	68000	76000	86000	
422—H	68000	76000	86000	
423—H	68000	76000	86000	
42X—H68000	76000		86000	
431—H	68000	76000		
433—H	68000	76000		
43X—H68000	76000			
441—H	68000	76000		
443—H	68000	76000		
44X—H68000	76000			
451—H	68000	76000		
453—H	68000	76000		
45X—H68000	76000			
461—H	68000	76000		
463—H	68000	76000		
46X—H68000	76000			
475—H	68000			
511—H	44500	56000	68000	
512—H	44500	56000		
513—H	68000	76000		
51X—H68000	76000			
521—H	68000	76000	86000	
522—H	68000	76000	86000	
523—H	68000	76000	86000	
52X—H68000	76000		86000	
531—H	68000	76000		
533—H	68000	76000		
53X—H68000	76000			
541—H	68000	76000		
543—H	68000	76000		
54X—H	68000	76000		
551—H	68000	76000		

Soil Type	Slope			
	B	C	D	E
553—H	68000	76000		
55X-H	68000	76000		
561—H	68000	76000		
563—H	68000	76000		
56X-H	68000	76000		
575—H	68000	76000		

The soil types listed below have one or more limiting characteristics that make the soil type “NA” or require on—site investigation, no matter what other characteristics of the soil may be present.

Soil Type	Minimum Lot Size
6***H	NA, very poorly drained soil, Type A hydric
*66*H	NA, fill does not meet the standards for fill material (see Key to Soil Types)
76**H	On-site evaluation needed

Notes

1. “NA” means not allowed
2. “*” means any slope or number
3. Soil type symbols are as per High Intensity Soils mapping standards (HIS).

603.3 Additional Requirements.

In addition to meeting the NHWSPCC standards, all on-site waste disposal systems that are part of a land development shall comply with the standards set forth below.

A. Designated Leachfield Area: All topographic plans and/or site plans shall indicate a leachfield area which is the larger of twice the minimum size required by NH Admin Rules Ws 1015.05 or 4000 square feet, in order to provide a reserve area should the initial leach area fail.

1. Prohibited Soils: The designated leachfield area shall not occupy nor be within 75 feet of any of the following soils:
 - a. Soils with a percolation rate greater than sixty (60) minutes per inch.
 - b. Poorly drained or very poorly drained soils.
 - c. Soils where bedrock or impervious substratum are within 24 inches of the surface.

2. Additional Setback Requirements.
 - a. Leachfield 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.
 - b. The Planning Board may require that leachbeds and trenches be setback greater distances from side property lines than required by 2.a. above, when, in the judgment of the Board, the gradient warrants it.
 3. Use of Leachfield Area: The designated leachfield 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.
- B. Test Pits and Percolation Tests: Test pits and percolation tests shall be located within the designated leachfield area; shall be of sufficient number (a minimum of 2) 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 ten (10) feet depth, or refusal.
- C. Distance to SHWT: On-site systems shall not be located on any soils having a seasonal high water table (SHWT) within two (2) feet of the surface. For soils with SHWT two (2) 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 (4) feet above the SHWT, and fill may be added to meet this requirement.
- D. 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 (8) 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 (6) feet. Fill may be added to meet this requirement.
- E. Flood Areas: All on-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.
- F. 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.

SECTION 604 SURFACE WATER MANAGEMENT STANDARDS

604.1 Adjacent Properties.

Surface water resulting from land development shall not cause increased flooding or

unreasonable deposits of storm water runoff or sediment onto adjacent properties or properties further downstream in the drainage basis unless easements for the same are obtained and granted to the Town. The Planning Board has the right to review and approve or disapprove the layout, rights granted or language of any such easements.

604.2 Surface Water Drainage System.

An adequate surface storm water drainage system for the entire subdivision or site development must be provided, including an adequate number of catch basins and/or drop inlets. The system shall be designed and certified by a registered NH Professional Civil Engineer, and shall be reviewed and approved by the Planning Board Engineer.

- A. Storm drainage shall be carried to existing water courses or connect to existing storm drains.
- B. No significant increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines of the parcel being developed unless it is carried to the Town storm drain system or to an existing watercourse.
- C. Increased storm runoff shall not cause flows in downstream bridges, culverts, watercourses or drainage facilities to exceed capacity.
- D. No new drainageways shall be created unless the necessary easements are obtained and granted to 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. Surface water runoff carried into existing watercourses or drainageways, whether or not there are intervening storm drainage systems, shall not unreasonably degrade surface water quality.
- F. Storm sewers and drainage facilities shall be based upon a design flow of a 25-year/24-hour storm. Potential hazard structures, such as holding ponds, sedimentation ponds, etc., shall be designed to 100-year/24-hour storm standards in accordance with the Soil Conservation Service's handbook entitled "Urban Hydrology for Small Watersheds, Technical Release #55," as amended.

SECTION 605 EROSION AND SEDIMENT CONTROL STANDARDS

605.1 General.

All land developments shall include provisions to adequately control erosion and sediment both during and after development. Such provisions shall result in a land development that minimizes erosion and sediment during construction; is stabilized and protected from erosion when completed; and does not cause off-site erosion and/or sedimentation.

605.2 Erosion and Sediment Control Handbook.

All land developments shall adhere to the principles, methods, practices, design standards and specifications set forth in the Soil Conservation Service's "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire," (1981), as amended. Such measures include, but are not limited to:

- A. Diversion dikes to intercept surface runoff at the top of a slope, before erosion can begin.
- B. Vegetative buffer strips to reduce water velocity and to filter sediment.
- C. Seeding and mulching to slow runoff and trap sediment.
- D. Hay bales to effectively trap sediment for short periods of time.
- E. Snow fencing to minimize the area of disturbance and prevent construction equipment from pushing debris onto other areas.
- F. Sod strips to provide instant vegetative cover.
- G. Sediment traps (temporary holding basins) to intercept sediment laden runoff and retain the sediment.

SECTION 606 STANDARDS FOR THE PRESERVATION OF NATURAL FEATURES AND THE ENVIRONMENT

606.1 General.

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, scenic points, brooks, streams, rock outcroppings, water bodies, wetlands, other natural features and historic landmarks.

606.2 Character of Land for Development.

Land judged by the Planning Board to be unsafe for building development because of exceptional danger to health or peril from fire, 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.

606.3 Wetlands.

- A. Where a subdivision plan has already been approved and recorded, but where the land remains essentially in its natural state, such subdivision plans are hereby null and void for that area lying in the Wetland Conservation District and shall be re-subdivided only in accordance with Paragraph B below.

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

606.4 Woodlands and Trees.

- A. Within a proposed street ROW, existing woodlands shall not be disturbed behind a line three feet from the back edge of the ditchline 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.
- B. 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 thirty (30) feet and no further apart than sixty (60) feet. Said trees shall be of a species acceptable to the Planning Board; shall be a minimum of ten (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.
- C. The requirements of RSA 231:158 shall be complied with on all roads designated scenic roads by the Town pursuant to RSA 231:157.

606.5 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.

606.6 Open Areas.

The Planning Board may, where it seems essential, require 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 total size of such areas shall not exceed fifteen percent (15%) of the land development unless the applicant voluntarily proposes more.

606.7 Groundwater Protection.

Land Developments shall not adversely affect the groundwater resources of the Rye Water District; of the water districts of surrounding towns; or of individually owned wells.

SECTION 607 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.

SECTION 608 STREET LIGHTING

Where required for public safety, the Planning Board may require the installation of street lighting in a land development.

SECTION 609 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.

SECTION 610 PREMATURE LAND DEVELOPMENT

610.1 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:

- A. Distance from nearest elementary school.
- B. Capacity of school system and effect on school bus transportation.
- C. Adequacy of access street(s) and/or sidewalk(s).
- D. Adequacy of water supply for domestic and fire fighting purposes.
- E. Potential health problems due to on-site sewage systems and for water supply.
- F. Potential fire protection problems due to location and/or special conditions relative to type of use.
- G. Potential special policing problems.
- H. Potential surface drainage problems both on the site and downstream.
- I. Creation of excessive expenditure of public funds.

610.2 Phasing.

Where necessary to prevent premature development or to achieve the objectives of: (1) the adopted Capital Improvements Program; or, (2) any growth control ordinance enacted by the Town, the Planning Board may require the appropriate phasing of the development of any proposed subdivision.

SECTION 611 SITE PLANNING STANDARDS

611.1 General.

In addition to complying with the standards of S 601 and S 603 through S 609, site developments shall comply with the standards listed herein.

611.2 Natural Features.

The design of site developments shall fit the existing natural and man-made environments with the least possible disturbance.

- A. **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 4 inches of topsoil is to be placed on the disturbed area. The site shall be adequately seeded and/or landscaped.
- B. **Grading and Filling:** Grading and filling shall be minimized.
- C. **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.

611.3 Buffers and Screening.

- A. **Zoning Requirements:** All buffers required by the Rye Zoning Ordinance shall be provided. These buffers are:
 - 1. The buffer adjacent to residential districts required by Sec. 202.10 of the Zoning Ordinance; and
 - 2. The wetlands buffer required by Sec. 301.7 of the Zoning Ordinance.
- B. **Other Circumstances:** Where appropriate in other circumstances, buffer strips at least twenty-five (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 non-residential uses from residential areas during winter months. Where appropriate, existing vegetation shall be incorporated into buffer strips.
- C. **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.

611.4 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.

611.5 Parking, Circulation, Loading and Pedestrian Safety.

A. Parking.

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

2.	Angle of Parking.	<u>90°</u>	<u>75°</u>	<u>60°</u>	<u>45°</u>
	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	26.0	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. (Amended March 2005)

3. Adjacent aisles of parking shall be separated by a landscaped median at least eight (8) feet wide.
4. Parking aisles shall not be longer than twenty (20) car lengths without a turnaround.
5. 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.
6. Parking areas shall be landscaped.
7. An adequate number of the parking spaces closest to buildings shall be provided for the handicapped.
8. Adequate space for snow storage shall be provided.
9. All parking spaces shall be clearly marked.

- B. Circulation: The vehicular circulation system for the site shall be designed to maximize public safety.
1. Conflicts with pedestrians or other users of exterior spaces (such as children playing) shall be minimized.
 2. 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 NH 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.
 3. Frequent truck traffic shall be separated from other traffic.
 4. Intersecting drives within the site development shall have radii of at least fifteen (15) feet, or greater where truck traffic warrants.
 5. Drop-off access for handicapped persons shall be provided.
 6. Driveways shall be of sufficient width to accommodate projected traffic volumes and vehicular types.
 7. Adequate snow storage area shall be provided.
 8. Directional arrows and directional signage shall be provided, as necessary.
- C. Loading Areas: 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.
- D. Sidewalks: Sidewalks at least four (4) feet wide shall be provided where necessary to accommodate pedestrian traffic flow.
- E. Paving: All parking, drives and loading areas shall be paved in accordance with the construction standards of S 704.6 and S 704.7. 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.

611.6 Lighting.

Outdoor lighting shall be used only as necessary for directional signage, advertising, security and safety. Lighting shall not glare on abutting properties or on public streets. Indirect lighting shall be used on signs advertising goods or services offered on the premises. Moving, fluttering,

blinking or flashing lights or signs are prohibited.

611.7 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:

- A. Provide circulation systems that allow for adequate access to a building by fire apparatus.
- B. Adequately provide for safe egress from buildings and the site in case of fire.
- C. Be serviced by adequate water supply and hydrant and/or standpipe facilities for fire fighting, 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.

611.8 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.

611.9 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.

SECTION 612 SPECIAL FLOOD HAZARD AREA REQUIREMENTS

For all land developments having any land designated as “Special Flood Hazard Area” by the National Flood Insurance Program (NFIP):

612.1 Evidence of necessary permits:

The applicant shall submit evidence 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.

612.2 Plans Greater than 50 lots:

Plans for all subdivision proposals and other proposed developments greater than 50 lots or 5 acres, whichever is the lesser, shall include Base Flood Elevation (BFE) data.

612.3 Construction Drawings:

The applicant shall submit sufficient evidence, such as construction drawings, grading and land treatment plans, to allow the Planning Board to determine that:

- A. All proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, and electrical and water systems, are located and constructed to minimize or eliminate flood damage.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.

ARTICLE VII

REQUIRED IMPROVEMENTS, BONDS AND CONSTRUCTION STANDARDS

SECTION 700 REQUIRED SUBDIVISION IMPROVEMENTS

The applicant shall be responsible for constructing:

700.1 Streets.

All streets as shown on the approved Street Plan.

700.2 Utilities.

All utilities, including drainage facilities, lighting, underground cable conduit, sewers and waterlines as shown on the approved Street Plan and/or the approved Utility Plan and/or the approved Surface Water Drainage Management Plan.

700.3 Landscaping.

All landscaping required by the Planning Board on various approved plans.

700.4 Erosion and Sediment Control Measures.

All erosion and sediment control measures, as shown in the approved Erosion and Sediment Control Plan.

700.5 Monuments.

1. At each street intersection, on the intersecting right- of-way lines: Two (2) granite monuments at least 36 inches in length and 4 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 ironpin center monuments of the same size, set to the same depth.
3. At all other points where the boundary lines of lots change direction: Ironpin monuments not less than five-eighth (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.

700.6 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.

700.7 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.

700.8 Street Lighting.

All street lighting required by the Planning Board.

700.9 Street Signs.

All street signs for newly created streets and all traffic safety signs as required by the "Uniform Manual on Traffic Safety Control Devices", or as required by the Planning Board.

700.10 Off-Site Improvements.

A. Waterlines.

1. Major Subdivisions: Where public water supply is available for connection at a point not more than 1000 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.
2. 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.

B. Sanitary Sewers.

Where public sanitary sewers are available for connection via gravity flow within 500 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.

C. 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.

D. 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.

SECTION 701 REQUIRED SITE DEVELOPMENT IMPROVEMENTS

The applicant shall be responsible for constructing:

701.1 Plan Improvements.

All improvements shown on the approved site plan, in accordance with said plan or with any approved utility, landscaping, drainage, parking and circulation or erosion and sediment control plan that is part of the approved site plan package.

701.2 Off-Site Improvements.

A. Water and Sewer Lines: For major site developments involving the initial development of a site and for condominium conversions involving five (5) or more units, the applicant shall connect the site development to public water and sewer on sites where any boundary is:

- Within 500 feet of a public water supply, as measured along the road frontage serving the subdivision.
- Within 500 feet of a public sewer and capable of being connected via gravity flow, as measured along the road frontage serving the subdivision.

B. 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.

SECTION 702 IMPACT FEES (Reserved)

SECTION 703 BONDING REQUIREMENT

Before approval of a land development by the Planning Board, the applicant must submit payment and performance bonds covering the costs of all required on-site and off-site improvements, including erosion and sediment control measures during construction. Said bonds must be reviewed and approved as to form and sureties by the Town Counsel, and plans will not be approved until such bond approval is received. The scope and amounts of said bond must be acceptable to the Planning Board.

703.1 Letter of Credit and Other Forms of Guarantee.

In lieu of a performance bond, the Planning Board may accept a self-calling irrevocable bank letter of credit properly endorsed to the Town and retained by the Town. Said letter of credit shall be reviewed and approved by Town Counsel and shall provide the same guarantees set forth herein for bonds. Other forms of surety may be accepted by the Planning Board, at their discretion, provided Town Counsel determines that they are enforceable. (See example in Appendix D.)

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. Revised 10/91

703.2 Two Year Periods.

Said bonds or other sureties shall be conditioned upon the completion of all required improvements within two (2) years.

703.3 Maintenance During Development.

Said bonds or other sureties shall guarantee that the applicant maintains all streets, water and sewer facilities in the land development until such facilities are accepted by the Town or Water District.

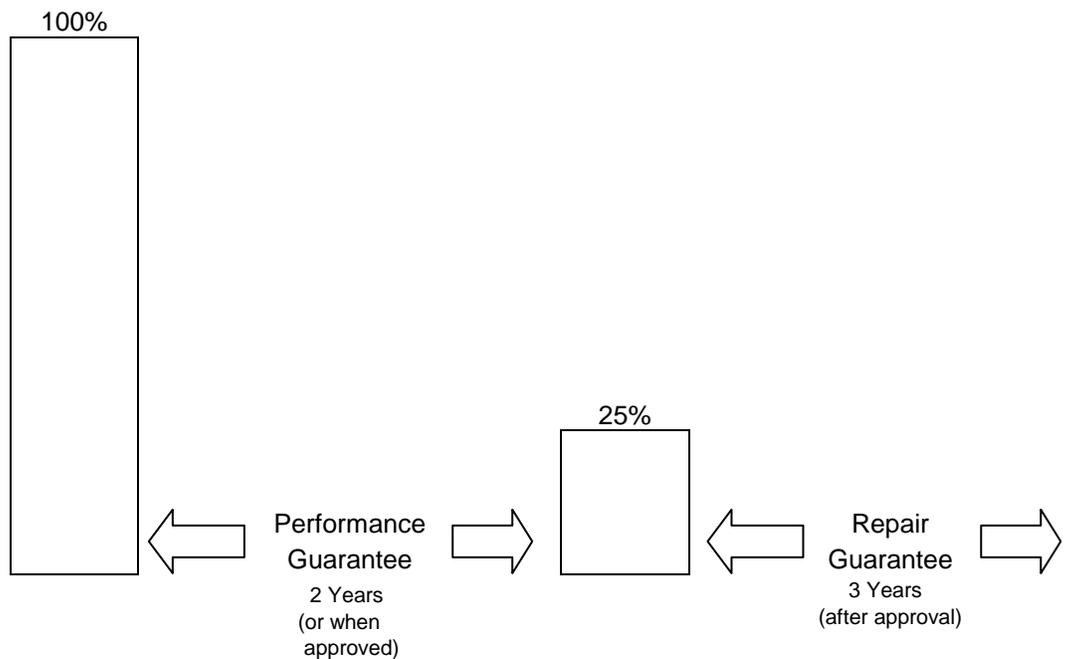
703.4 Release of Surety.

A. Performance Bonds 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:

1. Be acceptable to the Planning Board.
2. Be in an amount equal to twenty-five percent (25%) of the original guarantee.

3. Be acceptable as to form and surety to Town Council.
 4. Guarantee the maintenance of all street, utility and drainage improvements until accepted by the Town or Water District, including snow plowing.
 5. Guarantee the repair of any street, utility or drainage improvement necessary within a period of three (3) years following the release of the performance surety.
- B. Payment Bonds or equivalent sureties shall be released after (or concurrently with) the release of the performance bond if the applicant has submitted sworn affidavits, as follows:
1. From the applicant stating that there are no outstanding payment obligations related to the land development and that no liens or security interests exist that would affect the Town, the Water District or residents of the development.
 2. From all vendors, suppliers, subcontractors and creditors stating that they have been paid for all labor, material or services related to the land development.
 3. Said affidavits must be reviewed and approved by Town Council.

**SKETCH OF
DEVELOPER'S GUARANTEE PERIODS**



Explanation: **Performance Guarantee** is for two (2) years or until approval of construction by Planning Board Engineer. **Repair Guarantee** lasts three (3) years after approval of construction by Planning Board Engineer.

SECTION 704 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.

SECTION 705 STREET CONSTRUCTION STANDARDS

Streets shall comply with the standards of S 602.2.

705.1 Commencement of Construction.

- A. 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.
- B. A pre-construction meeting shall be held with the developer, design engineer, contractor, 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.

705.2 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.

705.3 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 2 feet below the subgrade and replaced with sand or gravel.

705.4 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 Engineers for acceptance.

705.5 Drainage.

Surface water shall be disposed of by means of concrete culverts and concrete pipes designed in accordance with S 605 and the Surface Water Drainage Management Plan. Construction to be in accordance with NH Department of Public Works and Highway Standard 1983 Specifications, as amended (hereinafter called "NH Spec"), S 603 and S 604.

705.6 Utilities.

All water mains, sewers, and utilities and utility conduits going underground shall be installed in the grass strip 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 Section 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.

705.7 Base.

All streets shall be constructed with a minimum of eighteen (18) inches of gravel per NH Spec S 304 to the full cross sectional width. Material shall not be placed in lifts greater than six (6) inches.

705.8 Asphalt Surface.

All streets shall have a minimum of three (3) inches of Hot Bituminous Pavement as per NH Spec S 403. The pavement shall consist of a two (2) inch thick binder course and a one (1) inch thick surface course.

705.8-a 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.

- A. If all other improvements are complete, the Planning Board may release surety in accordance with Section 703.4, 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 by the developer.
- B. When such an escrow has been established, the Town shall be responsible for the surface paving, and the developer shall be relieved from all responsibility for the surface paving except as provided below.
- C. 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 Section 703.4.
- D. Under no circumstances will surface paving by the Town be commenced until such time as the Rye Town Meeting has accepted ownership of the street.

705.9 Bridges.

On stream crossings of 10 feet or more, the structure shall be designed to H15-S20 loading (AASHTO Specifications). 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 50 yr./24 hour storm.

705.10 Sidewalks.

When required, sidewalks shall be separated from the street edge by a grass strip of at least six (6) foot width. Sidewalks shall be at least two inch thick hot bituminous pavement (NH Spec S 403) and shall be constructed on a six (6) inch thick gravel base course (NH Spec S 304).

705.11 Curbs.

When required, curbs shall be granite and shall be constructed on the base course. Dimensions shall provide a curb height of six (6) inches from finish grade at curb.

705.12 Erosion Control.

All erosion control measures shall be shown on the Erosion and Sediment Control Plan.

705.13 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.

SECTION 706 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 NH Board of Underwriters, but in no case shall waterlines less than six (6) inches in diameter be installed.

SECTION 707 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 NHWSPCD, currently codified at NH Admin Rules Ws Chapter 700. The Planning Board Engineer shall review and approve all plans and specifications for the construction of new sanitary sewers.

SECTION 708 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, utilities, or other 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.

708.1 Street Inspections

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 7 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 48 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. Backfilling of underground utilities
- D. Embankment construction
- E. Testing of sewers
- F. Testing of water mains
- G. Roadway subbase and base gravel placement
- H. Final base gravel grading
- I. Paving
 - 1. Binder
 - 2. Surface
- J. Loaming & seeding, shoulder construction, or other final surface preparation
- K. Final completion

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.

708.2 Submittals

- A. Construction Documents

The Planning Board Engineer will be supplied with two sets of construction documents.

B. 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:

1. Storm drain pipes
2. Sanitary sewer pipes
3. Manholes
4. Catch Basins
5. Geotextile fabric
6. Conduit
7. Water main and associated items
8. Retaining walls

C. Materials Testing

The Contractor shall supply the Planning Board Engineer with test results for materials testing performed as listed below.

1. 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.
2. 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.
3. In place compaction tests: Roadway subbase and base material shall have sufficient in place compaction to verify 95% compaction based on the modified density test for the respective material
4. The contractor shall coordinate water line testing with the Rye Water District. Copies of the test results shall be supplied by the contractor to the Planning Board Engineer.
5. The contractor shall supply the Planning Board Engineer results from leak tests performed on the sanitary sewer lines and sanitary sewer manholes.

6. 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.

708.3 Drainage and Utility Construction

A. Conformance with Design Intent

1. Construction of infrastructure improvements including catch basins, drainage manholes, sewer manholes, storm drain pipes, sewer pipes, culverts, detention and retention basins, 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.
2. 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.
3. 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.

708.4 Hot Bituminous Pavement Placement

A. Weather Limitations

1. Bituminous mixtures shall be placed only when the underlying surface is dry, frost free and the surface temperature is above 10 degrees Celsius (50 degrees Fahrenheit) and rising.
2. Surface course shall not be scheduled for placement after October 1 of any year.
3. Binder course shall not be scheduled for placement after November 1 of any year.

708.5 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

ADMINISTRATION, ENFORCEMENT AND PENALTIES

SECTION 800 ADMINISTRATION

800.1 General.

These regulations shall be administered by the Planning Board and by all Town Officials, as necessary.

800.2 Building Inspector.

The Building Inspector shall not issue a building permit for any new buildings or structures; additions, modifications, 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 has been completed and approved by the Planning Board Engineer.

800.3 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 all new streets, drainage and other required improvements.

800.4 Surety Release Certification.

Prior to the release of a surety pursuant to S 703.4 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.

SECTION 801 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).

*Effective January 1, 1989, NH RSA 676:15 permits municipalities to seek such injunctive relief through District Court.

SECTION 802 PENALTIES

802.1 Until December 31, 1988.

As permitted by RSA 676:17 and the Rye Zoning Ordinance, any person, firm or corporation violating any of the provisions of these regulations shall be guilty of a violation punishable by a fine of not more than \$100.00, upon conviction, for each day such violation may exist or continue to exist, beginning on the date that written notice of such violation is received from the municipality or upon conviction, whichever date is earlier. Any such violation, once commenced, shall constitute a continuing violation until it is terminated, and such continuing violation may be prosecuted as a single violation or as a series of separate violations.

802.2 Effective January 1, 1989.

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, or guilty of a felony if any other person.
- B. Shall be subject to a civil penalty not to exceed \$100 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation, whichever is earlier.

SECTION 803 RECOVERY OF LEGAL COSTS

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.

ARTICLE IX

WAIVER, AMENDMENT, SEVERABILITY,
AND EFFECTIVE DATE

SECTION 900 GENERAL WAIVER AUTHORITY

The Planning Board may waive any requirement of these regulations for which waiver is not specifically provided in such cases where, in the opinion of at least four (4) members present and voting, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

SECTION 901 AMENDMENT

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

SECTION 902 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 this ordinance are declared to be severable.

SECTION 903 EFFECTIVE DATE

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

APPENDICES