

Town of Deering, New Hampshire



Regulations Governing the Subdivision of Land

Adopted by the Planning Board
March 28, 2006

Section 1	General Provisions	1
1.1	Authority	1
1.2	Purpose	1
1.3	Applicability.....	2
Section 2.	Definitions	2
Section 3.	General Principles for the Subdivision of Land	4
3.1	Conformity with Master Plan, Zoning Ordinance, and Official Zoning Map	4
3.2	Conformity to Other Laws	4
3.3	Character of the Land	4
3.4	Scattered or Premature Development	4
3.5	Preservation of Existing Features.....	4
Section 4.	Subdivision Review Procedures	5
4.1	Public Notice.....	5
4.2	Fees	5
4.3	Site Inspections.....	5
4.4	Preliminary Conceptual Consultation (Optional)	6
4.5	Design Review Phase (Mandatory)	6
4.6	Determination of Completeness	7
4.7	Technical Review.....	8
4.8	Public Hearing	8
4.9	Extensions of Time.....	9
4.10	Board Action on Completed Application.....	9
4.11	Conditional Approval	10
4.12	Performance Guarantee.....	11
4.13	Failure of the Board to Act	11
4.14	Revocation of Planning Board Approval	12
4.15	Expedited Review	12
4.16	Coordination with other Town Boards and Departments	12
Section 5.	Submission Requirements	12
5.1	Application Requirements	13
5.2	Plat Requirements	13
5.3	Other Requirements	15
Section 6.	Subdivision Design Standards	17
6.1	Lots.....	17
6.2	Reserve Strips.....	18
6.3	Fire Protection.....	18
6.4	Septic Systems and Water Supply	18
6.5	Stormwater Management and Erosion Control	18
6.6	Watershed Protection Overlay Zone Development Review Standards	19
6.7	Open Space Subdivision Standards	20
6.8	Pedestrian Circulation.....	24
6.9	Monumentation	25
Section 7.	Developments Having Regional Impact	25
Section 8.	Previously-Approved Subdivisions	25
Section 9.	Special Flood Hazard Areas	25
Section 10.	Administration and Enforcement	26
Section 11.	Appeals	26
Section 12.	Validity	26
Section 13.	Amendments	26
Section 14.	Effective Date.....	26
Appendix A	- Road standards	A1
Appendix B	-- Requirements for soils and wetlands data	B1
Appendix C	- Forms	C1
Appendix D	- Criteria for determining regional impact	D1
Appendix E	- Procedure for application review	E1
Appendix F	- Fee schedule	F1

SECTION 1. GENERAL PROVISIONS

1.1 AUTHORITY

Pursuant to the authority vested in the Deering Planning Board by the voters of the Town of Deering on November 8, 1989 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended on March 28th, 2006, the Deering Planning Board adopts the following regulations governing the subdivision of land in the Town of Deering, New Hampshire, hereinafter known as Deering Subdivision Regulations.

PURPOSE

These subdivision regulations are adopted for the following purposes:

- 1.2.1 To protect and promote the health, safety, and welfare of the Town.
- 1.2.2 To promote the orderly growth of the Town by providing for public and other open space and for reasonable development of land.
- 1.2.3 To prevent scattered premature, or undesirable subdivision and development of land as would involve danger or injury to health, safety, welfare, and prosperity of the community by reason of the lack of water supply, satisfactory drainage, adequate transportation, or other public services that would require excessive expenditure of public funds to provide such services.
- 1.2.4 To protect and preserve the value of land, buildings, and improvements to land throughout the Town, and to minimize the conflicts of uses among land and buildings.
- 1.2.5 To provide adequate and efficient transportation, water, land for sewage disposal, schools, parks, playgrounds, recreational facilities, and other public services and facilities.
- 1.2.6 To provide for suitably located streets, sidewalks, and access ways with sufficient width to accommodate existing and prospective traffic (both vehicular and pedestrian); as well as to afford access for fire fighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system; to prevent certain parcels effected by a subdivision from being precluded from a subdivision by a lack of suitable access.
- 1.2.7 To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to insure proper descriptions and monumenting of subdivided land.
- 1.2.8 To ensure that public facilities are available in a capacity to serve proposed subdivisions.
- 1.2.9 To prevent the pollution and contamination of land, air, water courses, water bodies; to assure the adequacy of drainage facilities, to safeguard the groundwater and aquifers; to encourage the wise use and stewardship of natural resources throughout the Town in order to preserve the integrity, stability, beauty, and health of the community and the value of land.

1.2.10 To provide efficient and compact subdivision development and a mechanism to implement innovative land use controls in the Town of Deering.

1.3 APPLICABILITY

These regulations apply to Planning Board review and approval or disapproval of all subdivisions as defined by RSA 672:14 and minor lot line adjustments or boundary agreements. They do not apply to voluntary mergers as defined by RSA 674:39-a.

SECTION 2. DEFINITIONS

2.1 Abutter: (1) any person whose property is located in New Hampshire and adjoins or is directly across the street or stream, pond, or lake from the land under consideration by the Board; and (2) affected municipalities and the regional planning commission(s) in the event of developments having regional impact. For purposes of receiving testimony only, and not for purpose of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII.

2.2 Applicant: The owner of record of the land to be subdivided, or his/her designated agent.

2.3 Application, Complete: A final plat and all accompanying materials and fees as required by these regulations.

2.4 Approval: Recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.

2.5 Approval, Conditional: Recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met. This is not to be confused with a plat that has been approved subject to certain conditions that would be met as part of the implementation of the plan.

2.6 Board: The Planning Board of Deering.

2.7 Development: Any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.

2.8 Easement: The authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his/her property.

2.9 Frontage: That portion of a lot bordering on a highway, street or right-of-way.

2.10 Lot: A parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area, and to provide required yards and other open spaces. An undersized lot is permissible if it passes state standards for soil conditions and substantially meets the requirements here and if in existence on the date of adoption of this ordinance.

2.11 Lot of Record: A parcel, the plat or description of which has been recorded at

the county register of deeds.

2.12 Lot Line Adjustment: Adjustments to the boundary between adjoining properties, where no new lots are created.

2.13 Plat: The map, drawing or chart on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the County Register of Deeds for recording.

2.14 Public Hearing: A meeting, notice of which must be given per RSA 675:7 and 676:4, I (d), at which the public is allowed to offer testimony.

2.15 Public Meeting: The regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

2.16 Right-of-Way: All present and proposed town, state and federal highways and the land on either side of same as covered by statutes to determine the widths of rights-of-way.

2.17 Setback: The distance between the nearest portion of a building and a lot or right-of-way line, whichever is closer.

2.18 Sewage Disposal System (Individual): Any on-site sewage disposal or treatment system that receives either sewage or other wastes, or both. For the purposes of this regulation, this means all components of the system, including the leachfield.

2.19 Street: A publicly approved road maintained for vehicular travel, or a road that appears on a subdivision plat approved by the Planning Board.

2.20 Subdivision: The division of a lot, tract, or parcel of land into two (2) 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. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

2.21 Subdivision, Major: A subdivision of four (4) or more lots, or one which involves the creation of new streets and/or utilities, regardless of the number of lots.

2.22 Subdivision, Minor: A subdivision of land into not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street; or one which does not involve the creation of new streets and/or utilities.

2.23 Subdivision, Technical: A subdivision of land into two lots or sites for the purpose of conveying one such lot or site directly to an abutting landowner. The parcel to be conveyed does not constitute a separate building lot; however, said parcel may be used for building development in conjunction with contiguous land owned by the abutter.

2.24 Viewshed: The total area visible from a point (or series of points along a linear transportation facility). The viewshed is typically evaluated both from the roadway and conversely of the roadway as viewed from the adjacent area.

SECTION 3. GENERAL PRINCIPLES FOR THE SUBDIVISION OF LAND

The Applicant shall adhere to the following general principles when designing and laying out a subdivision within the Town of Deering. These general principles and requirements shall be perceived as the **minimum** requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations. The Applicant shall observe the following general principles of land subdivision and development activity:

3.1 CONFORMITY WITH MASTER PLAN, ZONING ORDINANCE, AND OFFICIAL ZONING MAP

The subdivision plan shall be in harmony and consistent with the Master Plan goals and objectives, Zoning Ordinance, and other appropriate land use regulations.

3.2 CONFORMITY TO OTHER LAWS

Subdivision Plans shall conform with all regulations of the Board, and other local applicable Town by-laws and regulations, ordinances, regulations, and statutes of the local, State, and Federal governments, including, but not limited to the Town of Deering Highway Standards and Health Regulations.

3.3 CHARACTER OF THE LAND

All land to be subdivided shall be, in the judgment of the Board, of such character that it can be used for building purposes without danger to public health, safety, environment, or welfare. Land subject to periodic flooding, poor drainage, or other hazardous conditions shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided unless connected to an approved private sewage disposal system.

3.4 SCATTERED OR PREMATURE DEVELOPMENT

As per RSA 674:36 II(a), the Board, in its discretion, will not approve such scattered and premature development as would create danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services; nor will the Board approve such development which will necessitate an excessive expenditure of public funds for the supply of such services, or create an adverse impact on such services. Towards this end, the Board shall consider the following items when determining whether a proposed subdivision is scattered or premature.

3.4.1 Adequacy of existing access streets and/or sidewalks.

3.4.2 Adequacy of water for fire fighting or domestic needs.

3.4.3 Potential health problems regarding the relationship between on-site sewage disposal systems and the soil conditions of the parcel, as well as the potential impact on surrounding water quality.

3.5 PRESERVATION OF EXISTING FEATURES

Wherever feasible, suitable steps shall be taken to preserve and protect significant existing features such as significant stands of trees or particularly individual trees, viewsheds, stone walls, rock outcroppings, water bodies, and historic landmarks. Where possible, the boundary line(s) shall follow stone walls.

SECTION 4. SUBDIVISION REVIEW PROCEDURES

4.1 PUBLIC NOTICE

4.1.1 Notice of a Design Review, submission of an application, or a Public Hearing shall be given by the Board to the abutters, the Applicant, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat.

4.1.2 Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be notified at the same time, by a posting at the Town Hall, a listing on the Town website, and publication in a newspaper in general circulation in the Town.

4.1.3 The notice shall give the date, time, and place of the Board meeting at which the application will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the Applicant and the location of the proposal.

4.1.4 If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session were made known at the prior meeting.

4.2 FEES

4.2.1 The Applicant shall be responsible for all fees incurred by the processing of applications. Failure to pay such costs shall constitute valid grounds for the Board to determine application is not complete.

4.2.2 Upon formal submission of the application, the application fee and deposits for the costs of certified mailings and newspaper notification shall be paid to the Board as detailed in Appendix F of these regulations.

4.2.3 The Applicant shall pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. Failure to pay these fees prior to Board action shall be grounds for disapproval of the application.

4.2.4 Upon approval of the application, the Applicant shall pay the costs for:

- i. making changes to the Town's tax maps;
- ii. the cost of recording the mylar with the Register of Deeds.

4.3 SITE INSPECTIONS

4.3.1 The Board may determine a site inspection is required to fully evaluate the proposed subdivision and any impacts associated with it. The Board and the Applicant shall agree on the time for the site inspection.

4.3.2 Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.

4.3.3 All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

4.4 PRELIMINARY CONCEPTUAL CONSULTATION (OPTIONAL)

In accordance with RSA 676:4, an Applicant may consult with the Board prior to submitting the application.

4.4.1: Purpose of Conceptual Review

The purpose of this consultation is to familiarize the Board with the character of the land proposed to be subdivided and the Applicant's basic approach to laying out the subdivision. This optional step helps the Board and the Applicant to become acquainted, as well as to identify possible concerns of the Board regarding the subdivision which may be incorporated into the formal review. Such preapplication consultation shall be informal and directed toward:

- i. Reviewing the basic concepts of the proposal.
- ii. Reviewing the proposal with regard to the master plan and zoning ordinance.
- iii. Explaining the state and local regulations that may apply to the proposal.
- iv. Determination of the proposal as a major, minor, or technical subdivision, and of the submission items that would be required.

4.4.2: Limits of Conceptual Review

The conceptual review shall be conducted at a meeting in accordance with the Board's schedule. The Applicant shall make a brief presentation to the Board, in which the purpose, scope, and concept of the plan are detailed. An explanation of how the land will be divided or used should be addressed. Discussion during the conceptual review process shall not bind either the Applicant or the Board. Discussion shall remain general in nature and include broad concerns of the Board such as conformity of the development with the Master Plan.

4.4.3 Project Description for Conceptual Consultations

In order to facilitate discussion, the Applicant may prepare a base map of the property with potential subdivided lots depicted on the map with appropriate roadways. The map shall be at a scale of 1" = 100 feet. Dimensions may be approximate. Though the data of the project may be tentative, all information should be presented sufficiently clear as possible to facilitate discussion between the Applicant and the Board. At a minimum, the sketch plan should show:

- i. general location of lot lines;
- ii. approximate lot measurements; and
- iii. the streets surrounding the site.

4.5 DESIGN REVIEW PHASE (MANDATORY)

4.5.1 Prior to submission of an application for Board action, an Applicant shall make an appointment at a regular Board meeting to meet with the Board for

non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.

4.5.2 The design review phase may proceed only after proper notification, as set forth in Paragraph in Section 4.1 of these regulations.

4.5.3 Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

4.5.4 The following information shall be presented by the Applicant to the Board:

- i. A locus map showing the property to be subdivided in relation to existing roads and other municipal improvements and any other approved subdivisions generally adjacent to the parcel.
- ii. A general description of the existing conditions on the site including characteristics of the land, topography, vegetation, wetlands, water courses, and similar features.
- iii. A general description of available community facilities and utilities.
- iv. A general description of the lots to be created, including number, size and dimensions, and a preliminary plan for the subdivision.
- v. A topographic map of the site showing in sketch form the proposed lay-out of roads, lots, and other features in relation to existing conditions at a scale of 1" = 100' or other scale acceptable to the Board.
- vi. A map showing other site development features, both natural and man-made.
- vii. Any soils information such as permeability or boring data.

4.6 DETERMINATION OF COMPLETENESS

4.6.1 An Applicant shall request an appointment at the Board's regular monthly meeting to submit an application. Public notification, as described in Section 4.1 of these regulations, shall be made. An application shall consist of all data required in Section 5 of these regulations.

4.6.2 After submission, the Planning Administrator or other designee of the Board shall review the proposed submission and within 30 days, ascertain if all the required information and plats have been included and identify what additional plans, studies, and exhibits shall be submitted.

4.6.3 At the next regular monthly meeting, provided said meeting is no more than thirty (30) days after the application was filed with the Board, the Board shall consider the Planning Administrator's or designee's findings and determine whether the application is Complete. At the meeting, the Applicant may be requested to demonstrate that, in his/her opinion, the application is complete. A determination of Completeness of an application shall only occur at a meeting of the Planning Board after public notification has been given according to these regulations. A determination of Completeness and acceptance of the application shall be by affirmative vote of a majority of the Board members present.

4.6.4 If Applicant or Applicant's authorized representative is not present at the meeting, the application shall be denied without prejudice and shall be

resubmitted. If the application is determined to be incomplete, the Applicant shall submit any missing or incomplete information or request waivers in writing within fifteen (15) days prior to the Board's next regularly scheduled meeting. This refiled Application shall be processed as a new application, with public notification as described above.

4.6.5 Once an application is determined Complete by the Board, the 65-day review period begins.

4.7 TECHNICAL REVIEW

4.7.1 Once determined Complete and accepted by the Board, the Planning Administrator or other party designed by the Board shall conduct a technical review of the proposed subdivision in cooperation with Town Department Heads and Agencies. The Planning Administrator or designee shall review all subdivision applications, documents, and plans, to determine their conformance to these regulations and any other relevant regulations, including but not limited to: Town of Deering Zoning Ordinance, Town of Deering Highway Policies and Regulations, Health Regulations, and Town of Deering Master Plan.

4.7.2 The Board may seek review and analysis from outside consultants (peer review). Applicants shall reimburse the Board the costs of all consultants' fees. Outside consultants employed by the Board for technical review routinely include civil engineers, landscape architects, wetlands scientists, planners, and attorneys and may, depending on level of complexities of a submission, involve more specialized reviews, including, but not limited to, hydrologists, wetlands scientists, soils scientists, and others.

4.7.3 The Planning Administrator or designee and any consultants shall provide the Board with a "Technical Review" prior to the public hearing, summarizing his/her review of the application and plan, along with a recommendation to the Board for approval, approval with conditions, or disapproval.

4.7.4 Technical reviews shall be provided to the Applicant the day of the hearing.

4.8 PUBLIC HEARING

4.8.1 Prior to the approval of an application, a public hearing shall be held.

4.8.2 Public hearings are usually scheduled for the next meeting for which notice can be made. At the public hearing, the Applicant shall identify and describe the area to be subdivided and the adjacent land, explain the subdivision design approach, and discuss the proposed improvements to be made. Subsequent to the Applicant's presentation, the Board members shall comment and ask questions. After the Board has commented, the hearing shall be opened to abutters and other interested parties. All comments are directed to the Board's chair. All speakers shall identify themselves by name and address.

4.8.3 The public hearing may be continued due to time constraints or to allow the Applicant to provide additional information. If the date and time of continued hearing is established by the Board during the hearing by stating the

date, time, and place of the continued meeting, no additional notification is required. Additional notification, at the expense of the applicant, is required when substantive changes are made to the original proposal or when the date, time, and place for the continued hearing have not be determined during the hearing.

4.9 EXTENSIONS OF TIME

The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, approve with conditions, or deny an accepted subdivision application. An Applicant may waive the requirement for Board action within the time periods specified in these regulations and consent in writing, to such an extension as mutually acceptable to both the Board and the Applicant. In such an event, no extension by the Selectmen is necessary.

4.10 BOARD ACTION ON COMPLETED APPLICATION

4.10.1 The Board shall begin consideration of the Completed application upon acceptance. The Board shall act to approve, conditionally approve, or disapprove the Completed Application within 65 days of acceptance or such period as extended.

4.10.2 In considering its action with regard to a Completed application, the Board shall consider whether the proposed subdivision:

- i. Complies with the Town of Deering Master Plan, Official Map, Zoning Ordinance, and these regulations.
- ii. Improvements comply with design standards and specifications of these regulations.
- iii. Design complies with the guidance contained in these regulations.
- iv. Roads connect to and are accessible from a public way or an existing private way open to the public and in which the Applicant has the necessary rights. Roads in the subdivision are designed so that they provide for safe vehicular and pedestrian travel and align with existing roads in the street system, to the maximum extent possible, and provide adequate access for emergency vehicles.
- v. Provides for the future extension of roads or for access to adjoining property not yet subdivided.
- vi. Storm drains, culverts, and related installations, both surface and subsurface, are designed to provide for safe unimpeded flow of natural water courses, drainage of low areas along roads, and interception of stormwater run-off along roads at intervals reasonably related to the surface type, grade, and acreage area drained.
- vii. Has a sufficient supply of water for fire suppression.
- viii. Has preserved a sufficient number of trees along proposed roadways or street trees will be installed and preserved existing stands of trees designated by the Board to be preserved to the maximum extent feasible.
- ix. Has preserved existing natural and historic features such as viewsheds, stone walls, rock outcroppings, water bodies, and historic landmarks to the maximum extent feasible.

4.10.3 The requirements of these regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding subdivision, or the condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations. If the Applicant requests a waiver (i.e. elimination or modification) of a submission requirement or a design standard, the request shall be made in writing specifying the provisions to be waived, as part of the submission.

4.10.4 Approval of the application shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within 144 hours of the decision.

4.10.5 Approved plats shall contain a time limit for the completion of streets and public improvements.

4.10.6 Approved plats shall be recorded by the Board with the County Register of Deeds of within 90 days of approval. All recording fees shall be borne by the Applicant. Any subdivision plat not filed within this timeframe shall be considered void.

4.10.7 At its discretion, the Board may require the Applicant to enter into a "development agreement" with the Town of Deering that specifies the conditions of approval of the subdivision application and includes specific penalties and remedies for failure to carry out the development agreement.

4.10.8 In approving any application, the Board may specify the threshold level of work which shall constitute "active and substantial development or building" for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39, pertaining to protection from subsequent amendments to local land use regulations for a period of four (4) years. "Active and substantial development or building," in the absence of any other specification by the Board, shall mean construction and/or installation of infrastructure and improvements to support the development or building (that includes all of the following in accordance with the approved plan(s): (a) at least one [1] building foundation wall/footing; (b) roads, driveways, and other ways to a minimum of the required gravel base; (c) installation of drainage structures and systems, and (d) installation of underground utilities.

4.10.9 The Board has the authority to waive any portion of these regulations in such cases where, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

4.11 CONDITIONAL APPROVAL

4.11.1 The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. A further public hearing is not required when such conditions:

- i. are administrative in nature;
- ii. require no discretionary judgment on the part of the Board;
- iii. require the Applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

4.11.2 If the Applicant has not complied with the conditions of approval within one (1) year, the approval shall be null and void and the Applicant must submit a new subdivision application.

4.12 PERFORMANCE GUARANTEE

4.12.1 As a condition of approval, the Board shall require the posting of a security in an amount sufficient to defray the costs of construction of streets including all required improvements such as paths and street trees, public improvements, drainage structures and amenities, storm drains, and other infrastructure and utility improvements. The amount of the security shall be based on an estimate of costs provided by the Applicant and, at the discretion of the Board, reviewed by a licensed engineer. All costs of such review shall be paid by the Applicant.

4.12.2 The amount and form of security shall be approved by the Board and municipal counsel. Forms acceptable to the Board include performance bonds, irrevocable letters of credit, cash, and passbooks. The amount of the security shall include fees to cover the cost of periodic inspections.

4.12.3 The Board may apply cost escalation factors to any required bond or security which shall not exceed ten (10) percent per year.

4.12.4 Each performance guarantee shall contain:

- i. an expiration date, and
- ii. a statement required the company issuing the surety bond or the lender issuing the letter of credit to give the Board of Selectmen thirty (30) days certified notice of the pending expiration of the bond or letter of credit or other security.

4.12.5 Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.

4.12.6 Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guarantee shall be released in phases as portions of the secured improvements or as installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board. In the case of road construction, the Board may require that the security stay in place until one full year has passed after completion of the road.

4.13 FAILURE OF THE BOARD TO ACT

4.13.1 In the event that the Board does not act on an accepted application within the prescribed time period, the Applicant may petition the Selectmen to

issue an order directing the Board to act within 30 days.

4.13.2 If the Board does not act within the 30 day time period, then within 40 days of the issuance of the Selectmen's order, the Selectmen shall approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the Applicant may petition superior court to approve the plan.

4.14 REVOCATION OF PLANNING BOARD APPROVAL

An approved and recorded subdivision plat may be revoked by the Board in whole or in part, under the following circumstances:

4.14.1 At the request of or by agreement with the Applicant;

4.14.2 When any requirement or condition of approval has been violated;

4.14.3 When four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or

4.14.4 When the Applicant has failed to provide for the continuation of adequate security.

4.15 EXPEDITED REVIEW

4.15.1 The Board may allow for an expedited review of applications for lot line adjustments, technical subdivisions or minor subdivisions, as defined in Section 2 of these regulations.

4.15.2 Such application may be submitted, accepted as complete and voted on at the same meeting, provided the public notice so indicates.

4.15.3 The Board may waive plat requirements for lot line adjustments, minor and technical subdivisions as it seems appropriate.

4.16 COORDINATION WITH OTHER TOWN BOARDS AND DEPARTMENTS

4.16.1 The Applicant or the Board may request a joint hearing with one or more land use boards in conjunction with a subdivision hearing if approval from all boards is required for the same project.

4.16.2 The Board may consult with any other Town Boards and Departments regarding a subdivision submission. The recommendations and comments of the other Town Boards and Departments shall be duly considered by the Board.

4.16.3 Proposed open space to be preserved within a subdivision shall be reviewed by the Conservation Commission and the Commission shall make recommendations to the Board regarding the suitability of the land being proposed for preservation, the method of preservation, and other factors related to natural features and open space.

SECTION 5. SUBMISSION REQUIREMENTS

A completed application shall consist of the following items unless written request for waiver(s) is granted by the Board:

APPLICATION REQUIREMENTS

- 5.1.1 Two copies of the application form, signed by the owner and the Applicant, accompanied by:
- 5.1.2 fees and deposits for filing, reviews, and notification costs;
- 5.1.3 names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
- 5.1.4 names and addresses of all professionals whose names and seals appear on the plat;
- 5.1.5 names and addresses of all holders of conservation, preservation or agricultural preservation restrictions, both on the land being subdivided and on adjacent land;
- 5.1.6 ten 22" X 34" and ten 11" X 17" (reduced from the 22" x 34" plans) paper copies of the Plat, complying with the Plat Requirements section of these regulations;
- 5.1.7 a letter of authorization from the owner, if the Applicant is not the owner;
- 5.1.8 two copies of the deed conveying the land to be subdivided to the current owner;
- 5.1.9 two copies of any existing and proposed easements; and
- 5.1.10 two copies of any existing and proposed deed restrictions.

PLAT REQUIREMENTS

5.2.1 The Plat accompanying the application shall be prepared according to the minimum standards for land instrument surveys adopted by the Board of Licensure for Land Surveyors as delineated in the New Hampshire Code of Administrative Rules, Part Lan 503 Technical Standards. (<http://www.state.nh.us/jtboard/lrule.htm>) and the County Registrar of Deeds as follows:

- i. Plats shall be at any scale between 1"= 20' and 1"=200'.
- ii. The outside dimensions of the plat shall be 22" X 34", or as otherwise specified by the County Registry of Deeds.
- iii. All plats shall have a minimum ½" margin on all sides.
- iv. All title blocks should be located in the lower right hand corner, and shall indicate:
 - Name of subdivision
 - Location of subdivision
 - Name of the town
 - Type of survey
 - Name and address of the owner of record
 - Name and address of Applicant
 - Tax map and lot number
 - Plan date and revision dates

- Name, address, and telephone number of surveyor or other professional taking the lead for coordinating the submission

5.2.2 North arrow, scale - written and graphic, date of the plan;

5.2.3 Name, license number and seal of the surveyor or other person whose seal appears on the plan;

5.2.4 Signature block for Planning Board endorsement on each sheet to be recorded;

5.2.5 Locus plan showing general location of the total tract within the town and the zoning district(s) at a scale between 1"=2000' and 1" = 3000', detailing the public street system in the vicinity of the proposed subdivision and situated in upper right corner of the plat.

5.2.6 Boundary survey including bearings, horizontal distances and the location of existing and proposed permanent monuments. Curved boundary lines shall show radius, delta, and length;

5.2.7 Names of all abutting subdivisions, roads, easements, building lines, parks and public places, and similar facts regarding abutting properties;

5.2.8 Location of all property lines and their dimensions; lot areas in square feet and acres, lots numbered according to the Town tax map numbering system;

5.2.9 Location and length of frontage on public rights-of-way;

5.2.10 Location of existing and proposed paths and sidewalks;

5.2.11 Location of existing buildings and setback lines and proposed buildings and other structures;

5.2.12 Location of all parcels of land proposed to be dedicated to public use;

5.2.13 Location and description of any existing or proposed easements;

5.2.14 Existing and proposed water culverts, drains, and other appurtenances;

5.2.15 Existing and proposed roads with names, classification, travel surface widths, right-of-way widths (See Appendix A for road standards.);

5.2.16 Final road profiles, center line stationing and cross sections;

5.2.17 Location and width of existing and proposed driveways;

5.2.18 Locations of special features, natural and built, affecting the land proposed to be subdivided, including bodies of water, streams, water courses, ponds, standing water, rock ledges, stone walls; any designated viewsheds (shown on [Conservation and Public Lands and Scenic Vistas Map](#) in the Town's 2004 Master Plan); existing and proposed wooded areas (tree lines); open space to be preserved; and any other man-made or natural features;

5.2.19 Existing and proposed topographic contours based upon the USGS topographical data, with spot elevations where necessary, at contour intervals of two (2) feet where the slope is 15% or less and at a contour interval of five (5) feet where the slope of the land exceeds 15%, steep slopes in excess of 25%

shaded or hatched on the Plat;

5.2.19 Soil survey prepared according to SSSNNE NH/VT standards, wetland delineation (see Appendix B), and flood plain information, including base flood elevations, flood hazard areas, and contours of the one hundred (100) year flood as shown on the most recent Flood Insurance Rate Map for the Town of Deering;

5.2.20 Location of percolation tests and test results; certification of Town official witnessing the tests; and outline of 4,000 square-foot septic area with any applicable setback lines; location of existing and proposed wells, with 75-foot well radius on its own lot.

5.2.21 Plan Notes should include but are not limited to:

- i. Total area of subdivision;
- ii. Purpose of plan;
- iii. If applicable, and zoning variances/special exceptions with conditions that affect the property. List date of ZBA approval and any stipulations or conditions;
- iv. Zoning district, including any overlay zones;
- v. Proposed and allowed use of lots;
- vi. If applicable, list of waivers requested from the Board;
- vii. Proposed public improvements, such as highways or other major public improvements planned by public authorities for future construction on or near the site;
- viii. Approximate date when town road(s) that abut property are scheduled for reclamation and/or repair based on town ten year plan;
- ix. Distance to closest source of water for fire suppression (pond/dry hydrant/cistern) and distance to the closest fire station;
- x. Error of closure of the boundary line of the subdivision (must be 1:10,000 or better);
- xi. All reference plans (with recording number, if any);
- x. The location, type, width, and length of all existing easements and encumbrances such as but not limited to: drainage, utility, fire pond/cistern;
- xi. The total area of each proposed lot (in acres & square feet) along with acreage of all contiguous upland, wetland and steep slope area(s);
- xii. State Department of Environmental Services Subdivision Approval, Wetland Board of Approval and/or Site Specific Approval; and
- xiii. A list of any other State and/or Federal permits, as applicable, required to construct the proposed subdivision.

5.3 OTHER REQUIREMENTS

5.3.1 In an effort to determine the completeness of an application and its conformity to all applicable ordinances and regulations, the Board, the Planning Administrator, or designee of the Board may request an Applicant submit additional studies and/or exhibits. In accordance with RSA 676:4, I(g), the Board shall require that the cost of preparing such studies and/or exhibits be borne by the Applicant.

5.3.2 Should the Board determine that additional information is required, the Applicant will be notified in writing within ten (10) days of the meeting at which the determination was made.

5.3.3 Examples of such plans, studies, and/or exhibits include, but are not limited, to the following:

- i. Plan for Stormwater Management and Erosion Control, if applicable (See Section 6.5).
- ii. Plans that address Watershed Protection Overlay Zone standards.
- iii. Plans that address Open Space Subdivision Standards, as applicable.
- iv. State subdivision approval for septic systems; septic design approval where applicable; or certification by septic designer of adequacy of existing system.
- v. Alteration of Terrain Permit from NH Department of Environmental Services.
- vi. State/Town driveway permit, as applicable.
- viii. Report from the Fire Chief, Police Chief, and/or Town Conservation Commission.
- ix. Any deed restrictions; and all deeds covering land to be used for public purposes, easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel.
- x. A list of any other state and/or federal permits, indicating whether they have been issued or the date the permit application is to be filed.
- xi. A hydrologic study, if applicable.
- xii. An environmental impact assessment, which includes a description of the groundwater resources and characteristics in the vicinity, any surface water resources and wetlands in the land being subdivided, the links between groundwater and surface water, description of the natural community including species of wildlife present, wildlife habitats and trails, plant communities, core habitats, surficial geology, and other natural features. If required by the Board, a report from the New Hampshire Natural Heritage Inventory (New Hampshire Department of Resources and Economic Development) identifying rare plant and animal species and exemplary natural communities in or near the proposed subdivision shall be submitted. If any rare species or exemplary natural communities are identified within or adjacent to the subdivision, the Applicant shall propose alternatives to mitigate the impacts of the subdivision on these resources.
- xiii. A social impact assessment.
- xiv. A traffic impact analysis: All proposed commercial, industrial, or residential developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the Applicant for traffic safety. To facilitate this review, the Applicant may be required by the Planning Administrator, Planning Board, or their designee to submit such a study due to the size, location, scale, or any other traffic generating characters of the development. Such a study should include, but not be limited to the following information:

- Traffic circulation, access and egress, adequacy of a adjacent roadways and intersections, entrances and exits, traffic flow and volumes, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended signage, lighting, or traffic control devices.
 - Pedestrian safety, circulation, access and egress.
 - Off street parking and loading.
 - Emergency vehicle access points.
 - Off site improvements as necessitated by the development.
- xv. Municipal Services Fiscal Impact Study.
- xvi. School Impact Study.
- xvii. Other studies, as determined applicable and appropriate to a subdivision, as determined by the Board based on the scale and impacts of the proposed subdivision.

5.3.4 Approved plat. The plans, once approved by the Board, shall be prepared on material suitable for electronic scanning and archiving by the Registers of Deeds. A digital copy of the plan in digital format acceptable to the Board shall also be submitted.

5.3.5 As-built plans. Upon completion of construction, and before release of any performance guarantee, the Board may require the Applicant prepare and submit as-built plans at the same scale as the approved plat, including all of the following:

- i. Boundaries of the right-of-way;
- ii. Location and elevations of roadway improvements;
- iii. Driveway locations;
- iv. Permanent monuments;
- v. Location and inverts, with elevation, of the required utilities, hydrants and drainage;
- vi. Location of any underground utilities, such electricity, cable and telephone lines, and street lighting, if any;
- vii. Lot boundaries; and,
- viii. Centerline stationing.

The Applicant's surveyor shall certify that the ways and services as shown in the as-built plans have been constructed as shown on the plans and the locations shown are accurate.

SECTION 6. SUBDIVISION DESIGN STANDARDS

6.1 LOTS

6.1.1 Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.

6.1.2 Lots shall be laid out and graded to eliminate flood or stagnant water pools. No water shall be permitted to run across a street on the surface, but shall be directed into catchbasins and pipes underground in a pipe of not less than 12 inches in diameter.

6.2 RESERVE STRIPS

Reserve strips of land that show an intent on the part of the Applicant to control access to land dedicated or to be dedicated to public use (such as a road) shall not be permitted.

6.3 FIRE PROTECTION

6.3.1 All proposed subdivisions shall be accessible to firefighting and other emergency equipment. The Fire Chief shall review all applications to determine whether sufficient provisions for fire suppression have been proposed.

6.3.2 The Fire Chief shall complete an inspection of the proposed site to evaluate the availability of existing water supply in the area.

6.3.3 The Fire Chief shall implement all applicable provisions of the National Fire Prevention Association's *Standard on Water Supplies for Suburban and Rural Fire Fighting*.

6.3.4 The Fire Chief shall determine the type, location and spacing of any water supply (such as fire ponds, cisterns, etc.)

6.3.5 The Planning Board, upon recommendation by the Fire Chief, may require that all new structures to be constructed within the subdivision be equipped with automatic sprinkler systems.

6.3.6 Following the inspection and evaluation, the Fire Chief shall submit his findings and recommendations in writing to the Planning Board.

6.4 SEPTIC SYSTEMS AND WATER SUPPLY

6.4.1 The Applicant shall demonstrate that each lot has an area which is adequate to permit the installation and operation of an individual septic system.

6.4.2 On new lots, not less than one (1) test pit and not less than one (1) percolation test shall be required within the 4,000 square-foot area designated for a leach field. Depending on site and soil conditions, additional tests may be required by the Board or Town Health Officer. The Applicant shall be required to provide the necessary equipment and labor for the making of these tests, which shall be overseen by the Town Health Officer.

6.4.3 In subdividing parcels with existing dwellings, the Applicant must demonstrate to the satisfaction of the board that the existing septic system is in good working order.

6.4.4 All new wells shall have a radius of seventy-five (75) feet, said radius to be located entirely on its lot. When that cannot be accomplished, the protective radius shall be maximized to the extent practicable. The 75-foot radius may extend over the property line(s) with written consent of the abutter(s).

6.5 STORMWATER MANAGEMENT AND EROSION CONTROL

6.5.1 The Applicant shall submit a stormwater management and erosion control plan.

6.5.2 The Board's goals are to retain those characteristics of natural drainage patterns and natural drainage dissipation whenever possible. In typical natural conditions, approximately 50 percent of stormwater infiltrates, 40 percent leaves land through evapotranspiration, and ten percent runoffs on the land surface to water bodies or wetlands. Stormwater management plans shall duplicate when possible the site's natural conditions and current drainage patterns. Overall, the design shall minimize use of detention/retention ponds and when needed, use smaller ponds by dividing the subdivision into smaller drainage catchment subareas. In designing stormwater management systems, the Applicant shall make all reasonable efforts to minimize the extent of disturbance to existing vegetated areas and use low impact development techniques and other best management practices with minimal or "low-tech" maintenance regimes. The Board strongly encourages Applicant to improve groundwater quality (by using tools such as biofiltration basins, vegetated recharge basins, and wet meadows) as part of the stormwater management plan. When feasible, stormwater may be stored to be used for irrigation purposes or fire suppression.

6.5.3 All stormwater management and erosion control measures in the plan shall adhere to the "Best Management Practices to Control Nonpoint Source Pollution, a Guide for Citizens and Town Officials" published by NHDES [January 2004], the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire", published by the Rockingham County Conservation District, and the "Model Stormwater Management and Erosion Control Regulation", by the NH Association of Conservation Districts, Water Quality Committee.

6.5.4 The Applicant shall bear final responsibility for the installation, construction, and disposition of all stormwater and erosion control measures required by the Board. Site preparation and clearing shall not begin before the stormwater management and erosion control plan is approved.

6.5.5 Standard agricultural and silvicultural practices are exempt from this regulation.

6.6 WATERSHED PROTECTION OVERLAY ZONE DEVELOPMENT REVIEW STANDARDS

6.6.1 The Applicant shall submit a hydrologic study for all subdivision applications occurring wholly or partly in the Watershed Protection Overlay Zone of the Deering Zoning Ordinance (Section 12.7).

6.6.2 All lots created by subdivision applications located on land wholly or partially in the Watershed Protection Overlay Zone shall meet the applicable requirements described in the Review Requirements for Development (Section 12.6) and Buffer Requirements (Section 12.8) of the in the Watershed Protection Overlay Zone and any other requirements of the Watershed Protection Overlay Zone.

6.7 OPEN SPACE SUBDIVISION STANDARDS

6.7.1 Pursuant to Section 13 of the Deering Zoning Ordinance, the Planning Board shall administer the application, review, and approval process for Open Space Subdivisions through these regulations which implement the provisions of RSA 674:21, *Innovative Land Use Controls*.

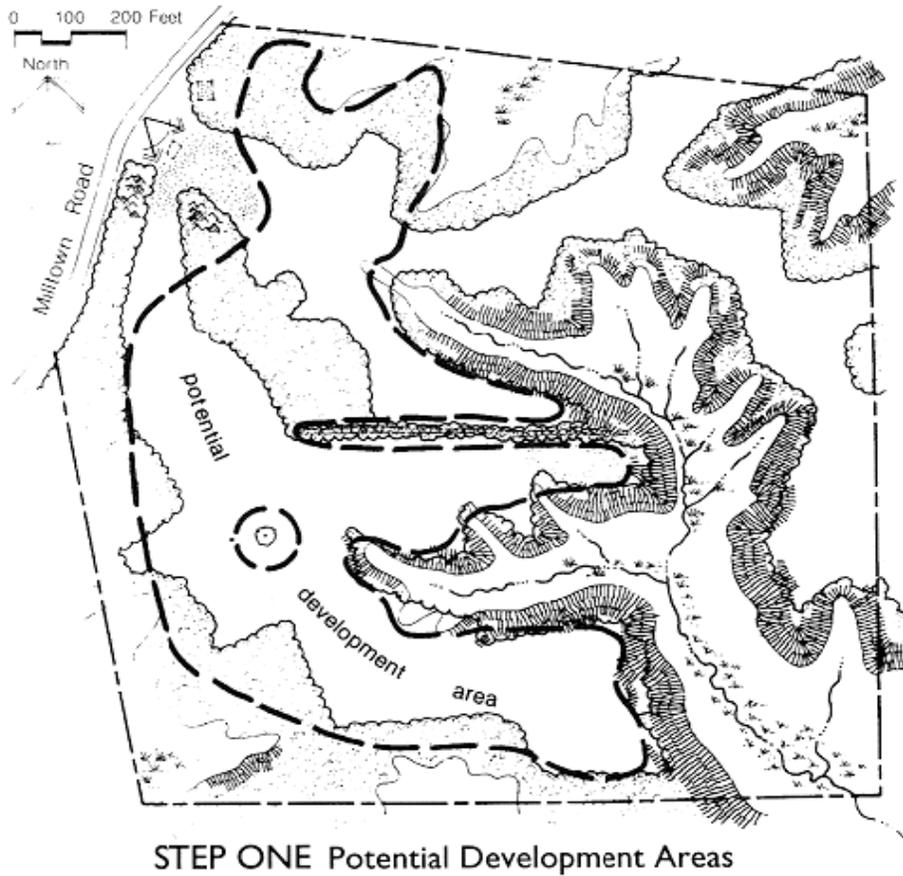
6.7.2 Site Analysis

The Applicant shall submit written descriptions and sketch plans as needed to demonstrate to the Board that the recommended open space subdivision design process has been utilized in developing the layout of the open space subdivision. The design process recommended by the Board is a four step process as follows:

- i. Step One: Identifying Conservation Areas.
- ii. Step Two: Locating House Sites.
- iii. Step Three: Aligning the Streets and Trails.
- iv. Step Four: Lot Lines.

i. Step One: Identifying Conservation Areas.

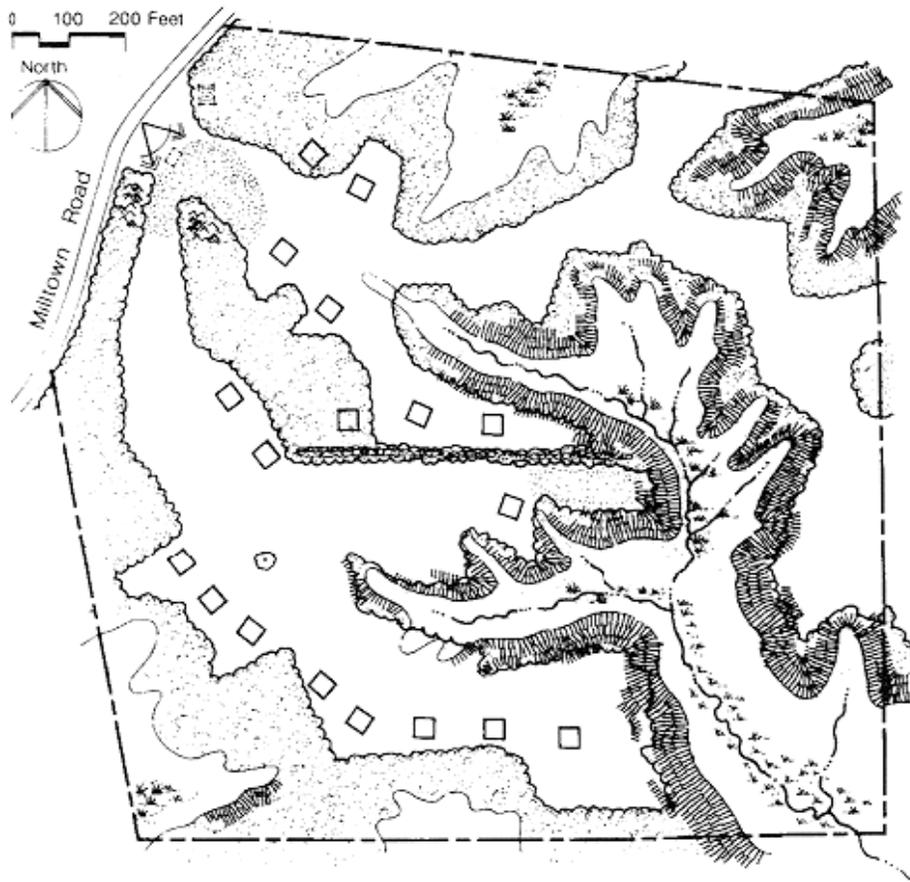
Identify land to be preserved in two steps. First, Primary Conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and cultural features such as historic and archeological sites and viewsheds) shall be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.



Drawing by Randall Arendt

ii. Step Two: Locating House Sites.

Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. Ideally, the houses shall be sited and distributed in such a way that the number of houses benefiting from the open space and conservation amenities is maximized.

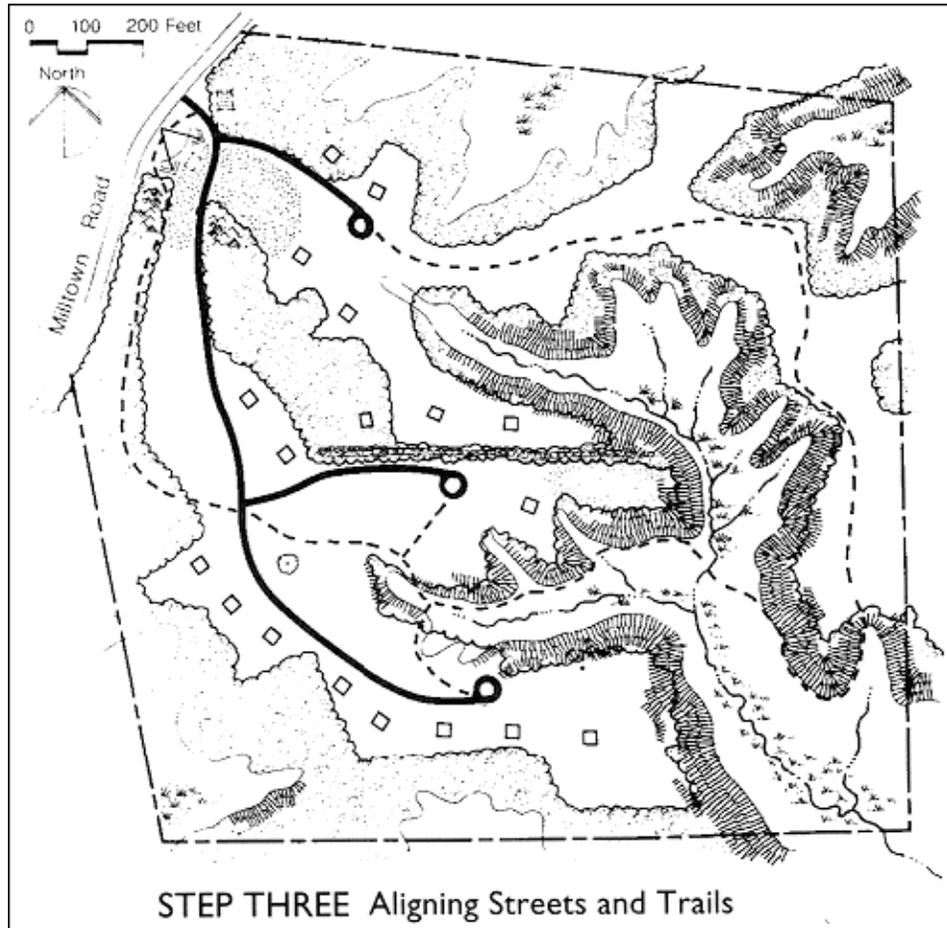


STEP TWO Locating House Sites

Drawing by Randall Arendt

iii. Step Three: Aligning the Streets and Trails.

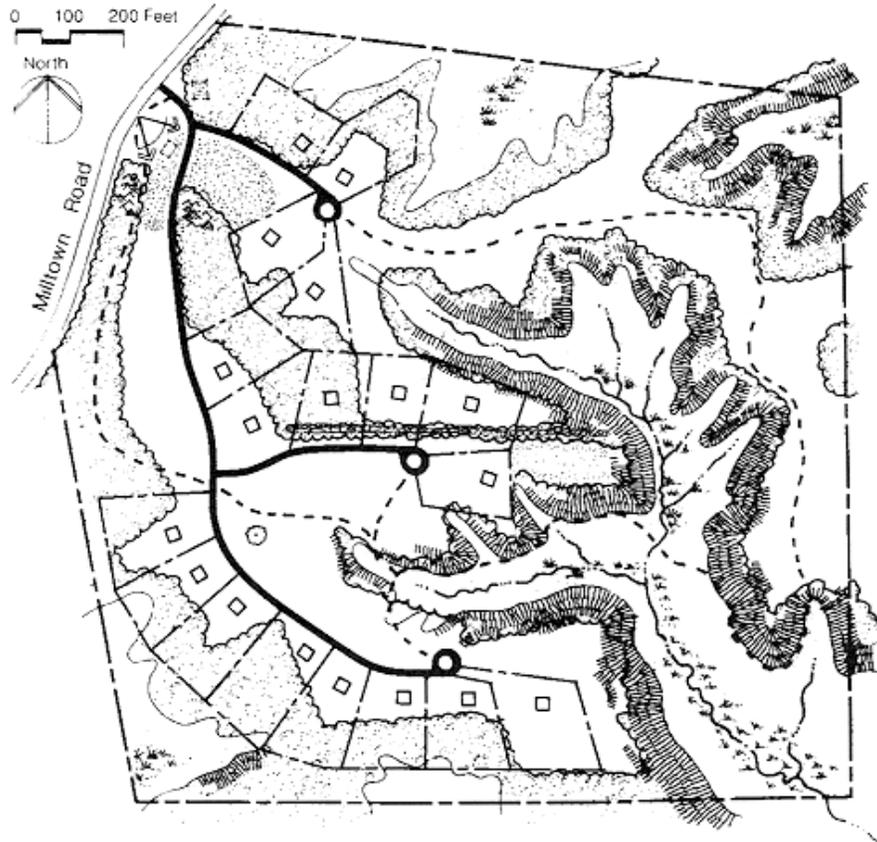
Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.



Drawing by Randall Arendt

iv. Step Four: Lot Lines.

Draw in lot lines.



STEP FOUR Drawing in the Lot Lines

Drawing by Randall Arendt

6.7.3 The yield plan used to determine the maximum number of lots in the open space subdivision shall, at a minimum, include the information required for design review as described in these regulations and the information required in the Zoning Ordinance. The Board may require additional information if it determines that insufficient information has been submitted to reasonably ascertain that the yield plan complies with these regulations.

6.8 PEDESTRIAN CIRCULATION

Paths shall be an essential part of Deering's transportation and circulation system, both along roads and off road. Paths along the side of the road may meander within the road right-of-way or within easements adjacent to rights-of-way if necessary to preserve street trees, minimize topographic disturbance, or otherwise deemed appropriate by the Board. Landscaped buffers between pedestrians and motor vehicle traffic provide safety to pedestrians. Landscaped buffers also provide space for poles, signs, and other obstructions and serve as snow storage areas. Unpaved (i.e. gravel) paths shall be utilized along gravel

roadways or if the Board determines that usage levels do not support a paved path or "sidewalk." Sidewalks shall comply with the Federal Americans with Disabilities Act (ADA) guidelines.

6.9 MONUMENTATION

6.9.1 Monuments constructed of concrete or stone at least 4 inches square on the top and at least 30 inches long shall be set at all control corners.

6.9.2 If the subdivision involves the construction of a roadway, all monumentation shall be in place before 50% of the surety held for the construction is released. If no road construction is involved, all monumentation must be in place prior to the signing of the plat by the Board Chairman. If winter weather conditions prohibit the installation of monuments, the Board may allow the Applicant to post surety in amount sufficient for all costs associated with the purchase, locating, and installation of required monuments.

6.9.3 Pipes shall be set at all lot corners. Concrete or granite bounds shall be set at all points of curvature and all points of tangent for surveying purposes.

6.9.4 Monuments shall be tied in to a public street intersection, a U.S.G.S. benchmark, or other recognized existing monument.

SECTION 7. DEVELOPMENTS HAVING REGIONAL IMPACT

7.1 All applications shall be reviewed for potential regional impacts. Upon such a finding, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting.

7.2 At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission(s) and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

SECTION 8. PREVIOUSLY-APPROVED SUBDIVISIONS

If any land shown on a subdivision plat has been part of any previous subdivision approved, constructed, or created by conveyance no more than five (5) years prior to the new proposal, any such previous subdivision will be treated as part of the new proposal for purposes of analyzing its effect and applying all review criteria.

SECTION 9. SPECIAL FLOOD HAZARD AREAS

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

9.2 The Board shall require that all subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is the lesser, include base

flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

- 9.2.1 all such proposals are consistent with the need to minimize flood damage;
- 9.2.2 all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- 9.2.3 adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION 10. ADMINISTRATION AND ENFORCEMENT

10.1 These regulations shall be administered by the Board. The enforcement of these regulations is vested with the Selectmen.

10.2 No subdivision regulation or amendment, adopted under RSA 674:35-42, shall be legal or have any force and effect until copies of such are filed with the Town Clerk.

10.3 Penalties and Fines - Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

SECTION 11. APPEALS

Any person aggrieved by a decision of the Planning Board concerning a plat or subdivision may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance, in which case an appeal can be taken to the Board of Adjustment.

SECTION 12. VALIDITY

If any section or part of a section or paragraph of these regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section or paragraph of these regulations.

SECTION 13. AMENDMENTS

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the notification procedure outlined in Section 4.1 of these regulations.

SECTION 14. EFFECTIVE DATE

These regulations shall take effect upon their adoption, and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

**APPENDIX A:
ROAD AND DRIVEWAY DESIGN AND CONSTRUCTION STANDARDS**

SECTION A-1. ROAD DESIGN STANDARDS

A-1.1 PURPOSE

The purpose of these standards is to ensure safe vehicular and pedestrian travel on streets, public or private. Proper design requires the blending of safe roadway layout and grade with minimization of impacts on the existing terrain and environment. These standards are further intended to be flexible in consideration of different traffic volumes and terrain conditions.

A-1.2 ARRANGEMENT OF STREETS

Roads shall be laid out to blend with the topography and coordinate with existing and planned roads in Town. Proposed roads shall continue to the exterior boundary of the subdivision unless the Board determines allowing a shorter roadway is in the public interest.

A-1.3 RIGHTS-OF-WAY

A-1.3.1 No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board.

A-1.3.2 No structures (including buildings), permanent or portable signs, lights, displays, fences, walls, etc. shall be permitted within, over, or under the town road right-of-way.

A-1.4 DEAD-END STREETS/CUL-DE-SACS

Dead-end streets shall be equipped with a turn-around roadway at the closed end, as shown in Exhibit 2 following. The maximum grade through a cul-de-sac shall be 5%.

A-1.5 INTERSECTIONS

Street intersections shall have a minimum angle of intersection of 60 degrees, with a preferable angle being 90 degrees. Property line radius at intersections shall be no less than 20 feet. Refer to Table 1 for other requirements.

A-1.6 STREET NAMES

A-1.6.1. Streets that extend or are in alignment with streets of abutting or neighboring properties shall bear the same names of existing streets within the Town of Deering.

A-1.6.2 Other street names shall be approved by the Board after consultation

with the Selectmen.

A-1.6.3 Precautions shall be taken to ensure street names are not duplicated or so similar to other street names as to cause confusion.

A-1.7 EXISTING STREET CONDITIONS

The Board may disapprove a subdivision when it requires undue expenditures by the Town to improve existing streets to conform to minimum requirements until the Selectmen shall certify that funds for the improvements have been assured by the Town.

A-1.8 MINIMUM DESIGN REQUIREMENTS

A-1.8.1 New roads shall be designed to conform to the minimum standards established in Table 1 below and as shown on the attached Typical Roadway Cross Section (Exhibit 1). The roadway designs are based on average daily traffic volumes (ADT).

TABLE 1: MINIMUM ROAD DESIGN STANDARDS

TRAFFIC LOAD	LOCAL ADT 50-250	COLLECTOR ADT 250-400	ARTERIAL ADT greater than 400
Design Speed	20	30	35
Centerline Curve Radius	150	250	425
Roadway Width	18'	20'	24'
Shoulder Width (each side)	3'	3'	4'
Vertical Curve			
Crest:	15	30	50
Sag:K Values (min)	24	40	50
Sight Distance	200	300	350
Sight Distance @ Road Intersections	300	350	400
Profile Grade			
Minimum:	0.5%	0.5%	0.5%
Maximum:	10%	8%	7%
Minimum Platform @ Road Intersections	2%-75'	2%-100'	2%-100'
Minimum Pavement Radius @ Road Intersections	30'	35'	40'

A-1.8.2 ADT should be determined by the manual entitled Institute of

Transportation Engineers - Trip Generation, most recent edition. This may be supplemented by actual traffic data compiled for local roadway networks, applicable to the proposed project.

A-1.8.3 Where streets have the potential for extension through to other lands or other potential street networks, appropriate increases in the traffic volume estimates may be required at the discretion of the Board. The Board shall have the right and authority to increase design standards in such cases and in other cases where it is deemed appropriate.

A-1.8.4 For streets serving commercial/industrial areas, the Board may require more restrictive requirements than shown in Table 1. These commercial/industrial roads shall at least meet the requirements of a road designed to accommodate an average daily traffic volume of 400 or more trips.

A-1.9 CURBING

Curbing may be required by the Board where it is deemed appropriate and necessary for the purposes of drainage, slope stability and/or pedestrian safety. Curbing allowed includes straight granite, sloped granite, and bituminous cape cod berm. The construction of curbing shall be in accordance with the attached details (Exhibits 4, 5, and 6).

A-1.10 PATHS

A-1.10.1 Paths shall be a minimum of four feet in width consisting of a six (6) inch gravel base course, compacted once when half the gravel has been laid and again when all the gravel is laid, topped with four (4) inches of stone dust (a "3/4 inch minus mix") compacted yet again. Paths shall be constructed with a two (2) degree pitch to normal terrain to allow for drainage. The Board may require that these specifications be modified depending on base soils type.

A-1.10.2 Paths along roads shall be separated from the vehicle travel way by a landscaped buffer having an ideal width of six (6) feet, though a minimum is two (2) feet for local or collector roads and four (4) feet for arterial roads may be used for short sections of one hundred (100) feet or less.

A-1.10.3 Trails are paths that are located some distance from roadways and shall be constructed in a similar fashion to roadside paths unless the Board determines an alternative is better suited to the terrain or usage level. Trails shall be located in easements or as otherwise designated by the Board and the Board may require them to be marked. Trail grades shall not exceed 10 percent so that erosion is minimized. When possible, sight distances of one hundred (100) feet shall be provided to enhance user safety particularly when trails cross roads, but there shall be a minimum of fifty (50) feet sight distance.

A-1.11 SIDEWALKS

When the Board determines that sidewalks are necessary, they shall be not less than four (4) feet in width and conforming to the grades of the street, and may be constructed on only one or on both sides of the street. Sidewalks shall be separated from vehicles by a landscaped buffer as specified above.

A-1.12 STEEP GRADES

Where roadway profiles exceed 5%, special consideration shall be given to drainage, sedimentation control, and erosion protection. This may require curbing and special measures such as rip-rap or other erosion protection. In no case shall grades exceed 5% within at least 50 feet of an intersection.

A-1.13 SUPERELEVATION

Where superelevation is necessary, the design shall conform to the recommendations of AASHTO for the proposed rate of superelevation, and the Design Engineer shall provide appropriate documentation and calculations to demonstrate the safety and adequacy of the proposal.

A-1.14 STREET TREES

The Board recognizes that trees along and adjacent to the Town's roadways are an integral part of the Town's rural and historic character. Existing trees at the edge of the road right-of-way and adjacent to the right-of-way shall be evaluated for preservation as street trees. If, in the Board's opinion, insufficient trees exist to fulfill the function of street trees, the Board may require the planting of trees and/or shrubs within the road right-of-way, and such the size, spacing, and species of such plantings shall be indicated on the Final Plat. Indigenous plant material shall be utilized to the greatest extent feasible.

SECTION A-2 CONSTRUCTION STANDARDS

A-2.1 SUBGRADE

A-2.1.1 Excepting trees designated for preservation as street trees, all trees and roots shall be stripped to below the base course of pavement and shoulders for the full width of the pavement and shoulders. All soft spots, peat, organic material, spongy soil, and other unsuitable materials shall be removed and replaced by material approved by the Board or its agent. The subgrade fill or backfill shall be compacted in lifts not exceeding 12 inches in depth. The subgrade shall be graded in the general cross slope configuration shown on the Typical Roads Section (Exhibits 1 or 3).

A-2.1.2 Trees to be preserved shall be protected during construction activities. If trees designated for preservation are damaged during road construction or do not survive until road completion, they shall be replaced by the Applicant with the Board specifying the size, spacing, and species of

replacement trees.

A-2.1.13 Boulders and/or ledge shall be removed to a depth of 6 inches below the subgrade level shown on the Typical Road Section (Exhibits 1 or 3). After removal to this depth they shall be covered by a fill material approved by the Board or its agent and graded and compacted to the subgrade level.

A-2.2 BASE COURSE

A-2.2.1 Bank-run gravel of good quality shall be spread over the entire width of the proposed pavement and shoulders to a depth of twelve (12) inches, topped with six (6) inches of crushed gravel.

A-2.2.2 The bank-run gravel and crushed gravel each shall be placed in lifts not exceeding six (6) inches and in the cross slope configuration shown on the attached Typical Roadway Section (Exhibits 1 or 3).

A-2.3 COMPACTION

Roadway subgrade and base courses shall be compacted to 95% of maximum density proctor method in accordance with AASHTO T-99.

A-2.4 PAVEMENT MATERIALS

A-2.4.1 Base Course of two and a half (2 1/2) inches conforming to Type B of the NHDOT Specifications.

A-2.4.2 "Wearing Course" one and a half (1 1/2) conforming to Type F of the NHDOT Specifications.

A-2.5 GRADES

Grades of all streets shall conform in general to the terrain and shall so far as practicable not exceed eight (8) percent. No street shall have a grade of less than one-half of one percent (.05%). Where practical, lots shall be graded toward the streets.

A-2.6 SIDE SLOPES

All slopes shall be graded, loamed, hayed and seeded. No slope, cut or fill will be greater than two horizontal to one vertical in ledge, or three horizontal to one vertical (3:1) in all other materials.

A-2.7 STORMWATER MANAGEMENT

All proposed drainage facilities and culverts shall be installed. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff. Where allowed by the Board or Town Road Agent, drainage swales at least three (3) feet in width and 16 inches in depth at its midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway. Drainage

facilities must be adequate to provide for the removal of storm water to prevent flooding of the pavement and erosion of adjacent surfaces. Roadway drainage shall be sized to accommodate the 25-year rain event; internal drainage shall be sized to accommodate the 10-year rain event. Easements are required for any drainage features that run through land outside the subdivision. (Refer to Exhibits 7, 8, 9, and 10.)

SECTION A-3. DRIVEWAY STANDARDS

A-3.1 No driveway shall be constructed within 50 feet of the intersection of two public roads.

A-3.2 When two proposed driveways on the same side of the road are within 50 feet of each other, the Board may require a common access to be used, for reasons of safety and topographical considerations.

A-3.3 The driveway shall have a minimum width of twelve (12) feet at the intersection of the road with four (4) foot turning radii to the roadway and for a distance of thirty (30) feet from the road. In all cases, the driveway shall be wide enough to accommodate emergency vehicles. The driveway entrance may be flared as it approaches the road.

A-3.4 The driveway entrance shall drop six (6) inches from the center of the road to a point at least six (6) feet in back of the ditch line.

A-3.5 A minimum of 250 (two hundred and fifty) feet all-season safe sight distance in each direction is required.

A-3.6 All curb cuts onto Town roads or private ways shall be approved by the Road Agent. In rendering the approval, the Road Agent shall determine that the location will not result in unsafe conditions, and the use and maintenance of the driveway will not create a hazard or nuisance for vehicles or pedestrians.

A-3.7 If a culvert is required for proper drainage, the culvert shall be a minimum of 15 inches in diameter and shall be double-walled ADS Corrugated Polyethylene Culvert Pipe meeting the specification of the Town's Road Agent. The culvert shall be long enough to maintain the driveway width dimensions, or at least a 3:1 side slope. The culvert may be required to have a catch basin with a cover at the inlet end and a concrete or stone header at the outlet end. The culverts shall be installed by the landowner under the supervision of the Road Agent.

A-3.8 Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, driveways

may be swaled at a point beyond the shoulder to accommodate the flow of storm water.

A-3.9 The drainage ditch shall be at the elevation of the outlet end of the culvert and drop at least one-half inch to the foot for a distance to be determined by the Road Agent. When the slope of the ditch exceeds a 3:1 slope, rip rap shall be placed on the bottom and sides of drainage ditches.

A-3.10 Any driveway crossing a wetland or body of water shall have all permits required by the NH Wetlands Board.

A-3.11 All bridges shall be constructed in accordance with NH State standards and as approved by the Board.

A-3.12 Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the NHDOT manual, Policy and Procedures for Driveways and Other Accesses to the State Highway System, as a guide.

A-3.13 The contractor shall give 24-hour notice to the Road Agent before starting construction.

A-3.14 Final approval by the Board will be granted upon inspection and determination that all work has been satisfactorily completed.

SECTION A-4 DRIVEWAYS TO BACKLOTS

Driveways to backlots shall be subject to the following standards, in addition to any other applicable standards spelled out in Section A-3 above:

A-4.1 Unless a physical impediment exists to prevent it, only one curb cut shall be allowed for both the front and the back lot.

A-4.2 The edge of the driveway shall be set back at least 10 feet from any side or rear property line.

A-4.3 Appropriate buffering shall be provided between the front and back lot to provide privacy between neighbors and shield them from dust, noise, lighting, etc.

A-4.4 There shall be a turnaround for emergency vehicles, subject to approval by the Fire Chief.

SECTION A-5 PRIVATE ROADS

In order to encourage interior development as an alternative to development

exclusively or primarily on major roads and streets (so-called strip development), and to allow development at no additional cost to the Town, the Board may approve the layout of roads to be built and maintained by the landowner(s) according to the following conditions:

A-5.1 Before final approval of a private subdivision road, the Applicant shall post a bond or other surety to cover the cost of construction and maintenance of the road and utility lines, if any. Said guarantee shall remain in effect for a minimum of one year after the construction is complete.

A-5.2 A maintenance agreement shall accompany the plan to be recorded which states to what extent each parcel or lot is responsible for maintenance of the private road. The agreement shall run with the land, and upon any future conveyance of property, the agreement shall be incorporated in and made part of a conveyance binding upon the parties thereto, their successors and assignees.

A-5.3 The Board may agree to a lesser standard of construction for a private road, with the understanding and agreement of the applicant that, should the Town ever decide to take over the road, it would have to be improved to Town road specifications.

A-5.4 The Applicant shall sign a "Statement of Agreement" with the Town, indicating she/he understands that the Town is under no obligation to take over maintenance or ownership of the road.

A-5.5 No private subdivision road will be approved by the Town or the Board unless adequate provision is made for any utilities serving the site. The plan submitted must show the location and size of necessary utility easements; and if private lines are to be connected to public lines, a public "turn off" must be installed and maintained by the Applicant at the end of the public line.

A-6 GRAVEL ROADS

A-6.1 New gravel roads may be permitted, or required by the Board, in residential subdivisions off existing gravel roads, off existing Designated Scenic Roads, when ADT is 50 or less, if the road is less than 1000' in length, or as otherwise determined by the Board. For all proposed gravel roads, the Applicant shall submit a certification from a professional engineer licensed in New Hampshire that the site specific design is sound, adequately addresses drainage and other environmental concerns, and that the roadway will not negatively impact the surrounding area due to excessive erosion. Gravel roads are shown as Typical Road Section Exhibit 3.

A-6.2 Design specifications for gravel roads:

- i. All travel lanes on gravel roads will be graded with a cross-slope of ½"-per-foot of lane width from centerline to shoulder. Shoulders will be lower and graded at a slightly steeper cross-slope to provide positive drainage toward the ditch.
- ii. The depth of ditch should be at least 18" below the shoulder break, with a side slope from the shoulder to the bottom of ditch of 4:1. Care should be given to avoid excessively deep ditches which could create safety and liability concerns to motorists and/or pedestrians, especially with steep side slopes.
- iii. All ditches will be shaped with no hard transitions in slopes. The shape should be rounded (parabolic) to minimize erosion and water velocities. V-ditches should be avoided.
- iv. The grade of ditch flow lines shall never be less than 0.5%.
- v. A minimum of twelve (12) inches of gravel (NH DOT Item No. 304.2) for the subgrade, plus a finish course of 6" of crushed gravel (NH DOT Item No. 304.3) shall be placed over the foundation material, and compacted in accordance with NH DOT Standard Specifications for Road and Bridge Construction, Division 300, most recent edition.
- vi. Samples of all gravel may be obtained by the Town at any time to ensure quality and for periodic testing.
- vii. All aspects of construction, including, but not limited to testing, placement and compaction, shall be in compliance with NH DOT Standards Specifications for Road and Bridge Construction, Division 300, most recent edition.
- viii. The Board may require the submittal of grading analysis of materials to ensure compliance with these specifications.

SECTION A-7 CLASS VI ROADS

Subdivisions on Class VI road are generally discouraged. The purpose of this section is to allow conditional Board approval of subdivisions located on Class VI roads. Any such approvals shall only be given by the Board when the denial would cause unusual hardship or would serve no public purpose. The following conditions shall be placed on the approved plat for all subdivisions located on or adjacent to Class VI roads. Additional conditions may be added by the Board as it deems necessary.

"The Board hereby approves this subdivision subject to the following conditions:

- A. *Approval of this subdivision in no way constitutes an approval of any portion of the Class VI roadway as a Class V roadway, nor does it obligate the Town to maintain any portion of the Class VI roadway, including snow plowing, nor does the Town assume any liability for any damages resulting from the use of said road(s).*
- B. *Prior to the issuance of a building permit, it may be necessary for*

the road, or a portion thereof, to be reconstructed to Town specifications. Any expense therefor shall be the responsibility of the subdivider or any successor(s) in title for said lot(s).

- C. It shall be the duty of every seller of this land to so inform the potential buyer of any lot of these restrictions prior to the buyer making any binding commitment to purchase said lot.*
- D. Any conditions imposed by the Board as a part of subdivision approval shall be made a covenant of the deed(s) conveying all or any part of said subdivision and shall run with the land.*

List of Figures

- Exhibit 1: Typical Section Paved Roads
- Exhibit 2: Cul-de-sac
- Exhibit 3: Typical Section Gravel Roads
- Exhibit 4: Straight Granite Curb
- Exhibit 5: Sloped Granite Curb
- Exhibit 6: Bituminous Cape Cod Berm
- Exhibit 7: Standard Catch Basin
- Exhibit 8: Standard Drainage Manholes
- Exhibit 9: Standard Drainage Grate & Frame
- Exhibit 10: Typical Underdrain Detail
- Exhibit 11: Trail Cross-Section

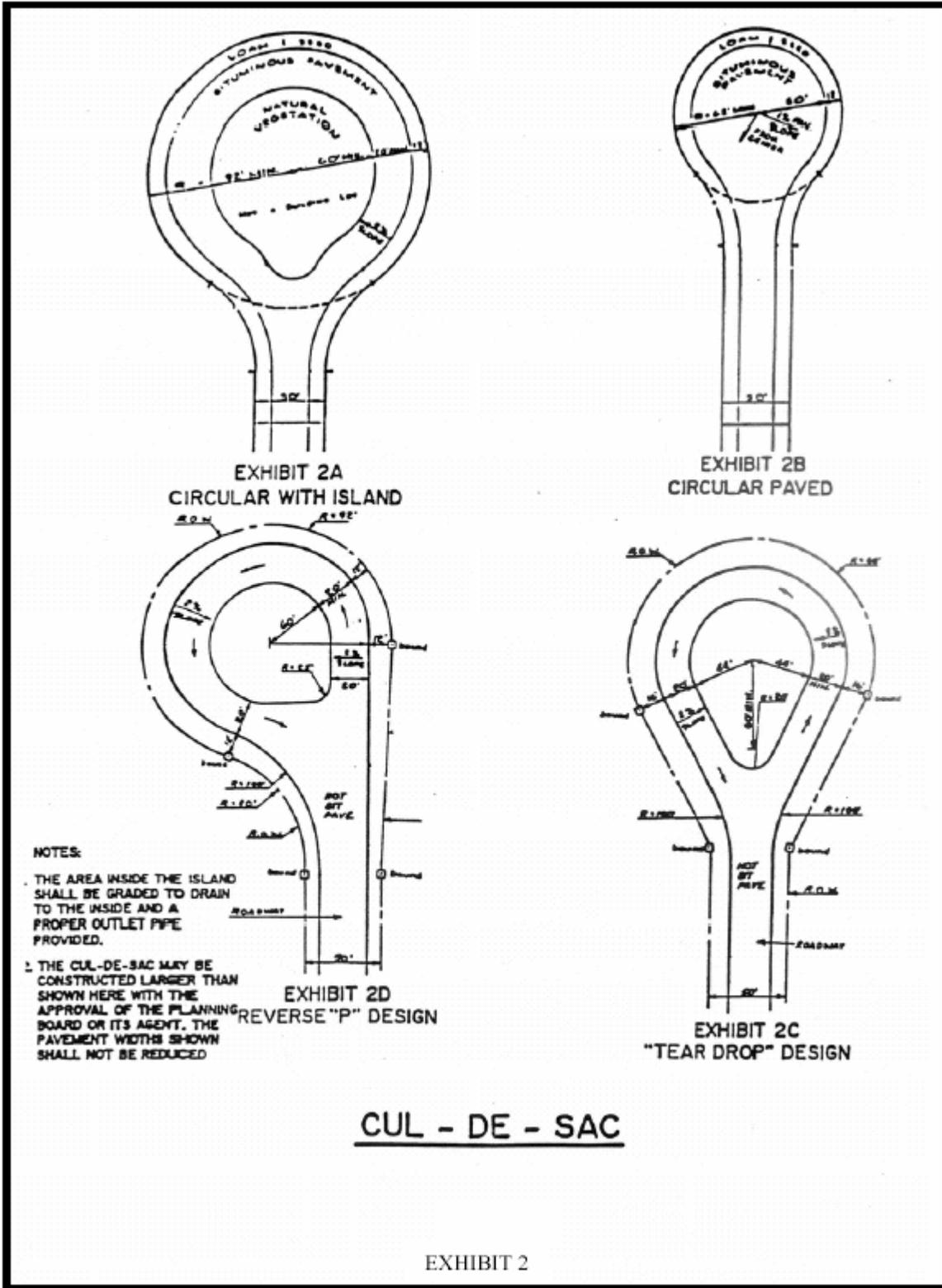
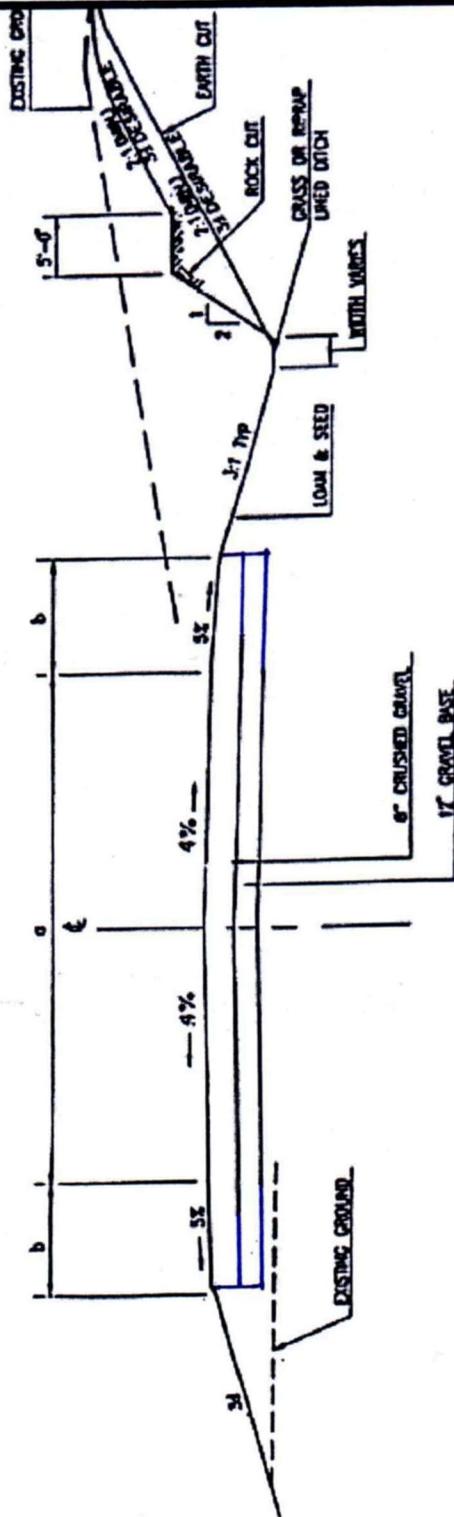


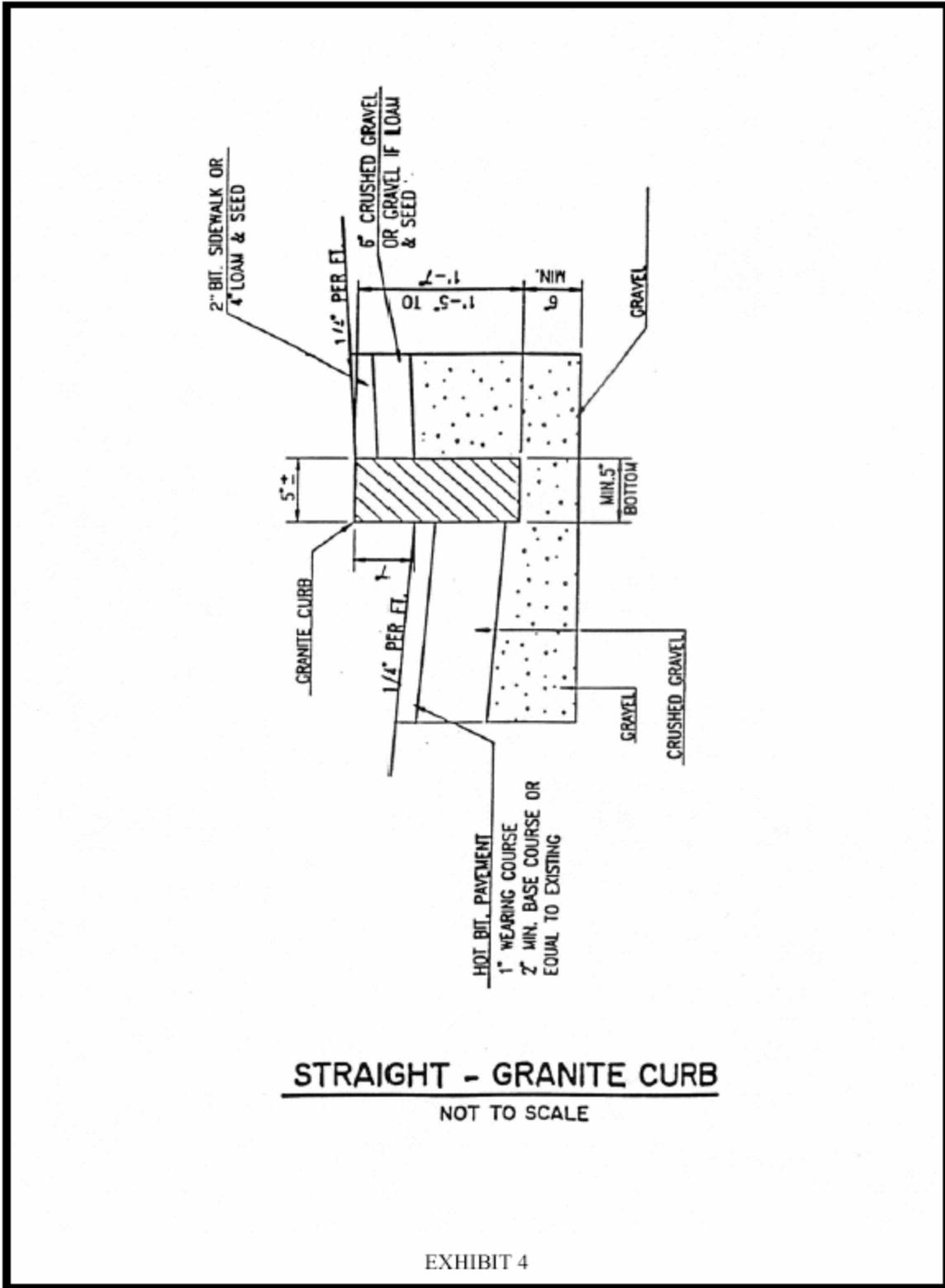
EXHIBIT 3

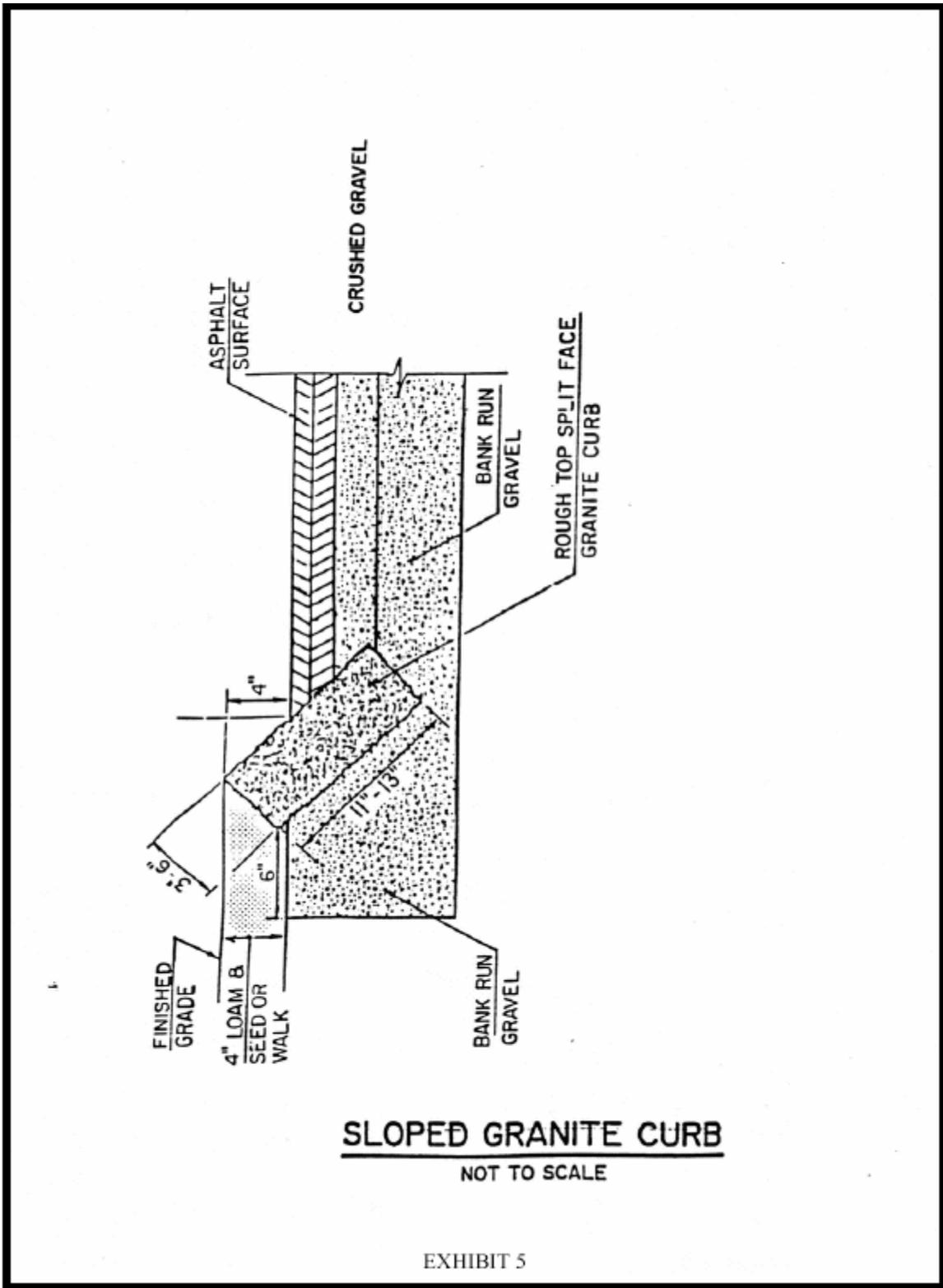


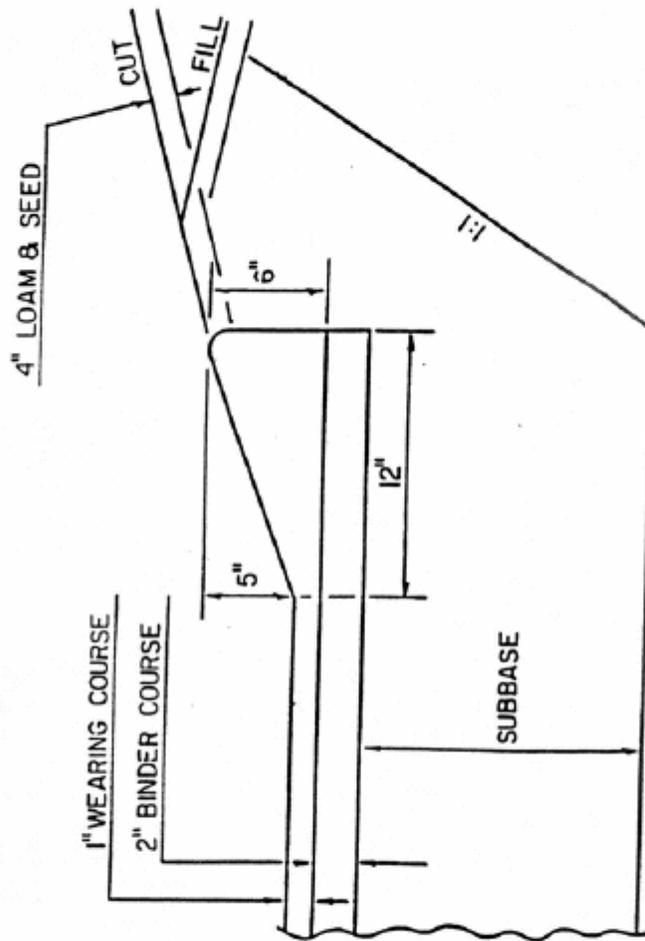
TYPICAL SECTION
GRAVEL ROADS

NOT TO SCALE

SEE TABLE I FOR a AND b DIMENSIONS
a = ROADWAY WIDTH
b = SHOULDER WIDTH





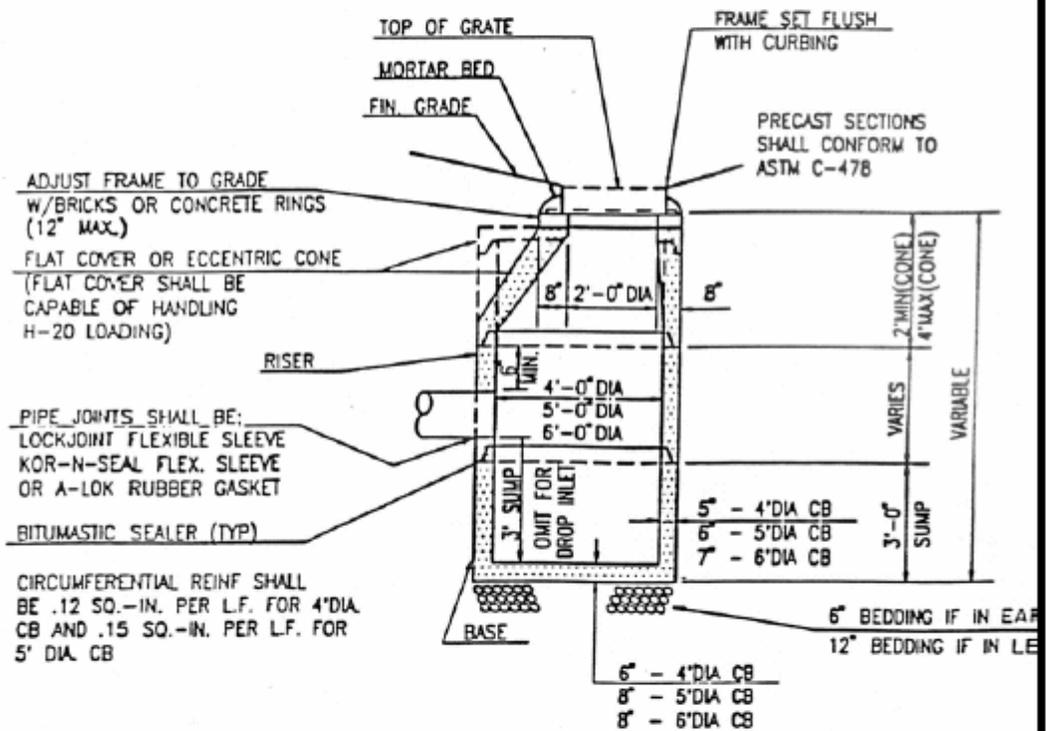
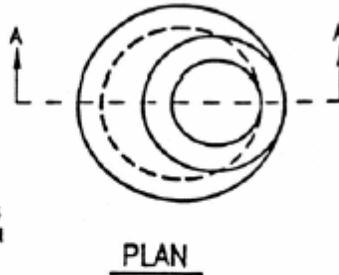


BITUMINOUS CAPE COD BERM

NOT TO SCALE

EXHIBIT 6

NOTE: MORTARED CONCRETE BLOCK MAY BE USED IN PLACE OF PRECAST CONCRETE. MORTARED CONCRETE BLOCK CATCH BASINS AND MANHOLES SHALL CONFORM TO THE NHDOT STANDARDS.



STANDARD CATCH BASIN

NOT TO SCALE

EXHIBIT 7

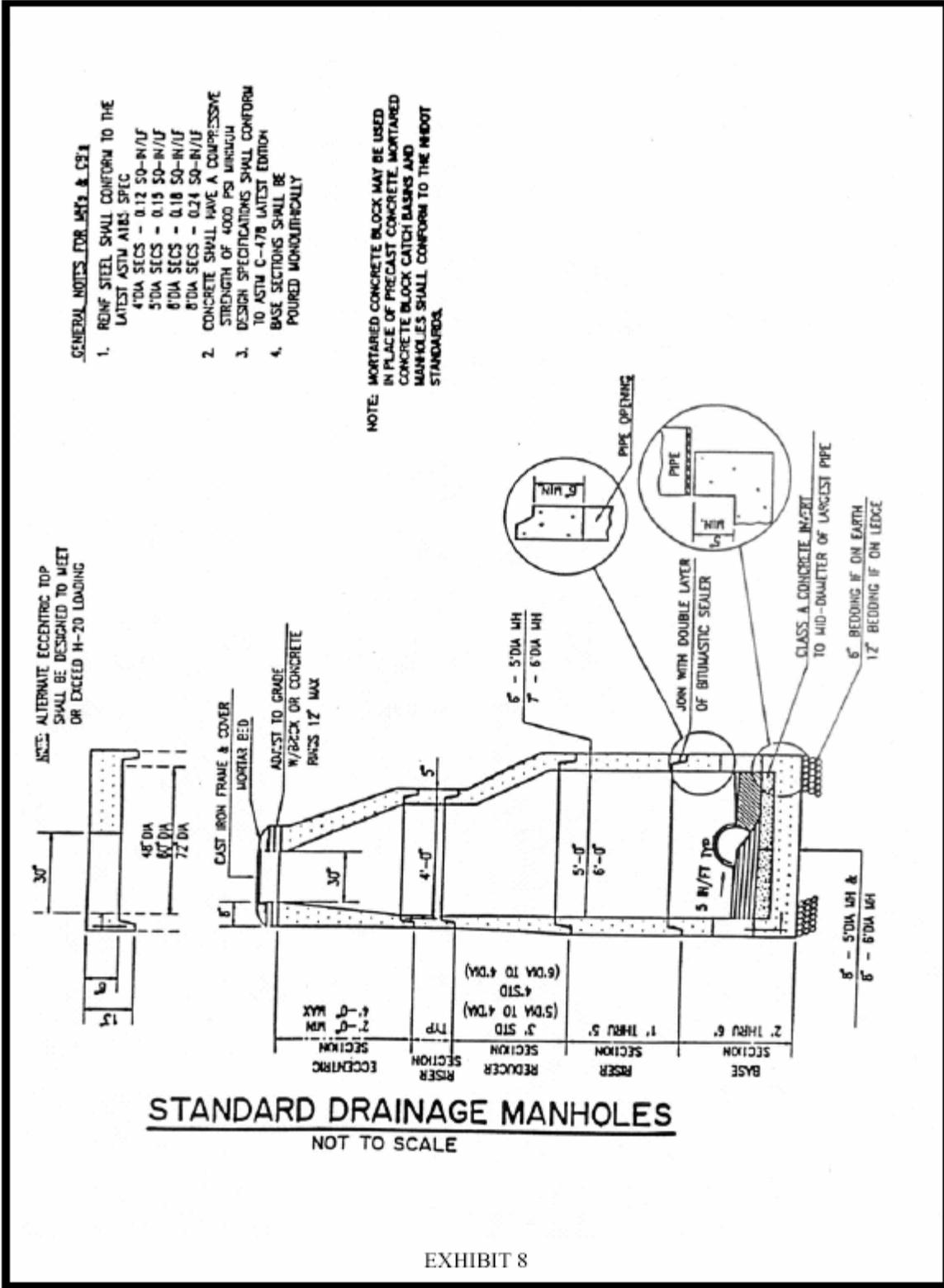
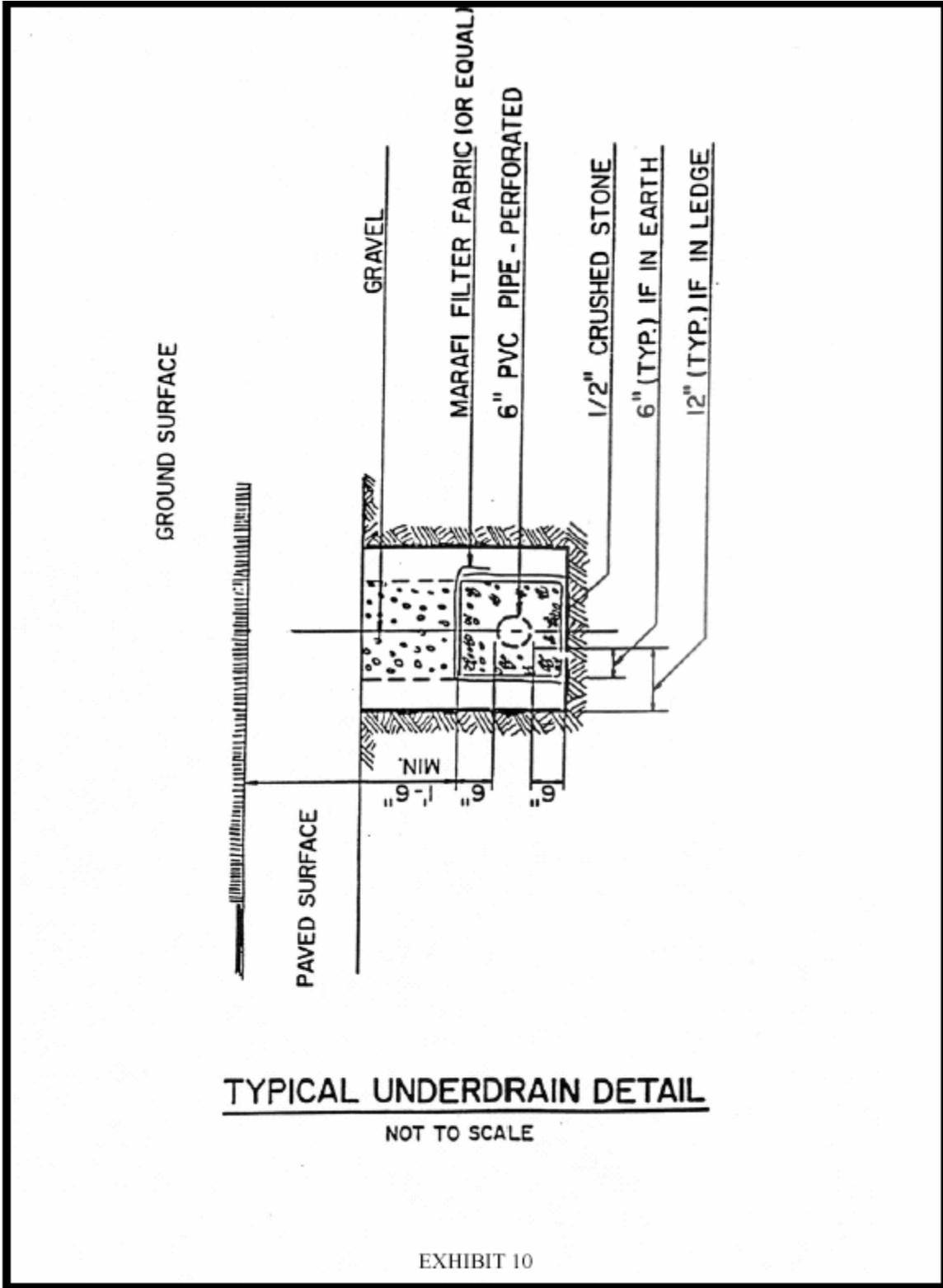
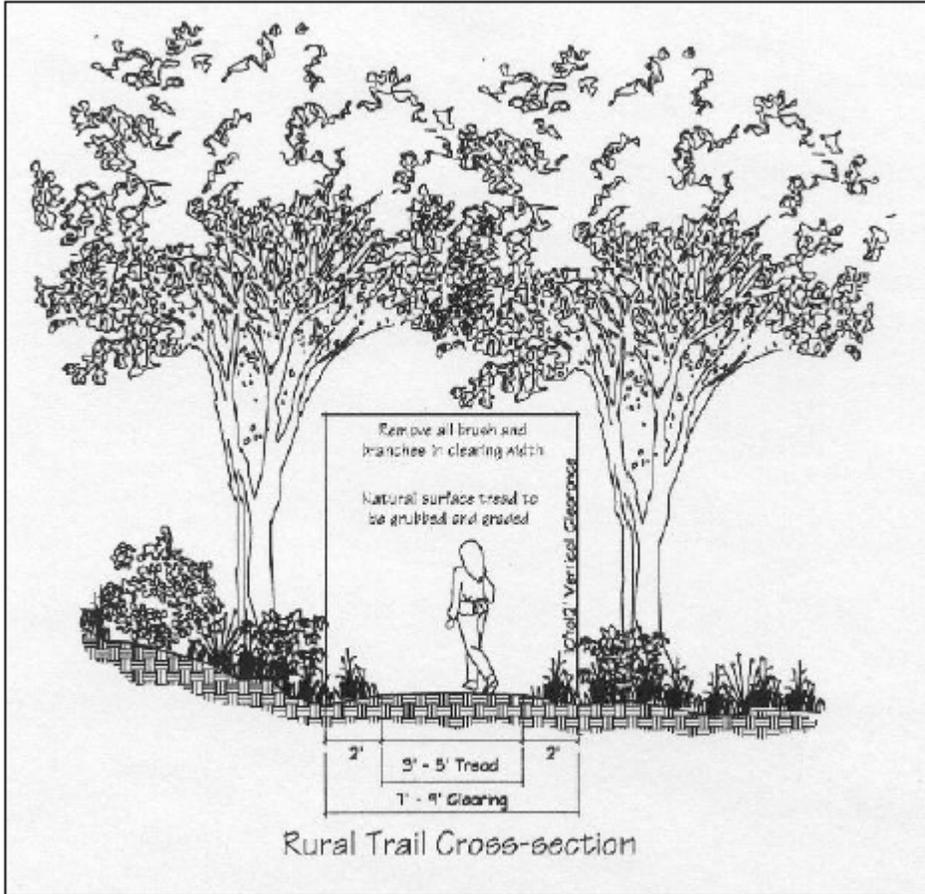


EXHIBIT 8





Northern Bonneville Shoreline Trail Master Plan

TRAIL CROSS-SECTION

EXHIBIT 11

**APPENDIX B:
REQUIREMENTS FOR SOILS AND WETLANDS DATA**

SECTION I: DEFINITIONS

- **“Average area”** means the total acreage of the property, exclusive of very poorly drained soils, divided by the total number of proposed lots. (Use of average acre here assumes that all lots are roughly the same size.)
- **“Bedrock within 18 inches of the soil surface”** meets the definition of either lithic or paralithic material. At least 75% of delineated areas must meet this definition with no more than 15% of the area having soil properties more limiting (i.e., hydric conditions).
- **“Indurated”** means a rock or soil hardened or consolidated by pressure, cementation, or heat.
- **“Limiting physical features”** means rock outcrops, steep slopes >35%, soils with bedrock within 18 inches of the soil surface, and very poorly drained areas.
- **“Lithic material”** means unaltered material that is continuous, coherent, and indurated. The material qualifies for an “R” designation as a master layer (USDA soil survey Manual, 1993, pg. 121). Plant and tree roots cannot enter except in cracks. Hand digging with a spade is impractical. Some lithic material can be ripped with heavy power equipment. The material must be in a strongly-cemented or more cemented rupture-resistance class. Granite, quartzite, and indurated limestone or sandstone are examples.
- **“Non-limiting”** means the area, exclusive of very poorly drained soils, rock outcrops, bedrock within 18 inches of the soil surface, and soils with steep slopes greater than 35 percent.
- **“Paralithic material”** means a relatively unaltered material that has an extremely weakly cemented to moderately cemented rupture—resistance class. The material qualifies for a “Cr” designation as a subordinate distinction within a master soil layer (USDA soil survey Manual, 1993, pg. 124). Cementation or bulk density are such that plant and tree roots cannot enter except in cracks. The material can be hand dug with a spade with much difficulty. Commonly these materials consist of weathered or weakly consolidated bedrock.
- **“Soil surface”** refers to the top of the first mineral layer.

SECTION II: REQUIREMENTS FOR SOILS AND WETLANDS DATA IN SUBDIVISION/SITE PLAN REVIEW REGULATIONS

A. LEVEL 1:

Delineation of Wetlands and Surface Waters for all Subdivision/Site Plan Review Applications

Information on wetlands and surface waters shall be provided on the plan with identification and delineation of the resources in accordance with the definitions and standards specified in Step A and B of this section. The written documentation specified in Step C shall be included on the plan and certified by the stamp of a qualified professional.

Step A: Wetlands Delineations

Wetlands are to be identified and delineated according to the following standards and/or methodologies:

- Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987.
- Field Indicators for Identifying Hydric Soils in New England, Version 2, New England Interstate Water Pollution Control Commission, 1998.
- Chapters Wt 100-800 of the NH Code of Administrative Rules, April 21, 1997.

Step B: Surface Waters Delineation

Surface Waters are to be identified and delineated in accordance with RSA 485-A: 2, XIV, NH Water Pollution and Waste Disposal and NH Code of Administrative Rules pursuant to 485-A.

Step C: Written Documentation

A written statement shall be included on the subdivision or site plan, certified by the stamp of the Certified Wetland Scientist (CWS) or Permitted Septic Designer (PSD), that all wetlands and surface waters on-site have been delineated in accordance with the standards specified in Steps A and B above.

B. Additional Information Required Based on the Type of Proposal

1. If a project proposed for subdivision or site plan review is served by public water and sewer, no additional soils data needs to be submitted

for the purpose of determining suitability of the site for subsurface wastewater disposal systems.

Additionally, if the site development calls for structures and/or impervious cover or alteration of an area greater than 100,000 square feet, or 50,000 square feet within the protected shoreland, then the applicant should file a site specific application under NH Code of Administrative Rules Env-Ws 415 and RSA 485-A: 17, significant alteration of terrain. Approval of the permit specified in these rules and statute is required by DES.

2. If the project meets at least one of the following three development intensity criteria, then the applicant should submit Site Specific Soil Map (SSS Map) information as specified in subsection D:
 - a. The average area is less than two (2) acres in area and is not served by either municipal water or sewer.
 - b. The average area is less than one (1) acre in area and is served by municipal water, but not sewer. Or,
 - c. The non-limiting, upland, contiguous area on any proposed lot is less than 20,000 square feet.
3. For all other projects, the applicant should comply with the data requirements of Level 2.

C. LEVEL 2:

Confirmation of County Soil Survey Maps and Identification of Limiting Physical Features

Step A: Identification of Soil Complexes with Dramatically Different Characteristics

- If any of the soil map units on the property, as mapped by the NRCS county soil survey, is a complex of soils with dramatically different characteristics that would have an impact on use and management of the property, then the applicant must provide SSSMS information as required in Level 3.
- If the soils mapped by the NRCS county soil survey do not include one of these complexes, continue to Step B.

Step B: Confirmation of NRCS County Soil Survey Map

The following information is required to be submitted for confirmation of the NRCS county soil survey:

1. A copy of the NRCS county soil survey with the subdivision or site plan location and approximate boundaries superimposed on the soil map. The copy of the county soil survey must be provided at the same scale as the original county soil survey. This is important, so that the limitations of the information provided at the scale of the survey are not misunderstood by the users.
2. A representative number of detailed soil profile descriptions to characterize variations in the landscape for each mapped unit, based on NRCS standards as described in the Field Book for Describing and Sampling Soils; Version 1.1 National Soil Survey Center, NRCS, 1998. These profile descriptions are to be included in a narrative report for the project.

The applicant is required to evaluate and submit detailed soil profile descriptions to document that the conditions on site are adequate to support the proposed use and management of the property. The standards and/or methodologies for doing this are listed below. These sources should be cited directly on the plan.

If the proposal meets the requirements of Step B, then Level 2 information is potentially adequate for local review, provided that the NRCS soil survey information is determined to be sufficient for the proposed use and management of the property.

Standards

The required tasks under Level 2 are to be carried out according to the standards found in the following documents:

- Field Book for Describing and Sampling Soils: Version 1.1 National Soil Survey Center, NRCS, 1998.
- Keys to Soil Taxonomy, Eighth Edition, USDA/NRCS 1998.
- NRCS Official Series Description Sheets and/or published map unit descriptions, USDA/NRCS.

Methods

A minimum of one soil profile description shall be completed per soil map unit within the plan area, as depicted on the NRCS county soil survey. The soil will be described in sufficient detail, so as to support or refute that identified properties are within, or similar to those of the soil series used to name the map unit.

Soils descriptions should be carried out in areas suspected of having the greatest likelihood of contrasting soil features. Some map units will require more than one soil description to document soil variability. The map unit purity standards from Site Specific Soil Mapping Standards for New Hampshire and Vermont, Version 2.0, Society of Soil Scientists of Northern New England Publication No. 3, 1999, will apply.

- The location(s) of the soil profile description(s) used to corroborate the NRCS soil series shall be shown on the plan, with a reference to the description(s) in the narrative report for the project.
- A detailed comparison between each soil profile description and the representative pedon (a description of a small three-dimensional area of soil that is typical of the soil series in the county) for that soil from the county soil survey shall be included in the detailed narrative for the project. The NRCS Official series Description Sheets and/or NRCS published map unit descriptions for each mapped unit are to be used as references.
- A written statement that the soil profile description(s) from the site adequately reflect the range of characteristics for the series, as described in the county soil survey. The statement shall indicate that the county soil survey adequately represents soil and landscape characteristics, such that site specific land use decisions can be made without further soil investigations. This statement is to be certified by the stamp of the CSS or PSD. If this statement cannot be made, proceed to Level 3.
- A narrative report for the project which summarizes the information compiled in Step B. This shall include a determination of whether limiting physical features are present on the parcel and indicate the specific mapped soil units where these occur. If any limiting physical features are identified on-site, then Step C is required.
- If the on-site investigations confirm the nature and properties of the soils as reflected by the soil map, consistent with the intended use and intensity of development, as Level 2 review is potentially adequate for the planning boards' purposes. However, the planning board may, at its discretion, require submission of on-site soils data.

Step C: Identification of Limiting Physical Features

In addition to the information required in Steps A and B, the information specified below is required for identification and documentation of limiting physical features. This can either be done as a stand-alone document or as an amendment or addendum to the narrative prepared under Step B.

- Delineation of the limiting features, specifically rock outcrops, steep slopes >35%, soils with bedrock within 18 inches of the soil surface, and very poorly drained areas on-site. These features are to be shown on the plan.
- A detailed description of each limiting physical feature, based on NRCS standards, in a narrative report for the project, with reference to its location on the plan. This can either be done as a stand-alone document or as an amendment or addendum to the narrative prepared under Step B.
- A written statement that the limiting physical features identified above would not have a significant impact on use and management of the property. This statement is to be certified by the stamp of the CSS or PSD. If this statement cannot be made, then proceed to Level 3.
- A written statement that limiting physical features are present on the parcel(s) and that either (1) a SSS Map (Level 3) is required, or (2) not required, with supporting documentation for this position. This determination is to be certified by the stamp of the CSS or PSD. If a SSS Map is required, then proceed to Level 3.

D. Level 3:

Site Specific Soil (SSS) Map for Intense Development and for Sites with Limiting Features

If required, an applicant shall submit a site specific soil map prepared in accordance with Site Specific Soil Mapping Standards for New Hampshire and Vermont Version 2.0, Society of Soil Scientists of Northern New England Publication No. 3, 1999. This is to be certified by the stamp of the CSS.

APPENDIX C: FORMS

1. SUBMISSION OF APPLICATION (used only for submission - not public hearing)
2. SUBMISSION OF APPLICATION/PUBLIC HEARING ON PROPOSAL (for Expedited Review)
3. PUBLIC HEARING ON PROPOSAL
4. ABUTTER NOTICES FOR SUBDIVISION OR SITE PLAN REVIEW APPLICATION
5. APPLICANT NOTICE FOR SUBDIVISION REVIEW
6. SURVEYOR NOTICE FOR SUBDIVISION OR SITE PLAN REVIEW
7. APPLICATION FOR WAIVER OF SUBDIVISION/SITE PLAN REVIEW REQUIREMENT
8. NOTICE OF PLANNING BOARD DECISION
9. NOTICE OF PLANNING BOARD DENIAL
10. NOTICE OF PUBLIC HEARING TO REVOKE PLANNING BOARD APPROVAL
11. DECLARATION OF REVOCATION
12. ADOPTION OR AMENDMENTS TO SUBDIVISION OR SITE PLAN REVIEW REGULATIONS

1. SUBMISSION OF APPLICATION (used only for submission - not public hearing)



TOWN OF DEERING

LEGAL/PUBLIC NOTICE

Notice is hereby given in accordance with RSA 676:4 that an application for (Subdivision Review - Description of Application; Name of Applicant; Location of Property; Tax Map and Lot Number) will be submitted to the Planning Board on (DATE) at (TIME) at the Deering Town Hall during a regular meeting of the Board. Upon a finding by the Board that the application meets the submission requirements of the Town of Deering Subdivision Regulations, the Board will vote to accept the application as complete and schedule a public hearing. Should the application not be accepted as complete, another submission meeting will be scheduled. Anyone needing assistance to attend this meeting should contact the Selectmen's Office one week prior to the scheduled date.

Per order of the Deering Planning Board

_____Secretary/Clerk

2. SUBMISSION OF APPLICATION/PUBLIC HEARING ON PROPOSAL (for Expedited Review)



TOWN OF DEERING

LEGAL/PUBLIC NOTICE

Notice is hereby given in accordance with RSA 676:4 & 675:7 that an application for (Subdivision Review - Description of Application; Name of Applicant; Location of Property; Tax Map and Lot Number) will be submitted to the Planning Board on (DATE) at (TIME) at the Deering Town Hall during a regular meeting of the Board. Upon a finding by the Board that the application meets the submission requirements of the Town of Deering Subdivision Regulations, the Board will vote to accept the application as complete, and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved. Anyone needing assistance to attend this meeting should contact the Selectmen's Office one week prior to the scheduled date.

Per order of the Deering Planning Board

_____Secretary/Clerk

3. PUBLIC HEARING ON PROPOSAL



TOWN OF DEERING

LEGAL/PUBLIC NOTICE

Notice is hereby given in accordance with RSA 676:4 & 675:7 that the Deering Planning Board will hold a public hearing for (Subdivision Review - Description of Application; Name of Applicant; Location of Property; Tax Map and Lot Number) on (DATE) at (TIME) at the Deering Town Hall. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved. Anyone needing assistance to attend this meeting should contact the Selectmen's Office one week prior to the scheduled date.

Per order of the Deering Planning Board

_____ Secretary/Clerk

4. ABUTTER NOTICES FOR SUBDIVISION OR SITE PLAN REVIEW APPLICATION

Dear _____,

According to NH Revised Statutes Annotated 676:4,1 (d) and the Town of Deering Subdivision Regulations, it is required that all abutters to land intended for subdivision be notified of the proposal.

You, as an abutter, are hereby notified that an application for (Subdivision Review - Description of Application; Name of Applicant; Location of Property; Tax Map and Lot Number) will be submitted to the Planning Board on (DATE) at (TIME) at the Deering Town Hall during a regular meeting of the Board. Upon a finding by the Board that the application meets the submission requirements of the Town of Deering Subdivision Regulations, the Board will vote to accept the application as complete, and a public hearing on the merits of the proposal will follow immediately.

Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Please be advised that, as an abutter, your right to testify is restricted to the public hearing. In the case of a public *meeting*, as opposed to a public *hearing*, you are allowed by right to be notified and be present, but you do not have the right to offer testimony except at the Planning Board's discretion.

Sincerely,

Planning Board Secretary/Clerk

5. APPLICANT NOTICE FOR SUBDIVISION REVIEW

Dear _____,

According to NH Revised Statutes Annotated 676:4,1 (d) and the Town of Deering Subdivision Regulations, it is required that all applicants for land development be sent notice of the public meeting and public hearing at which their proposal will be submitted to the Board and reviewed.

You, as the applicant, are hereby notified that your application for (Subdivision Review - Description of Application; Location of Property; Tax Map and Lot Number) will be submitted to the Planning Board on (DATE) at (TIME) at the Deering Town Hall during a regular meeting of the Board. Upon a finding by the Board that the application meets the submission requirements of the Town of Deering Subdivision Regulations, the Board will vote to accept the application as complete, and a public hearing on the merits of the proposal will follow immediately.

Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved. Should your application be disapproved, you will receive written notice from the Planning Board within 144 hours stating the reasons for such disapproval.

Sincerely,

Planning Board Secretary/Clerk

6. SURVEYOR NOTICE FOR SUBDIVISION OR SITE PLAN REVIEW

According to NH Revised Statutes Annotated 676:4,1 (d) and the Town of Deering Subdivision Regulations, it is required that any persons who have prepared plans for approval be notified of the submission and hearing on the application.

You are hereby notified that an application prepared by you for a (Subdivision Review - Description of Application; Location of Property; Tax Map and Lot Number) will be submitted to the Planning Board on (DATE, TIME, PLACE) during a regular meeting of the Board.

Upon a finding by the Board that the application meets the submission requirements of the Town of Deering Subdivision Regulations, the Board will vote to accept the application as complete, and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached following the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Should this application be disapproved, the applicant will receive written notice from the Planning Board within 144 hours stating the reasons for disapproval, and advising the applicant of what corrective measures would be needed.

Per order of _____, Chair
Deering Planning Board

7. APPLICATION FOR WAIVER OF SUBDIVISION/SITE PLAN REVIEW REQUIREMENT

Date: _____

To the Chair and Members of the Deering Planning Board:

On (DATE) I submitted a plan for subdivision approval to the Board, entitled _____ and prepared by _____ Pursuant to Section 4.10.3 of the Town of Deering Subdivision Regulations, I am requesting a waiver from the following items for reasons stated below (attach additional pages and information as necessary:

1. _____

2. _____

3. _____

4. _____

Respectfully submitted,

8. NOTICE OF PLANNING BOARD DECISION

(Once the Planning Board has held the public hearing and voted on the application, the final decision must be put in written form and placed on file in the Town offices and made available to the public within 144 hours. The Board is not required to notify the applicant individually except in the case of a denial, in which case the same time limit applies.)



TOWN OF DEERING

NOTICE OF PLANNING BOARD APPROVAL

On _____, _____, after duly-noticed public hearing(s), the Planning Board voted to **APPROVE** the Plan for (a INSERT NUMBER-lot subdivision) submitted to the Board by _____ for property located at (Street Address, Tax Map & Lot Number and Zoning District). Any conditions to which the plan is subject are listed below:

1. _____
2. _____
3. _____
4. _____
5. _____

_____, Chair

Deering Planning Board

9. NOTICE OF PLANNING BOARD DENIAL



TOWN OF DEERING

NOTICE OF PLANNING BOARD DENIAL

On (DATE) after duly-noticed public hearing(s), the Planning Board voted to DENY the Plan for () submitted to the Board by _____ for property located at (Street Address, Tax Map & Lot Number and Zoning District). The application was denied for the following reasons:

1. _____
2. _____
3. _____
4. _____
5. _____

_____ Planning Board Chair

10. NOTICE OF PUBLIC HEARING TO REVOKE PLANNING BOARD APPROVAL



TOWN OF DEERING

LEGAL/PUBLIC NOTICE

Notice is hereby given in accordance with RSA 676:4-a the Planning Board will hold a public hearing on (DATE) at (TIME) at the ____Deering Town Hall for the purpose of considering whether to revoke a plan previously-approved on _____, _____, and filed with Hillsborough County Register of Deeds. The Board is considering revocation for the reasons stated below. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Per order of the Deering Planning Board

_____ Secretary/Clerk

11. DECLARATION OF REVOCATION

(Once the Board has voted to revoke a previously-approved plan, a declaration of revocation must be filed with the county register of deeds no sooner than 30 days after written notification to the applicant, or 30 days after the public hearing, whichever is later. The declaration must be recorded under the same name as that on the original approval, dated, endorsed in writing by the Planning Board, and contain reference to the recording information of the plan being revoked.)

TOWN OF DEERING

DECLARATION OF REVOCATION

Notice is hereby given that the Deering Planning Board voted on (DATE) to revoke the approval of (Plan Name) granted to (Applicant Name) on (DATE). The Plan was recorded in the Hillsborough County Register of Deeds as Plan _____ and filed on (DATE). The approval was revoked for the following reasons:

Respectfully Submitted,

Planning Board Chair

12. ADOPTION OR AMENDMENTS TO SUBDIVISION REGULATIONS



TOWN OF DEERING

NOTICE OF PUBLIC HEARING

Pursuant to RSA 675:6 & 7, the Planning Board will hold a public hearing on (DATE) (TIME) at the Deering Town Hall on a (proposed amendment or the adoption of the Subdivision Regulation). The effect of the (proposed amendment or adoption) will be to:

(Here insert a topical description of the proposed changes)

A full copy of the text of the proposed amendment is available for review in the Town Clerk's office during regular business hours.

Per order of the Deering Planning Board

_____ Secretary/Clerk

APPENDIX D:

CRITERIA FOR DETERMINING REGIONAL IMPACT

Impact Criteria shall include, but not be limited to, the following items. These shall in no way be considered exhaustive, but rather guidelines for the Board to follow in making a determination of impact on a neighboring municipality.

- A. **RESIDENTIAL DEVELOPMENT:** Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25%.
- B. **COMMERCIAL DEVELOPMENT:** Proposals for new or expanded space of 50,000 square feet or greater.
- C. **INDUSTRIAL DEVELOPMENT:** Proposals for new or expanded space of 100,000 square feet or greater.
- D. **OTHER FACTORS TO BE CONSIDERED:**
 - 1. Proximity to other municipal boundaries.
 - 2. Traffic impacts on the regional road network.
 - 3. Potential effect on groundwater, surface water and wetlands that transcend municipal boundaries.
 - 4. The potential to disturb or destroy a significant or important natural environment or habitat.
 - 5. The necessity for shared public facilities such as schools or solid waste disposal.
 - 6. Anticipated emissions such as light, noise, smoke, odors, or particulates.
 - 7. The potential for accidents that would require evacuation of a large area.
 - 8. The generation and/or use of any hazardous materials.

APPENDIX E: PROCEDURE FOR APPLICATION REVIEW

I. PREAPPLICATION REVIEW

There are two stages of preapplication review in Deering, The Preliminary Conceptual Consultation is optional at the request of the Applicant. The Design Review Phase is required.

A. Preliminary Conceptual Consultation (optional) provides opportunities for an Applicant to meet the Board and get direction from the Board.

Applicant meets with the Planning Board to review the basic concepts of the proposed subdivision and discuss compliance with the Master Plan, Zoning Ordinance, and Subdivision Regulations. Board offers nonbinding comments and explains state and local regulations that may apply to the proposal. It may also determine whether the proposal is a major, minor, or technical subdivision.

(Public notice not required)

B. Design Review Phase (required)

STEP 1:
Applicant submits a "Request for Preapplication Review" at least fifteen days prior to the next regular Board meeting.

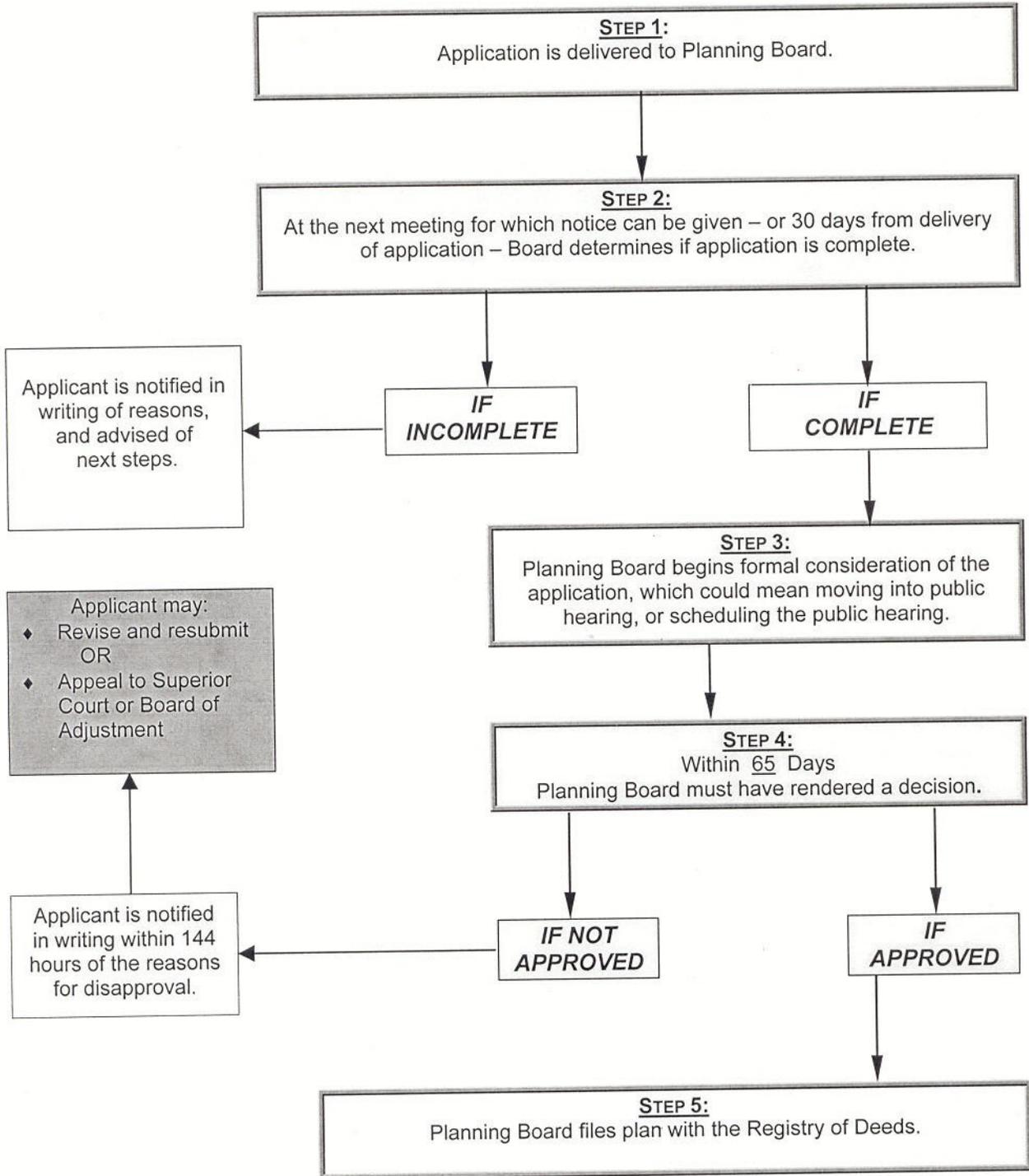


STEP 2:
Board notifies abutters and other parties by certified mail at least ten days prior to the meeting, posts notice in public places, and advertises in a local newspaper that the proposal will be discussed.



STEP 3:
Board and Applicant engage in non-binding discussions beyond the conceptual and general stage, involving more specific design and engineering details of the potential application.

II. APPLICATION PROCEDURE



NOTE: For a minor or technical subdivision, the public hearing may take place on the same evening as the vote to accept the plan as complete, provided the notice has advised of the possibility.

APPENDIX F: FEE SCHEDULE

The application fees for a subdivision are as follows:

The application fee of \$750 plus \$100 per lot

The costs of certified mailings and newspaper notification.

And if required by the Board, a deposit of \$1,000 per lot, against the review fees (see below) for the subdivision.

The application fees for a Design Review are as follows:

Fee of \$150 plus \$50 per lot

The costs of certified mailings and newspaper notification.

The application fee is non-refundable. If the subdivision application is resubmitted, the re-application requires a new fee. If an application is withdrawn prior to the mailings and advertisements having been made for the public hearing, the mailing and advertisement costs shall be refunded.

Review fees:

The Board may seek review and analysis from outside consultants (peer review, see section 4.12.3). Applicants shall pay a peer review fee covering 100% of the consultants' fees. Outside consultants employed by the Board for plan review routinely include civil engineers, landscape architects, wetlands scientists, and attorneys.

The Board may only use Peer Review fees paid by a particular Applicant for the project proposed by that Applicant. The Board shall keep funds paid by an Applicant in a separate account. At the completion of the Board's review of a project, the Board shall reimburse the Applicant any excess amount in the account, including interest if any, and render a final accounting.

The initial peer review fee deposit is calculated on the basis of \$1,000 per lot in the subdivision. If the actual costs of the peer review exceed the peer review fee deposit, the additional costs shall be paid by the Applicant prior to the endorsement of the Final Plat.

Peer review deposits shall be retained by the Board until the project is completed. The costs of construction monitoring subsequent to approval shall be charged to an Applicant's peer review fee deposit. If the actual costs exceed the deposit, the remainder shall be paid before the certificate of occupancy is issued as well before any road will be accepted by the Town.