

**TOWN OF DEERFIELD, NEW HAMPSHIRE**  
**SUBDIVISION REGULATIONS**

**JANUARY 26, 2011**

**Town of Deerfield, New Hampshire  
Subdivision Regulations**

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# **ARTICLE I**

## **GENERAL PROVISIONS**

### **Section I-1 Title**

This chapter shall be known as the “Subdivision Regulations of the Town of Deerfield, New Hampshire.”

### **Section I-2 Authority, Adoption and Amendment**

Pursuant to the authority vested in the Deerfield Planning Board by the voters of the Town of Deerfield; and in accordance with the provisions of RSA 674:35, the Deerfield Planning Board adopted and has periodically amended these Subdivision Regulations, pursuant to RSA 675:6 for the purpose stated herein. The Planning Board may periodically amend these Subdivision Regulations pursuant to RSA 675:6. In each instance where the Planning Board, after conducting a public hearing in accordance the provisions of RSA 675:7, votes to amend these Subdivision Regulations, the Planning Board shall cause copies of the amended Regulations to be filed with the Deerfield Town Clerk and the New Hampshire Office of Energy and Planning pursuant to RSA’s 675:8 and 675:9 respectively.

### **Section I-3 Purpose**

In accordance with RSA 674:36, the Subdivision Regulations of the Town of Deerfield are intended to:

- A. Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- B. Provide for the harmonious development of the municipality and its environs;
- C. Require the proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets;
- D. Provide for recreational opportunities and open spaces of adequate proportions;
- E. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air and access for firefighting apparatus and equipment to buildings and be coordinated so as to compose a convenient system;
- F. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;

- G. Prescribe minimum areas of lots so as to assure conformance with the Deerfield Zoning Ordinance; and to insure each platted lot has suitable area for the installation of an on-site sewage disposal system and water supply well;
- H. Include provisions which promote conditions favorable to health, safety, convenience and prosperity;
- I. Encourage the installation and use of solar, wind, and other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; encourage the placement of homes and buildings in locations that take advantage of passive solar exposure and potential for active solar access and other natural amenities; establishment of maximum building height, minimum set back requirements and limitations on type, height and placement of vegetation; and encouragement of the use of solar sky space easements under RSA 477;
- J. Provide for efficient and compact subdivision development which promotes retention and public usage of open space and wildlife habitat;
- K. Require innovative land use controls on lands when supported by the master plan; and
- L. Include provision for waiver of any portion of the regulations in such cases where, in the opinion of the planning 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.

#### **Section I-4    Applicability and Enforcement**

- A. No subdivision of land shall occur, and no land in any subdivision shall be sold or leased; and no street or utility construction within any subdivision shall commence unless and until a subdivision plat, prepared in accordance with the requirements of these Regulations, has been approved and a final plat has been signed by the Chair of the Deerfield Planning Board and subsequently recorded at the Registry of Deeds.
- B. Pursuant to RSA 676:16 the Town of Deerfield may enjoin any transfer or sale of any land located in a subdivision before a subdivision plat depicting that land has been approved by the Deerfield Planning Board, signed by its Chair, and properly recorded at the Rockingham County Registry of Deeds pursuant to RSA 674:37.
- C. In its enforcement of these Regulations, The Town of Deerfield shall enjoy all legal rights and remedies afforded to a municipality under New Hampshire Law including, but not limited to the provisions of RSA 676:15 through RSA 676:17-b.

## **Section I-5 Interpretation, Conflict and Severability**

- A. Interpretation: Design standards contained in these Regulations shall be interpreted as minimum requirements and compliance with said minimum requirements shall in no instance obligate the Planning Board to approve any particular application solely on that basis. Only after the Planning Board is fully satisfied that an application complies with these Regulations, shall the application be approved. These Regulations shall be broadly construed to promote the purposes for which they were adopted and/or amended.
- B. Conflict: Pursuant to the provisions of RSA 676:14, if and when any provision of these Regulations is found to be in conflict with any applicable provision of the Deerfield Zoning Ordinance, Building Code, or applicable State Statute or Administrative Rule, that provision which imposes the greater restriction or higher standard shall prevail.
- C. Severability: In the event any Article, Section, paragraph, sentence or other provision of these Subdivision Regulations shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other Article, Section, paragraph, sentence or provision of these Regulations.

## **Section I-6 Scattered or Premature Subdivision**

Pursuant to the authority of RSA 674:36, II(a) and Section I-2 of these Subdivision Regulations, the Planning Board may disapprove any application if it finds that it would result in the scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services.

## **Section I-7 Off-Site Improvements**

In the event the Planning Board finds a proposed subdivision will create the need for off-site public improvements, all or part of which are rationally related to or occasioned by the proposed subdivision; or which require an excessive expenditure of public funds in order to provide for the same, the Planning Board may impose, as a condition of subdivision approval, a requirement that the applicant install or pay for all or part of the needed off-site public improvements. When imposing such a requirement, the Planning Board shall consider the degree to which the subdivision will benefit from the completion of the off-site improvements needed.

In cases where off-site improvements will benefit other properties, the Board shall determine the amount the applicant shall pay by taking the following into consideration:

1. The character of the area;
2. The extent to which the general public and/or other specific public or private properties will benefit by completion of said off-site improvements; and

3. Any other factor(s) which the Board deems appropriate to the establishment of a rational nexus between the needs created by and the special benefits conferred upon the proposed subdivision.

### **Section I-8 Waiver Provision**

In those instances where the Planning Board finds that strict conformance with one or more certain requirements of these Regulations may not be appropriate or necessary when applied to a specific application, the Planning Board may modify or waive one or more of the requirements of these Regulations pursuant to RSA 674:36, II(n) provided the Board finds, by majority vote, that:

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

In all instances where the Planning Board votes to grant an applicant waivers from one or more requirements of these Regulations, the basis for such waiver(s) shall be recorded in the minutes of Board's proceedings; and the Board shall require that the applicant include a notation on the final plat acknowledging any and all modifications or waivers granted by the Planning Board. The requirements of these Regulations pertaining to "Special Flood Hazard Areas" shall not be waived by the Planning Board.

### **Section I-9 Appeals**

- A. Any person aggrieved by any decision of the Planning Board made under authority of these Regulations may appeal such decision to Superior Court pursuant to RSA 677:15.
- B. Any person aggrieved by any decision of the Planning Board concerning subdivision approval or disapproval may appeal to the Zoning Board of Adjustment if such decision was based upon the terms of the Deerfield Zoning Ordinance pursuant to RSA 676:5, III.

### **Section I-10 Review of Developments of Regional Impact**

For the purposes described under RSA 36:55 and pursuant to the requirements of RSA 36:56, the Planning Board, upon receipt of an application for subdivision approval, shall review it promptly and determine whether or not in its judgment, the subdivision, if approved, could reasonably be construed as having the potential for regional impact as defined under RSA 36:55. In the event the Planning Board determines an application has the potential for regional impact, the Board shall indicate that determination and the reason(s) therefore in its minutes and subsequently

undertake procedures described in RSA 36:57 in the review and consideration of said application. In the event the Planning Board does not elect to discuss or vote upon the question as to whether or not a specific application may have the potential for regional impact, such lack of discussion or vote shall be deemed to be a determination on the part of the Board that the application, if approved, would not have the potential for regional impact.

#### **Section I-11 Scenic Roads**

In recognition of the fact that Deerfield enjoys several miles of scenic roads, as defined and designated pursuant to RSA 231:157, it is recognized that applicants seeking subdivision approval, may on occasion, require the written consent of the Planning Board in accordance with the provisions of RSA 231:158 prior to performing certain work or constructing specific improvements within the right-of-way of a scenic road. In such instances, the Planning Board may, upon request of an applicant, conduct a public hearing required in accordance with the provisions of RSA 231:158, II contemporaneously with any public hearing held in accordance with applicable provisions of these Subdivision Regulations.

#### **Section I-12 Land Affected by Municipal Boundaries**

Any application for subdivision approval submitted to the Planning Board which contains land situated in more than one municipality shall be subject to the procedures and requirements of RSA 674:53.

## **ARTICLE II**

### **WORD USAGE & DEFINITIONS**

#### **Section II-1 Word Usage**

For the purposes of these Regulations: the word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the words “shall” and “will” are mandatory; and the word “may” is permissive. Terms and words that are not defined herein shall have their common meaning.

#### **Section II-2 Definition of Words & Terms**

For any word or term not defined in these Regulations, the definition, if any, given in the Deerfield Zoning Ordinance, or applicable State Statutes shall prevail. Words and terms not specifically defined shall have their common meaning. In the event a conflict is found to exist between the meaning or definition of any word or term which may be defined in these Regulations and either the Deerfield Zoning Ordinance or applicable State Statute the definition provided in either the Zoning Ordinance or Statute, as applicable, shall prevail. For the purposes of these Regulations, the following definitions apply:

**Abutter:** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For the purposes of receiving testimony only, and not for the purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For the purpose of receipt of notification by the Town of a scheduled Planning Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term of “abutter” means the officers of the collective or association as defined in RSA 356-B:3, XXIII. For the purpose of receipt of notification by the Town of a Planning Board hearing, in a case of an abutting property being under a manufactured park from of ownership as defined in RSA 205-A:1, II, the term “abutter” includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the Planning Board.

**Applicant:** The owner of record of the land to be subdivided and/or that person’s agent who has been duly authorized by the owner to file an application under the authority and jurisdiction of these Regulations.

**Application, Complete:** An executed application form, together with all drawings, other information and fees required under these Regulations, which in the opinion of the Planning Board, is sufficient to invoke their jurisdiction pursuant to RSA 676:4, I.

**Application, Formal:** A complete application for a major subdivision, minor subdivision, lot line adjustment or voluntary merger, as applicable.

**Approval, Final:** Recognition by the Planning Board, certified by its Chair's signature on the final plat, that a subdivision meets the requirements of these Regulations as well as all precedent conditions of approval.

**Approval, Conditional:** Recognition by the Planning Board that an application will receive final approval once all precedent conditions of approval have been satisfied.

**Area of Special Flood Hazard:** Land subject to a one-percent or greater probability of flooding in any given year as identified on the most current Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA).

**As-Built Plans:** Drawings which depict and define the location, dimension, elevation and extent of improvements once constructed.

**Buildable Lot:** An existing lot of record, or a lot created by subdivision, upon which a specific use or structure may lawfully be located and used in accordance with applicable land use ordinances and regulations of the Town.

**Building Inspector/Code Enforcement Officer:** An individual, designated by the Town of Deerfield, having the authority to enforce building codes, zoning ordinances, health ordinances, and related ordinances and regulations.

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

**Building Permit:** A document issued by the Building Inspector for the purpose of authorizing the construction, repair, alteration, or addition to a building or structure.

**Capital Improvement Program:** Those planning documents, or any portion thereof, prepared and maintained by the Planning Board pursuant to RSA 674:5 through RSA 674:8.

**Certificate of Occupancy:** A document issued by the Building Inspector permitting the occupancy and use of a building for a specified use.

**Certified Soil Scientist:** A person who, by reason of special knowledge of pedological principals, acquired by education and practical experience, as specified in RSA 310-A:84, I & II, is qualified to identify, classify, and prepare soil maps according to the standards of the National Cooperative Soil Survey or the New Hampshire Department of Environmental Services, and who has been duly certified by the New Hampshire Joint Board of Licensure and Certification.

**Certified Wetland Scientist:** A person who, by reason of special knowledge or hydric soils, hydrophytic vegetation, and wetland hydrology acquired by education and practical experience, as specified in RSA 310-A:84, II-a & II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for the identification and delineation of wetlands adopted by the U.S. Army Corps of Engineers and the New Hampshire Department of Environmental Services, and who has been duly certified by the New Hampshire Joint Board of Licensure and Certification.

**Conditions of Approval, Precedent:** Specific conditions of approval imposed by the Planning Board pursuant to RSA 676:4, I(i), which must be satisfied in order to achieve final approval.

**Conditions of Approval, Subsequent:** Specific conditions of approval imposed by the Planning Board pursuant to RSA 676:4, I(i), which must be satisfied subsequent to final approval.

**Construction Plans:** Those drawings accompanying a subdivision plat which depict the locations, elevations and other specific details of those improvements to be completed or installed in accordance with the requirements of these Regulations, or as a subsequent condition of approval granted by the Planning Board under the authority of these Regulations.

**Cul-de-sac:** A circular shaped vehicle turnaround situated at the terminus of a dead-end street.

**Deed Restriction:** See definition of Restrictive Covenant.

**Design Review Phase:** Non-binding review and discussion of a subdivision proposal by the Planning Board beyond conceptual and general discussions with the applicant, conducted in accordance with RSA 676:4, II(b), which may involve more specific design and engineering details.

**Driveway:** A private way intended to provide vehicular access from a public or private street to a parking space, garage, dwelling or other structure.

**Easement:** Authorization by a property owner for another to use that owner's property for a specified purpose.

**Frontage:** The dimension of a lot measured along its common boundary with a street.

**Improvements:** Site grading; construction of streets, utilities, stormwater management facilities; and the construction or installation of other betterments and infrastructure specified on approved construction plans or otherwise required under the land use ordinances, regulations and codes of the Town of Deerfield, or by State or Federal agencies having jurisdiction.

**Irrevocable Letter of Credit:** An engagement by a bank or other financial institution within the meaning of Article 5 of the Uniform Commercial Code (RSA 382-A:5-101, et seq.) accepted by the Town of Deerfield as a performance guarantee for the full and complete construction or installation of improvements.

**Licensed Land Surveyor:** An individual duly licensed to practice land surveying by the New Hampshire Joint Board of Licensure and Certification.

**Licensed Professional Engineer:** A person duly licensed to practice professional engineering by the New Hampshire Joint Board of Licensure and Certification.

**Lot:** The whole area of a single parcel of land with ascertainable boundaries, in single or joint ownership, undivided by a street, and established by deed(s) of record.

**Lot Area:** Land wholly within the boundary of a lot.

**Lot, Corner:** A lot abutting upon two or more streets at their point of intersection.

**Lot Consolidation:** An action on the part of one or more owners of two or more contiguous preexisting approved or subdivided lots or parcels to consolidate them into a single parcel for municipal regulation and taxation purposes.

**Lot Line:** A horizontal line marking the boundary between two or more lots.

**Lot Line Adjustment:** A change in dimension and/or bearing of existing lot lines between two or more parcels which does not alter the number of parcels or lots involved.

**Lot or Home Owners Association:** A private non-profit corporation, association, or other legal entity established to manage and support the activities and interests of lot or home owners having tenancy-in-common or some similar form of collective ownership and within which membership is both mandatory and automatic upon conveyance of title.

**Maintenance Guarantee:** An irrevocable letter of credit or cash, posted with the Town by an applicant at the time of public acceptance of improvements, intended to serve as a performance guarantee for the continued proper performance of improvements for a specified period of time.

**Master Plan:** Documents or any portion thereof adopted by the Planning Board pursuant to RSA 674:2 through RSA 674:4.

**Off-Site Improvements:** Improvements to public streets, utilities and infrastructure determined to be necessary for proper accommodation of a proposed subdivision, located beyond the boundaries of the land to be subdivided.

**Open Space:** Land for which development rights have been restricted either by ordinance, covenant or deed restriction.

**Owner:** The person or persons who hold title to the land in question.

**Parcel:** See definition of Lot.

**Performance Guarantee:** An irrevocable letter of credit, cash, or performance bond accepted by the Town as a financial guarantee for the complete and satisfactory construction and installation of all improvements required as a result of subdivision approval. The value of a performance guarantee shall include the estimated cost of construction of said improvements, engineering inspection and testing fees, as well as an allowance for those administrative and legal fees which may be incurred by the Town in administering the surety.

**Planning Board:** The Planning Board of the Town of Deerfield, which may also be referred to simply as “the Board” in the text of these Regulations.

**Plat:** The final subdivision plan of land, prepared and sealed by a Licensed Land Surveyor in accordance with RSA 674:37; and upon which an applicant’s plan of subdivision is presented to the Planning Board for approval; and which, if approved, shall be recorded at the Rockingham County Registry of Deeds.

**Preliminary Conceptual Consultation Phase:** An optional and non-binding discussion conducted by the Planning Board and an applicant in accordance with RSA 676:4, II (a) in regard to the basic concepts of a subdivision proposal.

**Public Hearing:** A public meeting, properly noticed and advertised in accordance with the requirements of RSA 676:4, I(d) and open to the public, with the public given an opportunity to testify in person or in writing pursuant to the provisions of RSA 676:4, I(e).

**Public Meeting:** Any regularly scheduled meeting of the Planning Board.

**Public Roads, Highways or Streets:** A way laid out, constructed, dedicated, accepted or used for public travel in a manner described in RSA 229:1.

**Restrictive Covenant:** A restriction on the use of land typically established by deed or other recorded instrument.

**Road Agent:** The designated individual responsible for maintaining roads and streets in the Town of Deerfield.

**Road/Street, Arterial:** A road or street identified as such in the Master Plan, and utilized primarily by vehicles operating at high rates of speed, or by heavy volumes of traffic traveling along a continuous route.

**Road/Street, Collector:** A road or street identified as such in the Master Plan, which carries or is planned to carry intermediate volumes of traffic between local roads/streets and arterial roads/streets.

**Road/Street, Local:** A road or street identified as such in the Master Plan, used primarily for access to individual properties intended to accommodate low to moderate traffic volumes operating at nominal speeds. All roads or streets not specifically identified as arterial or collector shall be deemed to be local roads or streets.

**Road/Street, Private:** A local road or street, not intended for public travel, constructed for and maintained by two or more land owners for the purpose of providing access to a public street.

**Structure:** Anything constructed or erected with a fixed location on the ground, attached to something having a fixed location on the ground, excluding minor installations such as fences, mailboxes, flag poles, portable screen houses and the like.

**Subdivider:** Any person or persons subdividing or proposing to subdivide land in a manner that invokes the jurisdiction of these Regulations.

**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. It includes resubdivision and, when appropriate to the context, relates to process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these Regulations. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be considered a subdivision, and shall not be deemed to create any new division of land for any other purpose. The rent, lease, development, or grant of an easement to a person for the purpose of planning and maintaining a wireless communication facility shall not be construed as a subdivision, and shall not be deemed to create any new division of land for any other purpose.

**Subdivision, Major:** A division of a lot, tract or parcel of land into four (4) or more additional parcels of land, or any subdivision involving the platting of new public or private streets, the extension of municipal facilities, or the undertaking of public improvements.

**Subdivision, Minor:** A division of a lot, tract or parcel of land into three (3) or fewer additional parcels of land and not otherwise classified as a major subdivision under these Regulations.

**Town:** The Town of Deerfield, New Hampshire; a municipal corporation established under the laws of the State of New Hampshire.

**Town Engineer:** A licensed professional engineer employed by or under contract with the Town of Deerfield to review subdivision proposals and/or inspect the construction of improvements required by the Planning Board.

**Town Planner:** A planning professional employed by or under contract with the Town of Deerfield.

**Tract:** See definition of Lot.

**Voluntary Merger:** A voluntary action on the part of an owner of two or more contiguous preexisting approved or subdivided lots or parcels to merge them into a single parcel for municipal regulation and taxation purposes, pursuant to RSA 674:39-a.

## **ARTICLE III APPLICATION PROCEDURES & REQUIREMENTS**

### **Section III-1 General Provisions and Requirements**

- A. Prior to submission of an application for review and consideration by the Planning Board, applicants and/or their representatives are encouraged to meet with the Town Planner in order to introduce and discuss the proposal and to secure the Town Planners advice in regard to conformance with applicable requirements of Deerfield's land use ordinances and regulations.
- B. Any application for review and consideration by the Planning Board shall be filed with Planning Board's Secretary not less than seventeen (17) calendar days prior to the date of the regular meeting of the Planning Board at which the applicant seeks such consideration. Any application which has been submitted to the Planning Board's Secretary shall not be supplemented, revised or modified after notice of public hearing has been given, except upon affirmative vote of the Planning Board at a public hearing for which notice has been given. However, any application may be withdrawn by an applicant prior to public hearing. In the case of such a withdrawal, any and all application fees paid by the applicant prior to withdrawal shall be forfeited and the applicant shall remain liable for any expenses incurred by or on behalf of the Planning Board in processing or technical review of the application prior to the time of withdrawal.
- C. By filing any application under these Regulations, the owner and applicant acknowledge and consent to: (1) unobstructed entry to and viewing of the land that is the subject of the application by public officials, including members of the Planning Board, their staff, consultants or others so authorized by the Board; and (2) third party review of plans and application materials, pursuant to RSA 676:4-b, submitted to the Board as part of the application.

### **Section III-2 Classification of Applications**

Under the provisions of these Subdivision Regulations and applicable statute, the Deerfield Planning Board shall receive and act upon applications for:

- Minor Subdivisions;
- Lot Line Adjustments and Lot Consolidations;
- Voluntary Mergers; and
- Major Subdivisions.

In recognition of the varying degree of complexity typically associated with each type of application, these Regulations provide for separate and distinct procedures for applicants and the Planning Board to follow in the submission, review and consideration of each type of application.

### Section III-3 Minor Subdivisions

- A. Minor subdivisions are those subdivisions which create a maximum of three (3) additional lots for building development purposes, or proposals which do not involve creation of lots for building development purposes. For the purposes of these Regulations, any subdivision not classified as a major subdivision shall be deemed to be a minor subdivision.
  
- B. If an application for approval of a minor subdivision is determined to be complete by the Planning Board, it may be accepted for formal consideration pursuant to RSA 676:4, I(c); and the Board may act to approve, conditionally approve, or disapprove that application during a single public hearing. Although it is the intent of these Regulations to facilitate expedited review and possible approval of minor subdivision applications, the Planning Board encourages applicants to engage in preliminary conceptual consultation and/or design review pertaining to minor subdivision applications. In the event any applicant wishes to pursue preliminary conceptual consultation or design review with the Planning Board in regard to any application involving a minor subdivision, that opportunity shall be afforded and be undertaken in a manner consistent with those procedures described in Section III-6 of this Article.
  
- C. All applications for approval of a minor subdivision shall be received by the Planning Board Secretary not less than seventeen (17) calendar days prior to a regularly scheduled meeting of the Planning Board and shall include:
  - 1) An executed Application for Minor Subdivision form supplied by the Planning Board, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
  - 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments;
  - 3) Five (5) copies of all project plans and drawings containing the following information and data:
    - a) A Subdivision Plat or Plan, suitable for recording at the Rockingham County Registry of Deeds, which depicts or includes the following information:
      - 1. A title block identifying: (a) the name or identifying title of the proposed subdivision; (b) the location of the subdivision; (c) the tax map & lot numbers of all parcels to be subdivided or affected; (d) the names, addresses & deed reference(s) of the owner, and if different, the applicant; (e) the date of preparation & latest revision, if any; (f) plan scale (1" = 50' or 1" = 100'); (g) page or sheet number (i.e. Sheet 1 of 2); and (h) the name, address & phone number of the individual or firm who prepared the plan or plat;
      - 2. A bar scale;

3. A Planning Board approval block, together with a note which reads: “The Zoning Ordinance and Subdivision Regulations of the Town of Deerfield are a part of this plat, and approval of this plat is contingent upon completion of all of the requirements of said Zoning Ordinance and Subdivision Regulations, excepting only any waivers granted by the Planning Board, or variances granted by the Zoning Board of Adjustment, which may be acknowledged in notes appearing on this plat”;
4. The sealed certification by a Licensed Land Surveyor attesting to the accuracy of boundary information depicted on the plat (Maximum error of closure of 1:10,000);
5. All boundaries of each subject parcel, defined by metes & bounds;
6. Match lines, if applicable;
7. The boundaries of all platted or residual lots, defined by metes & bounds;
8. The location and identification of all boundary monuments either found, set, or to be set;
9. The tax map and lot numbers of the all proposed & abutting parcels, together with the names & addresses of all abutting property owners;
10. The names, status, right-of-way & travelled way widths of all adjoining streets;
11. The location of adjoining or affected municipal boundaries, if any;
12. The purpose, location, dimension and source of all existing easements on, adjacent to, or benefiting the subject property, as well as similar information regarding any proposed easements, restrictive covenants or deed restrictions;
13. The total area of each existing and proposed lot (in acres & in square feet) shall be noted. In addition, the plat shall indicate the areas of each lot comprised of poorly drained soil and very poorly drained soil/water bodies;
14. A north arrow with a specified reference bearing;
15. A recitation of all reference plans relied upon in preparation of the plat;
16. A locus map having a scale of not less than 1” = 1,000’ accurately showing the dimensions of all subject parcels in relation to abutting parcels as well as in relation to adjoining streets. An applicant is encouraged to utilize the Deerfield Assessors Maps when preparing a locus map;
17. The location of jurisdictional wetlands, as delineated, defined and sealed by a Certified Wetland Scientist;
18. A notation indicating when, by whom & under what criteria those wetlands shown on the plat were delineated & defined;

19. The limits & dimensions of all required yards, setbacks & buffers required under the Zoning Ordinance;
20. The location of all existing structures, wells, septic systems, drives & similar manmade improvements;
21. The location and name, if any, of all streams & water bodies;
22. The location of all areas of special flood hazard, together with a notation citing the source of any such data shown. If no areas of special flood hazard are present, a note must be provided acknowledging the same;
23. The location of existing overhead & underground utilities; and
24. Plan notes indicating: (a) the tax map & lot number of the subject parcel(s); (b) the existing area of each subject parcel; (c) the names of all zoning districts within which the subject parcel is situated, or abuts; (d) minimum lot area, frontage & yard dimensions for each applicable zoning district; (e) the purpose of the plat; (f) intended utility accommodations; and (g) an acknowledgement of any variances, special exceptions, conditional use permits, or waivers granted in response to the proposal by the Planning Board and/or Zoning Board of Adjustment.

b) A Topographical Subdivision Plan which includes the following information:

1. All information required upon the Subdivision Plat or Plan described above;
2. Two-foot contour interval topographical survey mapping, together with a notation identifying the source & reference datum of such information;
3. A minimum of two benchmarks referenced to NGVD of 1929;
4. Site Specific Soil Mapping, with source & legend noted, prepared by a Certified Soil Scientist in accordance with the provisions of The Society of Soil Scientists of Northern New England (SSSNNE) Special Publication No. 3 entitled Site-Specific Soil Mapping Standards for New Hampshire and Vermont, dated December 2006;
5. Location, diameter, pipe material & invert elevations of all existing culverts, storm drains & utilities;
6. A minimum of one test pit with corresponding 4,000 SF receiving area, meeting applicable NHDES requirements, on each platted lot;
7. The location of a suitable water well location, with protective radius corresponding to applicable NHDES requirements, on each platted lot;
8. A suitable driveway location for each platted lot;
9. Existing tree lines & stone walls; and
10. Ledge outcroppings & other significant natural site features.

4) Three (3) copies of the following:

- a) Test pit & percolation test data for each platted lot;
- b) NHDES Subdivision Approval, if applicable;
- c) A NHDES Wetlands permit, if applicable;
- d) A NHDOT Driveway Permit, if applicable; and
- e) Notice of Decision issued by ZBA, or other State project permits, if applicable.

D. Pursuant to RSA 676:4, I(c), the Planning Board shall, at its next regular meeting, or within thirty (30) calendar days following the delivery of an application to the Board's Secretary, for which proper notice can be given in accordance with the requirements of RSA 676:4, I(b), determine if the submitted application is complete according to these Regulations and shall vote upon its acceptance. In the event the Board determines an application is complete, the Board shall begin formal consideration and shall act to approve, conditionally approve, pursuant to RSA 676:4, I(i), or disapprove at that time or at another time within sixty-five (65) calendar days, subject to extension or waiver as provided in RSA 676:4, I(f). Alternately, if the Board determines the application to be incomplete according to these Regulations, the Board shall notify the applicant of that determination in accordance with RSA 676:3, with such notice describing the information, procedure, or other requirement necessary for the application to be complete.

#### **Section III-4 Lot Line Adjustments & Lot Consolidations**

- A. The owner(s) of two or more contiguous parcels who desire to modify or adjust the horizontal location of their common boundaries or lot lines shall make application to, and receive approval from the Planning Board prior to causing a plat depicting those modifications or adjustments to be recorded at the Rockingham County Registry of Deeds.
- B. The owners of two or more contiguous preexisting approved or subdivided lots or parcels, in separate ownership, who desire to consolidate them for municipal regulation or taxation purposes, shall make application to, and receive approval from the Planning Board prior to causing a plat depicting the consolidation to be recorded at the Rockingham County Registry of Deeds.
- C. The Planning Board's procedures involving applications for lot line adjustments and lot consolidations shall be identical to those procedures for minor subdivisions described in Sections III-3.B and III-3.D of these Regulations.
- D. All applications for approval of lot line adjustments or lot consolidations shall be received by the Planning Board Secretary not less than seventeen (17) calendar days prior to a regularly scheduled meeting of the Planning Board and shall include:

- 1) An executed application form supplied by the Planning Board, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
- 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments; and
- 3) Five (5) copies of the proposed lot line adjustment or lot consolidation plan, which depicts or includes all information specified under Section III-3.C(3)(a) of these Regulations.

### **Section III-5 Voluntary Mergers**

- A. A single owner of two or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them for municipal regulation or taxation purposes may do so by applying to the Planning Board.
- B. Except where such merger would create a violation of the Zoning Ordinance, all such requests shall be approved, and no public hearing or notice shall be required.
- C. No plat or plan depicting the proposed merger shall need to be submitted, approved or recorded; however, an executed notice of voluntary lot merger, sufficient to identify the relevant parcels shall be submitted to the Planning Board for its review and consideration.
- D. In instances where the Planning Board finds the proposed voluntary merger conforms to both the requirements of this Section and RSA 674:39-a, the Board shall endorse the notice of voluntary lot merger in writing. The applicant may then perfect the voluntary merger by causing the notice of voluntary lot merger to be recorded at the Rockingham County Registry of Deeds. No such merged parcel shall thereafter be separately transferred without subdivision approval.

### **Section III-6 Major Subdivisions**

- A. Major subdivisions are those subdivisions which create four (4) or more additional lots or parcels of land, or any subdivision involving the platting or new public or private streets, the extension of municipal facilities, or the undertaking of public improvements. Any other subdivision application may, at the option of the Planning Board, may be classified as a major subdivision, if, in the opinion of the Board, that subdivision presents significant engineering or planning challenges, or if there is potential for further subdivision of the land involved at a later date.
- B. Pursuant to RSA 676:4, II, these Regulations afford applicants the opportunity for both Preliminary Conceptual Consultation and Design Review of major subdivision applications. Although a Preliminary Conceptual Consultation Phase submittal is not mandatory under these Regulations, applicants are encouraged to take advantage of this option subject to the procedures and limitations described in this Section.

### C. Preliminary Conceptual Consultation Phase – Optional

In order to afford applicants proper guidance as well as an opportunity to potentially save time and expense when advancing an application for subdivision approval, an applicant may request an opportunity to engage in preliminary conceptual consultation with the Planning Board prior to submitting an application for formal review and consideration by the Board. Those wishing to engage in preliminary conceptual consultation with the Planning Board may make such a request to the Planning Board Secretary. Upon receipt of such a request, the Board Secretary shall place an applicant on the agenda of an upcoming regular meeting of the Planning Board. All discussion occurring during the preliminary conceptual consultation phase shall be directed at and limited to a review of basic concepts of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. Such consultation shall not bind either the applicant or the Board and statements made by Planning Board members shall not be the basis for disqualifying said members or invalidating any action taken. The Board and the applicant may discuss proposals in conceptual form only and in general terms such as the desirability of types of development and proposals under the Master Plan. Preliminary conceptual consultation may occur without the necessity of giving formal public notice pursuant to RSA 676:4, I(d), however, such consultation may occur only at formal regular meetings of the Board.

### D. Design Review Phase

The Planning Board shall engage in nonbinding discussions with the applicant, beyond conceptual and general discussions, which involve more specific design and engineering details, provided, however, that design review phase may proceed only after notice to abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the general public pursuant to RSA 676:4, I(d). Arrangements for this phase shall be made by filing an executed application form, together with three copies of plans conforming to the requirements of Section III-3.C(3) of these Regulations, and payment of applicable fees with the Planning Board Secretary not less than seventeen (17) calendar days prior to a regular meeting of the Board. After undertaking design review at a public hearing, the Planning Board may determine the design review phase of an application has ended and shall inform the applicant in writing within ten (10) calendar days of such determination. Statements made by Planning Board members during the design review phase shall not be the basis for disqualifying said members or invalidating any action taken.

### E. Formal Application Submittal & Review of Major Subdivisions

All applications for approval of a major subdivision shall be received by the Planning Board Secretary not less than seventeen (17) calendar days prior to a regularly scheduled meeting of the Planning Board and shall include:

- 1) An executed Application for Major Subdivision form supplied by the Planning Board, together with a list of all parties requiring public hearing notice pursuant to RSA 676:4, I(d) and payment of all required application fees;
- 2) Draft copies of any proposed easement deeds, restrictive covenants, or similar legal instruments;
- 3) Five (5) copies of all project plans and drawings containing the following information and data:
  - a) A Subdivision Plat or Plan conforming with the requirements of Section III-3.C(3)(a) of these Regulations;
  - b) A Topographical Subdivision Plan conforming with the requirements of Section III-3.C(3)(b) of these Regulations;
  - c) Roadway Design Plan and Profile Sheets (for all applications involving the construction of new streets or significant improvement to existing streets), which include the following information and are sealed by a Licensed Professional Engineer:
    1. A title block identifying: name & location of proposed subdivision; street name; roadway stationing for the segment of street depicted on each sheet; name & address of consultant; date of preparation & revision; and scale (all plans shall be prepared at a scale of 1" = 40' Horiz./1" = 4' Vert. or 1" = 50' Horiz./1" = 5' Vert.);
    2. A north arrow;
    3. Limits of existing or proposed right-of-way & corresponding existing or proposed right-of-way monumentation;
    4. Adjoining lot lines with map & lot number of each platted or existing parcel noted;
    5. Two-foot contour interval topography & defined wetland limits;
    6. Centerline stationing & horizontal curve geometry;
    7. Existing & proposed limits of pavement, including design radii of all curves & flares;
    8. The location and design elevations of all existing and proposed driveway aprons;
    9. Two-foot contour interval finish grade contours & finish spot grades where applicable;
    10. Existing & proposed drainage improvements, including:
      - a. Location, diameter, pipe material, design slope, invert elevations & end treatments for all culverts and storm drains;
      - b. Location (by station & off-set), rim & invert elevations of all catch basins, manholes & other proposed drainage structures;
      - c. Headwalls or flared end sections specified at all culvert & storm drain inlets and outlets;
      - d. Outlet protection accommodations where warranted;

- e. Existing & proposed drainage easements;
  - f. Location & design of stormwater treatment provisions;
  - g. Location & design of stormwater detention or retention provisions where warranted;
  - h. Under drain where warranted;
  - i. Ditchline protection where warranted; and
  - j. Erosion control devices where and as warranted.
11. A minimum of one benchmark with elevation per plan sheet;
12. Roadway Profiles depicting:
- a. Stationing;
  - b. Existing & proposed elevations at 50-foot stations, as well as at all PVI's, PVC's & PVT's;
  - c. Existing & proposed roadway centerline profiles;
  - d. Vertical curve design data, including station and elevation of all crest & sag points; and
  - e. Existing & proposed drainage & utility improvements.
13. Location, diameter & pipe material of existing & proposed water main & sanitary sewer, if any;
14. Location & type of existing & proposed above & below ground utilities;
15. Location (by station & off-set) of proposed guardrail & end units;
16. A Note specifying: "All workmanship and materials Incorporated into this work shall conform to applicable requirements of Standard Specifications for Road & Bridge Construction, as published by the New Hampshire Department of Transportation, latest edition; and the Deerfield Subdivision Regulations;
17. Pavement markings & traffic control signage per MUTCD; and
18. Test pit data, in sufficient number and location along the centerline of proposed streets, to identify the depth of bedrock and seasonal high ground water.
- d) Roadway Cross-Sections (for all applications involving the design of new or improved streets) at 50-foot intervals, culvert crossings and special points of interest, drawn to a scale of 1" = 5' or 1" = 10' Horiz. & Vert.; sealed by a Licensed Professional Engineer and showing:
- 1. Existing & proposed centerline elevations;
  - 2. Limits of proposed pavement, crushed gravel, gravel, sand, embankment slopes, right-of-way & easements;
  - 3. Roadway, shoulder & embankment slopes;
  - 4. Underdrain, drainage & utility improvements; and
  - 5. Guardrail with 2-foot shoulder extension where warranted.

- e) Construction Detail Drawings, sealed by a Licensed Professional Engineer, for the following elements of construction, as applicable:
1. Typical roadway cross-section(s);
  2. Driveway apron construction;
  3. Curbing installation;
  4. Guardrail & terminal end unit installation;
  5. Underdrain installation;
  6. Sidewalk and trail construction;
  7. All drainage structures, as applicable (catch basins, drain manholes, outlet structures, etc.);
  8. Headwalls;
  9. Outlet Protection;
  10. Treatment swale & detention/retention basin construction;
  11. Utility & drainage trench construction;
  12. Erosion & sedimentation control;
  13. Fire Protection;
  14. Utility construction;
  15. Traffic control signage & pavement markings;
  16. Turf establishment; and
  17. Other project specific improvements.
- f) Three (3) copies of supporting documentation & reports, including:
1. Test pit & percolation test data;
  2. A written statement from the owner/applicant acknowledging responsibility for maintenance of, and the assumption of liability and damages that may occur from the public use of all streets and utilities, which may be situated within the subdivision and/or in regard to the use of any land dedicated for public use until such times as those streets, utilities or land have been accepted by the Town of Deerfield;
  3. A Stormwater Management Report with a content suitable to demonstrate all applicable requirements of these Subdivision Regulations will be satisfied upon completion of all proposed improvements;
  4. All required State project permits, as applicable, including, but not limited to: (a) NHDES Subdivision Approval; (b) NHDES Alteration of Terrain Permit; (c) NHDES Wetlands Permit; (d) NHDES Water Supply Engineering Bureau approval of any proposed public water supply system(s); and (e) NHDOT Driveway Permit;
  5. Off-site improvement plans (if applicable);
  6. Traffic Impact Assessment (if requested or required by Planning Board, Town Planner or Town Engineer);

7. Fiscal Impact Assessment (if requested or required by Planning Board or Town Planner); and
8. Other specific environmental impact, cultural, or special purpose studies (if requested or required by Planning Board, Town Planner, or Town Engineer).

Pursuant to RSA 674:4, I(c), the Planning Board shall, at its next regular meeting, or within thirty (30) calendar days following delivery of an application to the Board's Secretary, for which proper notice can be given in accordance with the requirements of RSA 676:4, I(b), determine if the submitted application is complete according to these Regulations and shall vote upon its acceptance. In the event the Board determines an application is complete, the Board shall begin formal consideration and shall act to approve, conditionally approve, pursuant to RSA 676:4, I(i), or disapprove at that time or at another time within sixty-five (65) calendar days, subject to extension or waiver as provided in RSA 676:4, I(f). Alternately, if the Board determines that application to be incomplete according to these Regulations, the Board shall notify the applicant of that determination in accordance with RSA 676:3, with such notice describing the information, procedure, or other requirement necessary for the application to be complete.

### **Section III-7 Issuance of Decision, Plat Certification and Recording**

- A. The Planning Board shall issue a final written Notice of Decision which either approves, conditionally approves, pursuant to RSA 676:4, I(i), or disapproves any application for a major or minor subdivision, lot line adjustment, or lot consolidation. If an application is not approved, the Board shall provide the applicant with written reasons for such disapproval. Whenever the Planning Board votes to approve, conditionally approve, or disapprove an application, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore, shall be placed on file in the Board's office and shall be made available for public inspection within five (5) business days of such vote pursuant to the requirements of RSA 674:3, II.
- B. In the event the Planning Board votes to conditionally approve any application pursuant to RSA 676:4(i), all conditions precedent to final approval must be satisfied within six (6) months of the granting of such approval. In the event an applicant fails to satisfy such conditions within that time frame, the approval shall become null and void unless an extension of time, not to exceed an additional six (6) months is granted by vote of the Board prior to expiration.
- C. Pursuant to RSA 676:3, III whenever a plat is recorded to memorialize an approval issued by the Planning Board, the final Notice of Decision, including all conditions of approval, shall be recorded with or on the final plan.

- D. Upon approval, or in the case of conditional approval, successful demonstration on the part of an applicant that all conditions precedent to final approval have been fulfilled, the applicant shall file with the Board's Secretary five (5) complete sets of project plans, as approved by the Board, printed on paper, together with two additional sets of the same printed on mylar. In addition, the applicant shall submit at that time a copy of those sheets of the approved project plans, which upon signature by the Board's chair or his/her designee, shall be recorded at the Rockingham County Registry of Deeds, as well as an electronic copy of all project plans in PDF format. Upon receipt of such plans, the Board or its designee shall determine that such plans fully conform to all applicable requirements and conditions of the Board's approval. Once such a determination has been made, said plans shall be signed by the Planning Board Chair or his/her designee and subsequently recorded at the Registry of Deeds within thirty (30) calendar days.
- E. Approval of any application or the recording of any approved plat or plan shall not be deemed to constitute or affect an acceptance, or an obligation for future acceptance, of any dedicated street, utility, land or easement, which may be shown on said plat or plan, by the Town of Deerfield.

### **III-8 Application Fees and Costs**

- A. Upon receipt of an application, the Planning Board Secretary shall determine the amount of those application fees, payable at the time of application delivery, and shall not place an application on the Board's agenda for consideration unless and until the full amount of such fees have been paid in full.
- B. Pursuant to RSA 676:4, I(g) reasonable fees, in addition to fees for causing notice to be given pursuant to RSA 676:4, I(d) may be collected by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required in regard to particular applications. The Planning Board shall indicate the amount of all application, notification and recording fees payable at the time of application delivery on those application forms provided by the Board and may periodically vote to amend these fees if and when necessary to insure that the amount of such fees are sufficient to cover the Board's costs.
- C. Pursuant to RSA 676:4-b the Planning Board shall require an applicant to reimburse the Board for expenses reasonably incurred by obtaining third party review and consultation during the application review process.
- D. At the time final plans and mylars are transmitted to the Board Secretary for signature and recording (See Section III-7.D), the applicant shall also submit a check, in the amount of \$25.00, payable to the "Rockingham County Registry of Deeds". The Board Secretary shall in turn forward this check to the Registry of Deeds at the time of plat recordation in order to satisfy the New Hampshire Land Conservation Investment Program (LCHIP) surcharge fee, payable under New Hampshire law.

- E. No approved plat or plan shall be signed by the Planning Board Chair or his/her designee, nor recorded at the Registry of Deeds unless and until all fees payable to the Planning Board by the applicant shall have been received by the Board's Secretary.

## **ARTICLE IV DESIGN & CONSTRUCTION STANDARDS**

### **Section IV-1 Lots**

- A. The arrangement of all platted lots within any subdivision shall conform to all applicable requirements of the Deerfield Zoning Ordinance and shall, in the judgment of the Planning Board, be appropriate in terms of orientation and location for their intended use. To the extent practical, all lots shall be configured so as to have ordinary geometric shapes (such as rectangles, triangles and trapezoids), with sidelines substantially perpendicular or radial to the street(s) upon which they front; and when possible and practical, be oriented to facilitate opportunities for passive solar exposure and active solar access.
- B. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential and non-residential development or to overcome specific disadvantages related to topography, wetlands, traffic hazards, orientation and other environmental or cultural attributes of the land and surroundings.
- C. Reserve strips of land (spite strips), which in the opinion of the Planning Board, serve to deprive another party or parties from enjoying rightful access to public streets, shall not be approved except where their placement may be required for public safety.
- D. All platted lots must front upon and derive access from an existing or proposed Class V or better public street, or a private street conforming to the requirements of these Regulations.
- E. All platted lots shall derive driveway access through their own frontage. No driveway shall be situated closer than 100-feet to an intersection of the centerlines of two or more streets.
- F. In the event any parcel of land, subject to approval under these Regulations, abuts the line of an existing Class V public street, the final plat shall depict the dedication of supplemental right-of-way to the Town of Deerfield at those locations, if any, where less than 25-feet of right-of-way currently exists between the occupied centerline of said street and the parcel in question. In instances where the Town's existing right-of-way exists in the form of an easement, supplemental right-of-way shall be conveyed to the Town in the form of a general highway easement. In all other instances, supplemental right-of-way shall be conveyed in fee. In addition to depicting and defining both the extent of land to be so dedicated on the final plat, the applicant shall transmit to the Planning Board Secretary an executed deed, in a form acceptable to the Town, and suitable for recording at the Registry of Deeds.

- G. Prior to approval of any lot(s) intended to be used for building purposes, the applicant shall demonstrate to the satisfaction of the Planning Board that suitable opportunity exists on such lot(s) for the siting of both an on-site subsurface sewage disposal (septic) system and water supply well. To that end, an applicant must submit test pit and percolation test data sufficient to demonstrate that a suitable receiving area exists on each platted lot for the construction of an on-site subsurface sewage disposal system conforming to applicable requirements of the NHDES.
- H. Land of such character that cannot, in the judgment of the Planning Board, be safely used for building purposes because of exceptional danger to health, safety, or prosperity by reason of lack of water supply, drainage, transportation, fire protection, or other public services; or necessitate excessive expenditure of public funds for the supply of such services, shall not be platted or subdivided unless and until the owner/applicant has undertaken, or proposes to undertake mitigative measures, which in the opinion of the Board, are sufficient to overcome such character or danger.
- I. In instances where existing or proposed public infrastructure, including, but not limited to: stormwater treatment swales; detention or retention ponds; public safety improvements; roadway embankments and utility installations are so situated on a platted subdivision lot, an easement or easements having suitable dimensions shall be platted and dedicated in order to accommodate the encroachment of such infrastructure on such lot or lots. In such instances, the area of land encumbered by such easement(s) shall not be used to satisfy applicable minimum lot area requirements contained in the Deerfield Zoning Ordinance.
- J. Existing cultural and natural features of the land including, but not limited to: specimen trees; exemplary habitat areas; watercourses; stone walls; historic buildings and improvements; and other similar irreplaceable assets shall, to the fullest extent practical, be preserved and protected.
- K. Upon receipt of an application for approval under these Regulations, the Planning Board may elect to visually inspect the property being subdivided. In such instances the Board reserves the right to request that an applicant cause the platted centerline of streets and lot corners to be flagged or staked on the ground in order to facilitate such inspection.

#### **Section IV-2 Monumentation**

- A. Boundary monuments shall be installed at all turning points on platted lot lines and at any other points the Planning Board, or its agent deem necessary to control the lines of streets, lots, easements or right-of-ways.

- B. Stone bounds, having minimum dimensions of 4" x 4" x 36", with a drill hole at the center of their top side, shall be installed at all turning points on or coincident with the lines of existing or platted streets; and shall be installed so as to protrude not less than 3-inches nor more than 6-inches above finish grade.
- C. Iron pins, having a minimum diameter of ½-inch and minimum length of 36-inches, may be used all other monumentation points, and shall be installed so as to extend approximately 3-inches above finish grade.
- D. The Planning Board encourages the retention of existing stone walls in subdivision layout and design. In instances where existing stone walls remain or become parcel boundaries, monumentation requirements of this Section may be satisfied by installation of a drill hole, having a minimum depth and diameter of one-half inch, at all turning points situated upon or along an existing stone wall.
- E. A certificate of occupancy shall not be issued for any platted lot unless and until the Building Inspector receives certification from a Licensed Land Surveyor that boundaries of the lot have been properly monumented in accordance with the approved plat and the requirements of these Regulations.

### **Section IV-3 Street Names and House Numbers**

Street names and house numbers for each platted lot shall be specified on all final subdivision plats. All proposed street names must be approved by the Board of Selectmen. House numbers shall be assigned by the Building Inspector.

### **Section IV-4 Design and Construction Standards for Streets & Driveways**

#### **A. General Requirements**

1. All platted streets shall be of sufficient width and be suitably located so as to: conform to applicable provisions of the Master Plan; safely and conveniently accommodate transportation and access needs of current and future residents; and provide reliable access for fire fighting and other essential public and private services.
2. Streets shall be arranged so as to avoid imposing undue hardship on adjoining properties and be coordinated so as to: comprise a convenient transportation system; provide for the continuation of streets to adjoining subdivisions and future right-of-way extensions to undeveloped properties; and permit the efficient future extension of public and private utilities. Streets shall be arranged to provide maximum separation of through and local traffic and to discourage through traffic in residential

3. Streets within any platted subdivision shall be laid out and designed in a manner that promotes a logical relationship between the vertical and horizontal alignment of such streets and the natural topography of adjoining land to be maintained.
4. Where a subdivision abuts an arterial street, the Planning Board may limit vehicular access to such street through: requiring the platting of double or reverse frontage lots; requiring access restrictions for certain lots; requiring visual screens and barriers to be maintained, planted or constructed; and requiring consideration and implementation of other means it deems appropriate to protect residential properties and to provide adequate separation of through and local traffic.
5. All workmanship and materials incorporated into the construction of streets and related infrastructure shall conform to Standard Specifications for Road and Bridge Construction (latest edition), as published and amended by the New Hampshire Department of Transportation.

## B. Geometric Design Standards for Streets

### 1. Classification of Subdivision Streets:

For the purposes of these Regulations, streets shall be generally classified as follows based upon usage, as measured by average daily traffic volume (ADT). Specifically:

- Local Street – 1: Includes low volume residential streets intended to accommodate an ADT of not more than 200 vehicles per day (VPD);
- Local Street – 2: Includes residential and local streets intended to accommodate an ADT of 201 to 400 VPD;
- Collector: Includes streets and highways intended to accommodate an ADT of 401 to 1,000 VPD; and
- Arterial: Includes streets and highways intended to accommodate an ADT of 1,001 VPD or more.

### 2. Table of Geometric Roadway Design Standards (Table IV-1):

Table IV-1 of these Regulations provides specific design values for common geometric design parameters for streets including: (a) right-of-way, pavement and shoulder width; (b) vertical alignment; (c) horizontal alignment; (d) road base and pavement depths; and (e) cul-de-sac design. Information presented in this Table IV-1 shall serve as design criteria for

all platted streets classified as Local Street-1, Local Street-2 or Collector under these Regulations. Design criteria for Arterial streets shall be taken from A Policy on Geometric Design of Streets and Highways (latest edition), as published by the American Association of State Highway & Transportation Officials (AASHTO).

3. Typical Roadway Cross-Section (Figure IV-A):

Figure IV-A shall be recognized as the standard typical cross-section for all Local - 1, Local - 2 and Collector Street construction. Specific minimum dimensions specified on this typical cross-section vary and are found in Table IV-1 for each class of street. All street construction shall conform to these requirements.

4. Additional Geometric Roadway Design Standards and Requirements:

- a) Cul-De-Sac Streets: All dead-end streets shall terminate in a cul-de-sac designed, laid out and constructed in accordance with Figure IV-B. The Planning Board may limit the maximum length of any cul-de-sac street, as measured from the occupied centerline of the existing or proposed street to be intersected by said cul-de-sac street to the radius point of the cul-de-sac, in instances where it deems such a length restriction is necessary in order to satisfy the stated General Requirements of Section IV-4.A of these Regulations.
- b) Intersections: All intersections of Local - 1 & Local - 2 and Collector Streets shall be designed, laid out and constructed in accordance with the following standards:
  - 1) Not more than two streets shall intersect with a third street at a single point and those two streets must align such that their centerlines intersect with the centerline of the third street at a single point. In instances where this is not possible, no two streets shall intersect with a third street unless the centerlines of those two streets are separated by a horizontal distance of not less than 400-feet, as measured along the centerline of the third street.
  - 2) Table IV-1 specifies a minimum angle of intersection for each class of street. All specified minimum angles shall be measured between the centerlines of the two intersecting streets.

- 3) A horizontal centerline tangent, not less than 125-feet in length, shall be maintained along all streets intersecting with a second through street. This minimum tangent length shall be measured along the centerline of the intersecting street commencing at the centerline of the through street.
- 4) The vertical alignment of any street intersecting with a through street at a stop condition shall be such that: (a) the intersecting street slopes away from the through street at a grade of not less than 2-percent and not more than 3-percent for a distance of not less than 25-feet, as measured along the centerline of the intersecting street from the edge of travelled way of the through street; and (b) the maximum grade of the intersecting street does not exceed 3-percent for a distance of 100-feet, as measured along the centerline of the intersecting street from the edge of travelled way of the through street.
- 5) Rights-of way and pavement at all intersecting streets classified as Local - 1 or Local - 2 shall be joined by curves having a minimum radius of 25-feet. In instances where one or both intersecting streets are classified as Collector or Arterial, these minimum radii values shall be 30-feet.
- 6) A minimum of 400-feet of all season safe sight distance shall be provided at all intersections involving one or more Collector or Arterial Streets. A minimum of 335-feet of all season safe sight distance shall be provided at all intersections of Local – 1 and Local -2 Streets.
- 7) Signage and pavement markings conforming to recommendations offered in Manual on Uniform Traffic Control Devices (latest edition) (MUTCD) shall be furnished and installed at all intersections.
- 8) For reasons of recognition and safety, the Planning Board may require the installation of street lamps at any proposed intersection. In such instances, street lamps shall incorporate full cut-off luminaires.
- 9) Street name signs, conforming to the requirements of the Deerfield Road Agent shall be installed at all intersections of streets.

- c) Horizontal and Vertical Alignment: The horizontal and vertical alignments of all Local - 1, Local - 2 and Collector Streets shall be designed, laid out and constructed in accordance with the following standards:
  - 1) Horizontal and vertical alignment of streets shall permit maintenance of not less than 200-feet of stopping sight distance at all locations on Local – 1 and Local – 2 streets and not less than 250-feet on Collector Streets.
  - 2) All changes in vertical alignment shall be connected by vertical curves of lengths sufficient to attain required minimum stopping sight distances of 200-feet (Local – 1 and Local – 2 Streets) and 250-feet (Collector Streets) respectively.

### C. Driveway Design and Construction Standards

#### 1. General Requirements:

Prior to approval of any subdivision, the applicant shall demonstrate that each platted lot enjoys at least one location along its frontage where a driveway for access to that lot can be safely constructed. In order to satisfy this requirement the subdivision plans shall:

- a. Indicate the location, dimensions and design elevations of all planned driveway aprons;
- b. Demonstrate that a minimum of 200-feet of all-season safe intersection sight distance will be available at each proposed driveway if intersecting with a Local-1 or Local-2 Street; and 300-feet if intersecting with a Collector Street within the jurisdiction of the Town of Deerfield. NHDOT Driveway permitting requirements shall prevail for any driveway planned to intersect a road or street within that agency’s jurisdiction. A valid Driveway Permit must be issued by the Deerfield Road Agent or NHDOT, as applicable, prior to final subdivision approval.

#### 2. Driveway Construction Standards:

- a. All residential driveways shall intersect with streets at a driveway apron constructed to the following standards:
  - 1) All driveway aprons connecting to paved streets shall be paved to a minimum width of 12-feet and to a maximum width of 20-feet between the edge of the travelled way of

- 2) The minimum thickness and quality of materials used in driveway apron base construction and paving, within the limits of right-of-way (gravel, crushed gravel and pavement), shall be equal to applicable design values for the classification of the street to which a particular driveway intersects (See Table IV-1).
- 3) Where warranted, driveway culverts conforming to the requirements of Section IV-5.B.3 of these Regulations shall be provided.
- 4) All driveway aprons shall be constructed such that a negative slope of not less than 2-percent and not more than 3-percent is maintained for a distance of at least 10-feet measured inward from the edge of travelled way. At this point, the slope or vertical alignment of driveway centerline may be change, provided the algebraic difference in centerline slope does not exceed 10-percent.
- 5) The maximum slope of any driveway providing principal street access to a structure intended for residential occupancy or commercial use shall not exceed 10-percent.

#### D. Streetscape Design Standards

##### 1. Street Tree Requirements:

At locations where subdivision streets are to pass through an open field, or at locations where existing vegetation must be removed in order to complete construction, salt-tolerant deciduous street trees, having a caliper of not less than 2 ½-inches at the time of planting, shall be installed along both sides of the street at intervals of not more than 100-feet. All street trees shall be planted at the limit of right-of-way.

##### 2. Retention of Existing Stone Walls:

The Planning Board may require applicants to retain or reconstruct existing stone walls forming the limits of existing public right-of-way along the frontage of any subdivision; and further require any rock

salvaged from existing stone walls, which must be removed in order to accommodate roadway and driveway construction, or other infrastructure improvements, to be utilized in the construction of streetscapes and amenities within a planned subdivision.

3. Avoidance of Right-of-Way Obstructions:

In all instances, street trees, stone walls, lamp posts, transformers and other utility risers, as well as all other planned utility installations and aesthetic improvements shall be constructed at or beyond the limits of right-of-way so as not to interfere with routine maintenance of streets or compromise public safety.

**Section IV-5 Design and Construction Standards for Drainage and Stormwater Management Facilities**

**A. Analysis and Design of Improvements:**

1. All analysis and corresponding calculations prepared and submitted for the purposes of demonstrating fulfillment of specific requirements of these Regulations shall be prepared and sealed by a Licensed Professional Engineer. For the purposes of these Regulations, the applicable minimum standard for stormwater analysis and design for any major subdivision shall be identical to requirements established by the New Hampshire Department of Environmental Services, under Chapter ENV-Wq 1500 of the New Hampshire Code of Administrative Rules, whether or not an Alteration of Terrain Permit is required pursuant to the authority of those Rules. To the extent applicable, all drainage and stormwater management facilities and infrastructure shall be designed so as to comply with these same Rules.
2. Design Calculations corresponding to the 10, 25 and 50-year return frequency design storm events shall be prepared and incorporated into a Stormwater Management Report submitted as part of any major subdivision application. For the purposes of these Regulations, the design engineer shall rely upon calculations performed for the 10-year return frequency design storm in the comparison and pre and post-development peak stormwater discharge volumes to downstream and abutting properties; and in the design of stormwater treatment accommodations. A 25-year return frequency design storm shall be used in the design of all storm sewers and culverts. All culverts shall also be checked for the 50-year return frequency design storm event and be up-sized if and when necessary to ensure such culverts remain functional throughout a storm of that intensity. All bridges shall be designed for the 50-year return frequency design storm.

3. The peak stormwater discharge volume, for the 10-year return frequency design storm event, from any subdivision approved pursuant to these Regulations, to any downstream privately or publicly owned property or street shall not be increased as a result of construction of any subdivision unless it can be demonstrated, to the satisfaction of the Planning Board, that no adverse impact to such properties will result, or appropriate flowage easements have been secured.

B. Design and Construction Standards for Stormwater Management Improvements:

1. All culverts, storm drains, drainage structures and related improvements furnished and installed shall conform to applicable provisions of Standard Specifications for Road and Bridge Construction (latest edition), as published and amended by the New Hampshire Department of Transportation.
2. All culverts and storm drains, except driveway culverts, shall have a minimum diameter of 15-inches and be constructed of either reinforced concrete or high-density polyethylene. Driveway culverts shall have a minimum diameter of 12-inches.
3. A minimum of three (3) feet of soil cover shall be maintained over all culverts and storm drains situated beneath streets. A minimum of twelve (12) inches of soil cover shall be maintained over all driveway culverts situated within the right-of-way of a street.
4. Concrete or mortar-rubble masonry headwalls shall be furnished and installed on the inlet ends of all culverts of any diameter. Similar headwalls shall be furnished and installed on the discharge ends of all culverts 24-inches or greater in diameter. Flared end-sections may be installed in lieu of headwalls on the discharge end of culverts and storm drains having a diameter of less than 24-inches. Appropriate outlet protection shall be provided at all stormwater discharge points.
5. Stormwater flow velocities for all road side ditches, stormwater conveyance channels and swales shall be checked by the design engineer. Suitable surface protection shall be provided within all ditches, channels and swales anticipated to have a flow velocity of more than 2.5 feet-per-second during the 10-year return frequency design storm. In order to limit stormwater flow velocities in roadside ditches, no ditch line shall be constructed with an uninterrupted or continuous flow length of more than 500-feet prior to day-lighting or reaching a cross culvert, catch basin or similar point of discharge.

6. Under drain, corresponding to specifications provided on Figure IV-A, shall be provided at all locations where the seasonal high groundwater elevation or bedrock is located within 4-feet of finish grade of any roadway surface. All under drain shall discharge either at a headwall, catch basin or drain manhole.
7. In instances where stormwater detention ponds, retention basins, or infiltration basins are planned, such facilities shall be designed and constructed in accordance with recommendations contained in a publication entitled Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES.
8. All stormwater treatment accommodations shall be designed and constructed in accordance with recommendations contained in a publication entitled Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES.
9. In instances where the construction of proposed streets, driveways or other infrastructure improvements necessitate crossing a perennial or intermittent stream, the design and construction of such improvements shall conform with the requirements of CHAPTER Env-Wt 900 of the New Hampshire Code of Administrative Rules entitled STREAM CROSSINGS, unless otherwise exempted under the same.

C. Special Flood Hazard Areas:

1. All subdivision proposals which contain lands designated as Special Flood Hazard Areas by the Federal Emergency Management Agency (FEMA) by virtue of their Flood Insurance Rate Maps (FIRM) for Rockingham County, New Hampshire; dated May 17, 2005, shall conform to the requirements of this Section IV-5.C.
2. The Planning Board shall review each applicable subdivision application to ensure that all necessary permits have been received from those governmental agencies from which approval is required under applicable State or Federal Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. The Planning Board shall require all subdivision plats identify base flood elevation data, if applicable.
4. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted by the applicant in order to enable the Planning Board to confirm that: (a) all such proposals are consistent with the need

5. Prior to approving any application for subdivision approval under these Regulations, the applicant must affirmatively demonstrate to the Planning Board, by a preponderance of credible evidence presented at public hearing, that all requirements of this Section have been met and that the procedures set forth in these Regulations have been followed.

## **Section IV-6 Design and Construction Standards for the Control of Erosion & Sedimentation**

### **A. General Requirements**

Pursuant to the requirements of Section III-6.E of these Regulations, design plans for the construction of streets, utilities and other infrastructure improvements within any major subdivision shall include a detailed Erosion & Sedimentation Control Plan prepared by a Licensed Professional Engineer. As a minimum, all Erosion & Sedimentation Control Plans shall include the following information:

1. Plans, details and specifications for all temporary erosion and sedimentation control measures and best management practices to be implemented during the construction period;
2. Specifications for temporary and permanent seeding of disturbed land to achieve sufficient vegetative ground cover, including soil amendment, seed mix and mulching requirements;
3. Construction sequencing specifications; and
4. Notations specifying: (a) the maximum area of land which may be left in an unstabilized condition at any one time; (b) the maximum length of time a given area of land may be left in an unstabilized condition; (c) a site specific definition of the term “stabilized”; (d) specifications for cold weather site stabilization; (e) provisions for the control of wind borne erosion (dust); (f) specifications for periodic inspection and maintenance of erosion and sedimentation control measures; and (g) other site specific requirements.

### **B. Reference Standards**

The following documents shall serve as reference standards in the preparation of detailed erosion and sedimentation control plans required under this Section:

1. Stormwater Management and Erosion and Sedimentation Control Handbook for Urban and Developing Areas in New Hampshire, published by the NHDES; and
2. CHAPTER Env-Wq 1500 of the New Hampshire Code of Administrative Rules, entitled: Alteration of Terrain.

#### **Section IV-7 Design and Construction Standards for Utilities**

- A. All utilities, including electric, telephone and cable television/data shall be installed underground in accordance with the specifications of each applicable licensed public utility provider. To the extent possible, underground utility conduit shall be installed beyond the limits of roadway pavement so as to avoid the need to excavate pavement when performing routine utility maintenance. All transformers and risers shall be situated at the limits of right-of-way, or in easements beyond the limits of right-of-way if necessary, to avoid conflict with roadside drainage and maintenance activities.
- B. All underground utility installation, including the installation of service stubs to each platted lot, shall be completed prior to installation of street pavement.
- C. Detailed plans for all underground utility service lines shall be submitted to the Town Engineer for review and approval prior to commencement of construction. Such plans shall identify the location of all proposed underground utility conduit, transformer/utility risers, service stubs and other utility infrastructure to be situated within the right-of-way of any existing or proposed street. A minimum of three copies of a detailed as-built plan depicting the final location of all utility installations shall be submitted to the Town Engineer prior to release of final performance guarantees.

#### **Section IV-8 Fire Protection Requirements**

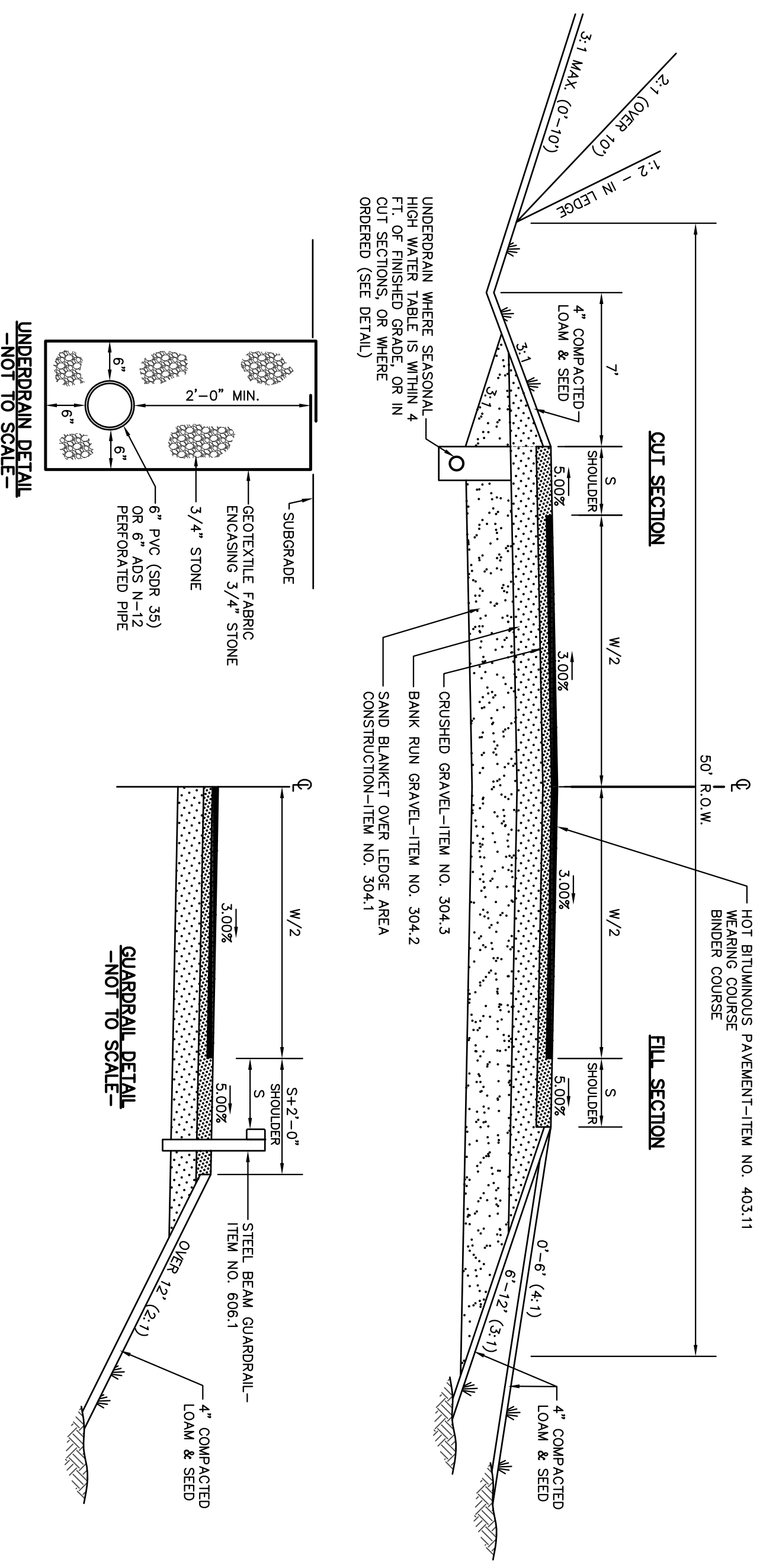
- A. Prior to submission of an application for final approval of any major or minor subdivision under these Regulations, the applicant shall review the proposal with the Deerfield Fire Department. As a result of this consultation, the Deerfield Fire Department or its designee shall provide the Planning Board with a memorandum summarizing the Fire Department's comments and recommendations relative to fire protection. In the event the Fire Department recommends installation of fire hydrants, fire ponds, cisterns, fire roads, or other public safety improvements, such recommendation shall also include specifications for such improvements. To the extent practical, all permanent fire protection improvements and infrastructure, such as hydrants and cisterns, shall be situated within existing or platted public right-of-way or upon land to be conveyed to the Town of Deerfield in fee.

**TABLE IV-1**  
**TABLE OF GEOMETRIC ROADWAY DESIGN STANDARDS**

<u>ITEM</u>	<u>COLLECTOR STREET</u>	<u>LOCAL STREET-2</u>	<u>LOCAL STREET-1</u>
1. AVERAGE DAILY TRAFFIC	>400	201-400	0-200
2. MINIMUM WIDTH OF RIGHT-OF-WAY	60'	50'	50'
3. MINIMUM PAVEMENT WIDTH (W)	24'	20'	18'
4. MINIMUM GRADE	1.0%	1.0%	1.0%
5. MAXIMUM GRADE	6.0%	9.0%	9.0%
6. MINIMUM ANGLE OF INTERSECTIONS	90°	80°	80°
7. WIDTH OF SHOULDERS (S)	3'	2'	2'
8. MINIMUM CENTER-LINE RADII ON CURVES	600'	400'	200'
9. MINIMUM TANGENT LENGTH BETWEEN REVERSED CURVES	300'	200'	100'
10. ROAD BASE (MINIMUM) CRUSHED GRAVEL (304.3) GRAVEL (304.2) SAND (304.1)*	8" 12" 12"	6" 12" 12"	6" 12" 12"
11. BITUMINOUS CONCRETE (403.11) PAVING BINDER COURSE WEARING COURSE	2-1/2" 1-1/2"	2" 1"	2" 1"
12. ROAD CROWN (MINIMUM)	0.02	0.03	0.03
13. CUL-DE-SAC STREETS (SEE FIGURE IV-B) RADIUS OF TURN-AROUND R.O.W RADIUS OF TURN-AROUND PAVEMENT	- -	75' 62'	75' 62'

\*MINIMUM THICKNESS OF SAND BLANKET SPECIFIED SHALL BE REQUIRED OVER LEDGE (SEE FIGURE IV-A)

## TYPICAL ROADWAY CROSS-SECTION -NOT TO SCALE-



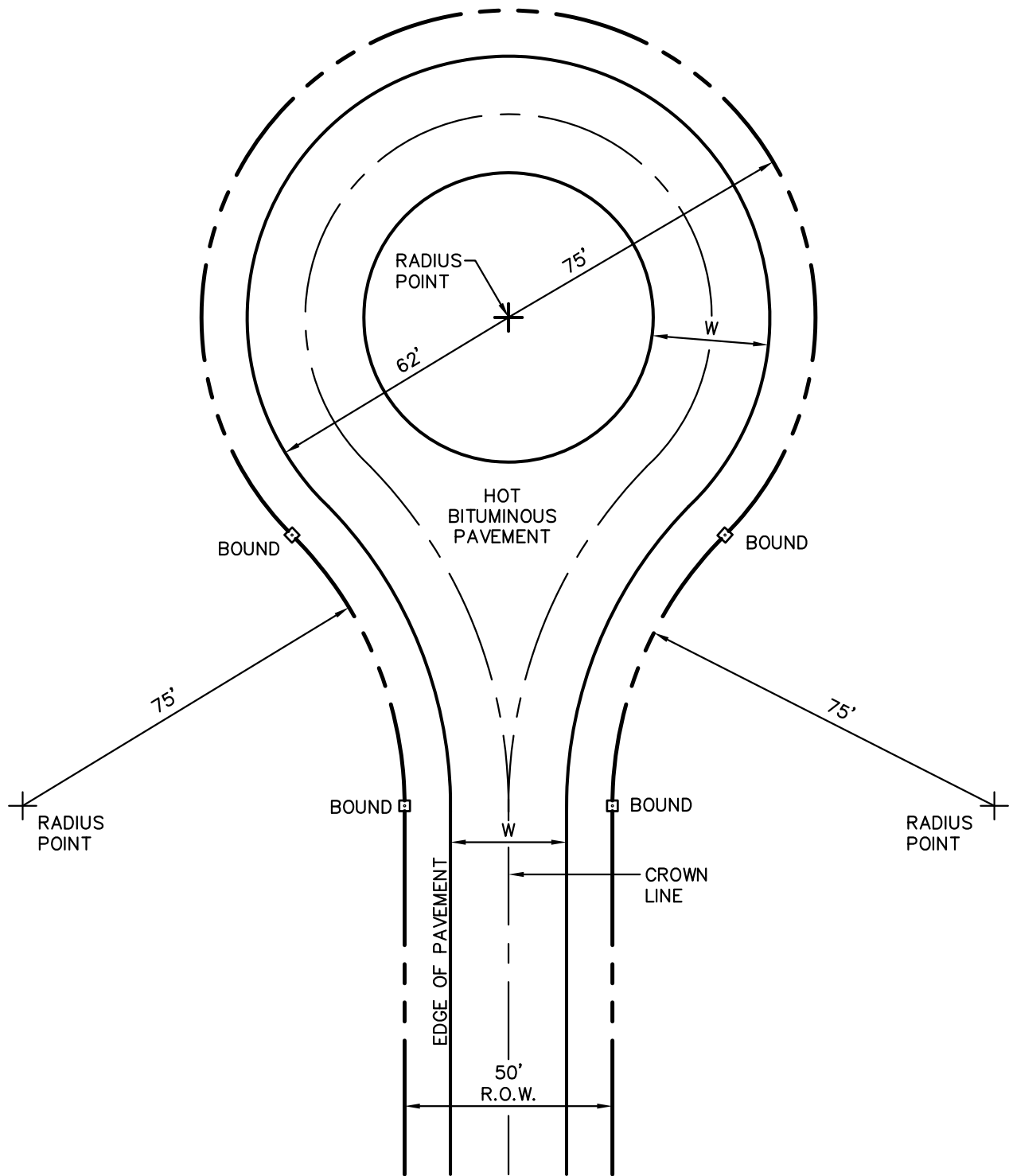
**SPECIFIC NOTES:**

1. ALL WORKMANSHIP AND MATERIALS INCORPORATED INTO ROADWAY CONSTRUCTION SHALL CONFORM TO STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (LATEST EDITION) AS PUBLISHED BY THE NH DEPARTMENT OF TRANSPORTATION.
2. CONSTRUCT MATING AND EROSION CONTROL ON ALL DITCHES UP TO A 5% SLOPE. DITCHES STEEPER THAN 5% SLOPE MUST BE PROTECTED AGAINST EROSION USING A STONE LINING OR OTHER APPROVED MEANS.

3. FULL WIDTH OF RIGHT-OF-WAY (50 FEET) SHALL BE CLEARED OF ALL EXISTING BRUSH AND TREES UNLESS OTHERWISE APPROVED BY THE PLANNING BOARD.

## TOWN OF DEERFIELD, NEW HAMPSHIRE SUBDIVISION REGULATIONS FIGURE IV-A

TYPICAL PERMANENT CUL-DE-SAC  
-NOT TO SCALE-



TOWN OF DEERFIELD, NEW HAMPSHIRE  
SUBDIVISION REGULATIONS  
FIGURE IV-B

**ARTICLE V  
PERFORMANCE GUARANTEE REQUIREMENTS & CONSTRUCTION  
PROCEDURES**

**Section V-1 General Requirements**

- A. Pursuant to RSA 674:36 the Planning Board may stipulate, as a precedent condition of approval, that a performance guarantee, in an amount and form acceptable to the Board, be received and filed with the Board of Selectmen prior to signature of a final plat by the Board Chair and/or recording of the final plat at the Rockingham County Registry of Deeds. Specific requirements and procedures governing such performance guarantees are provided in Section V-2 of these Regulations.
- B. No land clearing for the facilitation of construction, construction of roadway or infrastructure improvements specified on a subdivision plat, nor building construction shall commence unless and until a final plat of such subdivision has been approved by the Planning Board, signed by the Board Chair and recorded at the Rockingham County Registry of Deeds.
- C. In the case of subdivisions involving the construction or installation of betterments on existing public lands or within an existing public right-of-way, the contractor or entity who will be performing such work shall: (a) obtain written approval from the Board of Selectmen pursuant to RSA 236:9 through RSA 236:12, as applicable; and (b) provide the Town of Deerfield with a copy of a certificate demonstrating said contractor possesses insurance coverage conforming to the following minimum limits: (1) General Liability - \$1,000,000; (2) Automotive Liability - \$1,000,000; and (3) Workers Compensation and Employers Liability – Statutory Limits.
- D. In the case of subdivisions involving the platting of public streets and/or public easements of any kind, the applicant shall submit, at the time final plans and mylars of such subdivision are transmitted to the Planning Board for signature by the Board Chair and subsequent recording at the registry of deeds, executed deeds for the conveyance of platted street rights-of-way and/or public easements to the Town of Deerfield. Such deeds shall be in a form acceptable to Town Counsel and be suitable for recording at the registry of deeds.
- E. Approval of a subdivision plat by the Planning Board shall not constitute public acceptance nor imply an obligation for the eventual public acceptance of any streets or infrastructure specified on the plat or otherwise required under such approval. However, at such time as the construction or installation of streets or improvements shown on a plat has successfully occurred, the Planning Board may recommend public acceptance of the same by the Board of Selectmen.

- F. No Building Permit shall be issued for the construction of a structure or dwelling intended to be accessed by a platted or improved street until such time as construction of that street has progressed to a point where the Building Inspector has determined the condition of such street is sufficient to safely accommodate construction traffic and emergency services personnel. No Certificate of Occupancy shall be issued for any structure or dwelling to be accessed by a platted street until such time as construction of such street has progressed through installation of the binder course of hot bituminous pavement.
- G. Commencing on the date of issuance of the initial Certificate of Occupancy for any structure or dwelling accessed by a platted street, the owner(s) of the subdivision shall cause timely and proper maintenance of such street, including snow removal, until such time as that street has been formally accepted as a public street by the Board of Selectmen. In the event the owner(s) fail to conform to this requirement, the Town of Deerfield may cause such maintenance activities to be provided and call upon any performance guarantee given by the owner to reimburse the Town in doing so.

#### **Section V-2 Performance Guarantee Requirements and Procedures**

- A. In such instances where the Planning Board stipulates that, as a precedent condition of subdivision approval, a performance guarantee be provided by the applicant to serve as financial surety for the successful completion of streets and/or other improvements specified on the subdivision plat, or which are otherwise required under the terms of such approval, or these Regulations, the Town Engineer shall provide the Planning Board with a recommendation as to the amount of such surety, which shall be presented to the Board in the form of the Performance Guarantee Worksheet appended to these Regulations. After review and consideration of the Town Engineer's recommendation, the Planning Board or its designee shall establish the final sum of the required performance guarantee.
- B. In instances when all or portions of the improvements for which a surety has been required by the Planning Board are anticipated to be fully complete within a time period of more than one year from the date of final approval, the sum of the performance guarantee required by the Planning Board may include provision for cost escalation; however, in no case shall the Board require use of a cost escalation factor of more than 10-percent per year.
- C. The Planning Board shall accept a performance bond, irrevocable letter of credit, cash, or other form of surety which may be acceptable to the Board. In all instances, the form of the instrument of surety provided shall be acceptable to Town Counsel. In all instances, the form of the surety instrument shall specify the term and duration of the surety, include an "automatic call" provision, and

- D. In the event improvements for which a performance guarantee has been required remain incomplete or are found to have been completed in an unacceptable manner at the conclusion of the term of the surety, the Town of Deerfield shall enjoy the right to call the performance guarantee and utilize the proceeds of the same to cause the required improvements to be completed and/or repaired.
  
- E. As phases or portions of the work for which a performance guarantee has been required are completed, the Planning Board may, upon receipt of a recommendation from the Town Engineer, recommend that the Board of Selectmen release a portion of the performance guarantee. In no case shall the performance guarantee sum be released to an amount less than 110-percent of the anticipated cost of completion of remaining work, or 10-percent of original surety value, which ever is greater.
  
- F. Upon receipt of confirmation from the Town Engineer and Road Agent that all streets or improvements for which a performance guarantee has been given have been satisfactorily completed, the Planning Board may recommend that the Board of Selectmen vote to accept the completed streets or improvements on behalf of the public and release any remaining performance guarantees. Upon affirmative vote of the Board of Selectmen to accept such streets and/or improvements and to release the remaining performance guarantee, the amount of the surety may be reduced to a sum not less than 10-percent of original surety value. This residual surety shall continue to be held by the Town of Deerfield as a maintenance guarantee for a period of one additional calendar year and shall serve as a financial guarantee for the repair of latent defects in the work which may become evident within one year of public acceptance. If no evidence of latent defects in the improvements is reported to the Board of Selectmen by the Road Agent within the following one year period, the Board of Selectmen shall vote to release the maintenance guarantee in full.

### **Section V-3 Inspection Requirements and Procedures**

- A. Prior to commencement of construction of streets, utilities, off-site improvements, or other subdivision infrastructure, the owner or his/her contractor shall contact the Town Engineer and request that a preconstruction be scheduled. Upon receipt of such a request, the Town Engineer shall promptly schedule a preconstruction conference, which shall be attended by the Road Agent, the Town Engineer, the owner or owner's representative, the contractor and other parties invited by the owner or Town Engineer. At the time of the pre-construction conference, the Town Engineer shall review applicable Town construction requirements and

- B. During the construction period, the Town Engineer shall serve as the Planning Board's field representative observing and reporting to the Planning Board on the progression of the work. During this period, the Town Engineer shall promptly report to the Planning Board and the owner any perceived construction defect or deviation from the terms of the approval of approved project plans. In such instances, the Town Engineer may also offer recommendations for the remedy of such defects or deviations.
- C. The Town Engineer shall periodically invoice the Planning Board for services during the course of construction; and the Planning Board shall in turn require the owner to reimburse the Board for such costs. In the event the owner fails to reimburse the Planning Board in a timely manner for the cost associated with the Town Engineer's services, the Planning Board may request that the Building Inspector/Code Enforcement Official issue a Stop Work Order which shall not be withdrawn until the Planning Board has been reimbursed in full for the Town Engineer's services. In the event an owner fails to reimburse the Planning Board for the Town Engineer's services, the Planning Board may call upon any performance guarantee given by the owner to satisfy such costs.
- D. If during the construction of a subdivision, changes in the design of streets or other subdivision infrastructure are proposed, the owner shall notify the Town Engineer in advance of proceeding with such change. Upon receipt of a request for a design change, the Town Engineer shall make a determination as to whether or not the request represents a significant change in the approved plans and specifications. If the Town Engineer makes the determination that a requested change is significant, the owner shall not proceed to make such change without the approval of the Planning Board. If the Town Engineer makes the determination that the requested change represents a minor field change which will not adversely affect the outcome of the work and will not cause a departure from the requirements of the approved project plans or these Regulations, the Town Engineer may approve such change and promptly report that decision to the Planning Board. In instances where there is any uncertainty on the part of the Town Engineer as to whether or not a requested change is significant, the Town Engineer shall defer decision on approval of the requested change to the Planning Board.



## **APPENDICES**

# TOWN OF DEERFIELD

## APPLICATION FOR MAJOR SUBDIVISION

1. Name of Applicant (S): \_\_\_\_\_  
 Address of Applicant \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_
2. Name of Owner of Record: \_\_\_\_\_  
 Address of Owner of Record: \_\_\_\_\_  
 Phone Number of Owner of Record \_\_\_\_\_
3. Name of Surveyor: \_\_\_\_\_  
 Address of Surveyor \_\_\_\_\_  
 Phone Number of Surveyor: \_\_\_\_\_
4. Location of proposed Major Subdivision: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 Tax Map Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
 Number of Total Acres in parcel: \_\_\_\_\_
5. Number of new lots to be created: \_\_\_\_\_ Acres in each: \_\_\_\_\_
6. Intended use (Check one):            Residential        Commercial        Industrial
7. Attach list of names and addresses of abutters to be completed (page 3) (*Also show on plat*)
8. Statement of intent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Payment to the Town of Deerfield for the following:

Application Fees:

1.	Application Fee	\$	200.00
2.	Lot Creation Fee (\$100.00 per new lot)	\$	_____
3.	Town Planner Review fee (\$500)*	\$	500.00
4.	Roadway Fee (\$1.00 per foot for roadways created. Regardless of it the roadway is intended by the applicant to be taken over by the town)	\$	_____
		\$	_____
5.	Abutters Notice (\$7.00 per abutters)	\$	_____
6.	Recording Fee (\$30.00 per drawing & \$18.00 per page written documents) (\$25.00 – LCHIP fee)	\$	_____
7.	Escrow fee for Town Engineer review (3 <sup>rd</sup> party engineering review)	\$	_____
<b>Total of all Application Fees</b>			<b>\$ _____</b>

***Note:*** \* *This fee includes seven (7) hours of the Town Planner's time. For more complicated applications, the applicant will be billed at \$70.00 per hour. If fewer hours are required, the unexpended fee shall be returned to the applicant.*

The applicant and/or owner certifies that this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the planning board or the Town of Deerfield in the approval process of this application shall be borne by the applicant and/or

**Owner:** \_\_\_\_\_

“I hereby authorize the Deerfield Planning Board and its agents to access my land for the purpose of reviewing this plan or any other inspections deemed necessary by the board or its agents to ensure conformance of the site improvements with the approved plan and all town of Deerfield ordinances and regulations.”

**Signature of Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# ABUTTERS LIST

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Map \_\_\_\_\_ Lot# \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Map \_\_\_\_\_ Lot# \_\_\_\_\_

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Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Map \_\_\_\_\_ Lot# \_\_\_\_\_

# TOWN OF DEERFIELD

## REQUEST FOR NAMING ROADS

(Per Affirmative Vote on Article 18 of the March 23, 2002 Town Meeting)

Developer: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City/Town: \_\_\_\_\_

Tel: \_\_\_\_\_

Road Name Requested: \_\_\_\_\_

Location of Subdivision: \_\_\_\_\_ Map/Lot: \_\_\_\_\_

Explanation of Significance of Name: \_\_\_\_\_

\_\_\_\_\_

*This form is to be returned to the*

*Deerfield Board of Selectman,  
8 Raymond Road,  
Post Office Box #159,  
Deerfield, New Hampshire, 03037-0159*

**Town of Deerfield Subdivision Regulations (DSR) Checklist  
For a Major Subdivision per Section III-6**

All proposed subdivision plan submissions shall be accompanied by a properly completed, dated and signed **SUBDIVISION APPLI CATION** available from the secretary of the Planning Board along with a completed copy of this **CHECKLIST**. Such **APPLICATION** and **CHECKLIST** shall be filed with the secretary not less than seventeen (17) days before the scheduled meeting. All information provided and submitted with this Application Checklist shall conform to the Deerfield Subdivision Regulations. Prior to proceeding with preparation of plans and submission of an application, the Deerfield Planning Board encourages all applicants for a major subdivision to meet with the Planning Board in a preliminary conceptual consultation phase or a design review phase. Please indicate the specific submission item is included with an 'X' or a 'NA' (Not applicable), if appropriate.

Location: \_\_\_\_\_ Tax Map, Lot Number: \_\_\_\_\_

Owner of record: \_\_\_\_\_ Applicant: \_\_\_\_\_

Engineer and / or Agent: \_\_\_\_\_

Date for Preliminary Conceptual Consultation \_\_\_\_\_ or Design Review \_\_\_\_\_

<u><b>DSR reference</b></u>		<u><b>Applicant</b></u>	<u><b>Planning Board</b></u>
1. Application Form and fees	III-6 E. 1	_____	_____
2. Proposed easements deeds, covenants	III-6 E. 2	_____	_____
3. Five (5) copies of project plans	III-6 E. 3	_____	_____

- a) Subdivision Plat or Plan – use the checklist for a Minor Subdivision
- b) Topographical Subdivision Plan - use the checklist for a Minor Subdivision
- c) Roadway Design Plan and Profile Sheets III-6 E. 3 c) (for all applications involving the construction of new streets or significant improvements to existing streets), which include the following information and are sealed by a Licensed Professional Engineer:

		<u><b>Applicant</b></u>	<u><b>Planning Board</b></u>
1. Title Block	III-6 E.3 c) 1	_____	_____
2. North arrow		_____	_____
3. ROW limits		_____	_____
4. Adjoining lot lines w/ TM, L#		_____	_____
5. Two-foot contour, wetlands		_____	_____

- 6. Centerline stationing, horizontal curve \_\_\_\_\_
- 7. Pavement limits \_\_\_\_\_
- 8. Two-foot contour interval finished grade \_\_\_\_\_
- 9. Existing & proposed drainage improvements including
  - a. Pipe material, design slope \_\_\_\_\_
  - b. Location of all catch basins \_\_\_\_\_
  - c. Headwalls at all culvert / drain inlets / outlets \_\_\_\_\_
  - d. Outlet protection \_\_\_\_\_
  - e. Drainage easements \_\_\_\_\_
  - f. Design stormwater treatment \_\_\_\_\_
  - g. Design stormwater detention \_\_\_\_\_
  - h. Under drain \_\_\_\_\_
  - i. Ditchline protection \_\_\_\_\_
  - j. Erosion control devices \_\_\_\_\_
- 10. Minimum of one benchmark \_\_\_\_\_
- 11. Roadway profiles depicting:
  - a. Stationing \_\_\_\_\_
  - b. Elevations at 50-ft stations \_\_\_\_\_
  - c. Roadway centerline profiles \_\_\_\_\_
  - d. Vertical curve design data \_\_\_\_\_
  - e. Drainage and utility improvements \_\_\_\_\_
- 12. Location of existing or proposed sewer, water \_\_\_\_\_
- 13. Location, type of above below ground utilities \_\_\_\_\_
- 14. Location of guardrail and end unit \_\_\_\_\_
- 15. Note re: "All workmanship .... shall conform ..."
- 16. Pavement, traffic control per MUTCD \_\_\_\_\_
- 17. Test pit data: bedrock, seasonal high ground water \_\_\_\_\_

d) Roadway Cross-sections (for all applications involving the design of new or improved streets) at 50-foot intervals .... and are sealed by a Licensed Professional Engineer and showing:

- 1. Existing and proposed centerline elevations \_\_\_\_\_
- 2. Limits of proposed pavements \_\_\_\_\_
- 3. Roadway, shoulder and embankment slopes \_\_\_\_\_
- 4. Underdrain, drainage and utility improvements \_\_\_\_\_
- 5. Guardrail with 2-foot shoulder extension \_\_\_\_\_

e) Construction Detail Drawings, sealed by a Licensed Professional Engineer, for the following elements of construction, as applicable:

- 1. Typical roadway cross-section(s) \_\_\_\_\_
- 2. Driveway apron construction; \_\_\_\_\_
- 3. Curbing installation; \_\_\_\_\_
- 4. Guardrail & terminal end unit installation; \_\_\_\_\_
- 5. Underdrain installation; \_\_\_\_\_

- 6. Sidewalk and trail construction; \_\_\_\_\_
- 7. All drainage structures such as catch basins, drain manholes, outlet structures, etc. \_\_\_\_\_
- 8. Headwalls; \_\_\_\_\_
- 9. Outlet Protection; \_\_\_\_\_
- 10. Treatment swale & detention/retention basin construction; \_\_\_\_\_
- 11. Utility & drainage trench construction; \_\_\_\_\_
- 12. Erosion & sedimentation control; \_\_\_\_\_
- 13. Fire Protection; \_\_\_\_\_
- 14. Utility construction; \_\_\_\_\_
- 15. Traffic control signage & pavement markings; \_\_\_\_\_
- 16. Turf establishment; and \_\_\_\_\_
- 17. Other project specific improvements. \_\_\_\_\_

4. Three (3) copies of supporting documentation and reports: III-6 E 3 f.

- a) Test pit and percolation data \_\_\_\_\_
- b) Owner statement of maintenance, liability \_\_\_\_\_
- c) Stormwater Management Report \_\_\_\_\_
- d) State permits: \_\_\_\_\_
- e) NH DES subdivision approval \_\_\_\_\_
- f) NH AOT, if applicable \_\_\_\_\_
- g) NH DES water supply, if applicable \_\_\_\_\_
- h) NH DES wetlands permit, if applicable \_\_\_\_\_
- i) NH DOT driveway permit, if applicable \_\_\_\_\_
- j) Off-site improvement plans, if applicable \_\_\_\_\_
- k) Traffic impact assessment, if requested \_\_\_\_\_
- l) Fiscal impact assessment, if requested \_\_\_\_\_
- m) Other environmental, cultural or special purpose studies, if requested \_\_\_\_\_

**OFF-SITE IMPROVEMENTS:**

1. The applicant is advised that may be responsible for the apportioned cost of off-site improvements, the need for which is deemed by the Planning Board to be attributable to the demands imposed by their project.

**STATEMENT OF IMPACT FEE:**

2. The following statement must appear on all plans: “Any structure constructed on the proposed lots shall be subject to an Impact Fee from the Town of Deerfield. Said fee shall be calculated at the time of Building Permit Application and due at the issuance of the Certificate of Occupancy”.

\_\_\_\_\_  
Signature of authorized person completing checklist

# TOWN OF DEERFIELD

## APPLICATION FOR MINOR SUBDIVISION

1. Name of Applicant (S): \_\_\_\_\_  
 Address of Applicant \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_
2. Name of Owner of Record: \_\_\_\_\_  
 Address of Owner of Record: \_\_\_\_\_  
 Phone Number of Owner of Record \_\_\_\_\_
3. Name of Surveyor: \_\_\_\_\_  
 Address of Surveyor \_\_\_\_\_  
 Phone Number of Surveyor: \_\_\_\_\_
4. Location of proposed Minor Subdivision: \_\_\_\_\_  
 Street: \_\_\_\_\_  
 Tax Map Number: \_\_\_\_\_ Lot Number: \_\_\_\_\_  
 Number of Total Acres in parcel: \_\_\_\_\_
5. Number of new lots to be created: \_\_\_\_\_ Acres in each: \_\_\_\_\_
6. Intended use (Check one):            Residential        Commercial        Industrial
7. Attach list of names and addresses of abutters to be completed (page 3) *(Also show on plat)*
8. Statement of intent: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

9. Payment to the Town of Deerfield for the following:

Application Fees:

1.	Application Fee	\$ 200.00
2.	Lot Creation Fee (\$100.00 per new lot)	\$ _____
3.	Abutters Notice (\$7.00 per abutters)	\$ _____
4.	Town Planner Review fee (\$500)*	\$ 500.00
5.	Recording Fee	\$ _____
	(\$30.00 per drawing & \$18.00 per page written documents) (\$25.00 fee for LCHIP)	
6.	Town Engineer review, if required (3 <sup>rd</sup> party engineering review)	\$ _____
	<b>Total of all Application Fees</b>	<b>\$ _____</b>

**Note:** \* This fee includes seven (7) hours of the Town Planner's time. For more complicated applications, the applicant will be billed for additional time at \$70.00 per hour. If fewer hours are required, the unexpended fee shall be returned to the applicant.

The applicant and/or owner certifies that this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the planning board or the Town of Deerfield in the approval process of this application shall be borne by the applicant and/or

Owner: \_\_\_\_\_

“I hereby authorize the Deerfield Planning Board and its agents to access my land for the purpose of reviewing this plan or any other inspections deemed necessary by the board or its agents to ensure conformance of the site improvements with the approved plan and all town of Deerfield ordinances and regulations.”

**Signature of Owner:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# ABUTTERS LIST

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Map \_\_\_\_\_ Lot# \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Map \_\_\_\_\_ Lot# \_\_\_\_\_

Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Map \_\_\_\_\_ Lot# \_\_\_\_\_

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Map \_\_\_\_\_ Lot# \_\_\_\_\_

**TOWN OF DEERFIELD**

**REQUEST FOR NAMING ROADS**

**(Per Affirmative Vote on Article 18 of the March 23, 2002 Town Meeting)**

Developer: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

City/Town: \_\_\_\_\_

Tel: \_\_\_\_\_

Road Name Requested: \_\_\_\_\_

Location of Subdivision: \_\_\_\_\_ Map/Lot: \_\_\_\_\_

Explanation of Significance of Name: \_\_\_\_\_

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*This form is to be returned to the*

*Deerfield Board of Selectman,  
8 Raymond Road,  
Post Office Box #159,  
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For a Minor Subdivision per Section III-3**

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Location: \_\_\_\_\_ Tax Map, Lot Number: \_\_\_\_\_

Owner of record: \_\_\_\_\_ Applicant: \_\_\_\_\_

Engineer and / or Agent: \_\_\_\_\_

Date for Preliminary Conceptual Consultation \_\_\_\_\_ or Design Review \_\_\_\_\_

**DSR reference**

**Applicant Planning Board**

- |  |            |       |       |
|--|------------|-------|-------|
| 1. Application Form I                  | III-3 C. 1 | _____ | _____ |
| 2. Proposed easements deeds, covenants | III-3 C. 2 | _____ | _____ |
| 3. Five (5) copies of project plans    | III-3 C. 3 | _____ | _____ |

a) Subdivision Plat or Plan showing

- |   |                 |       |       |
|---|-----------------|-------|-------|
| 1. Title Block                          | III-3 C. 3 a) 1 | _____ | _____ |
| 2. Bar scale                            |                 | _____ | _____ |
| 3. PB approval block                    |                 | _____ | _____ |
| 4. Sealed certification of a LLS        |                 | _____ | _____ |
| 5. Boundaries w/ metes and bounds       |                 | _____ | _____ |
| 6. Match lines, if applicable           |                 | _____ | _____ |
| 7. Boundaries of platted lots           |                 | _____ | _____ |
| 8. Identification of monuments          |                 | _____ | _____ |
| 9. Tax map, lot numbers, abutters names |                 | _____ | _____ |
| 10. Street names                        |                 | _____ | _____ |
| 11. Located of adjoining municipalities |                 | _____ | _____ |
| 12. Purpose, location of easements      |                 | _____ | _____ |
| 13. Area of lots                        |                 | _____ | _____ |
| 14. North arrow                         |                 | _____ | _____ |
| 15. Reference plans                     |                 | _____ | _____ |

- 16. Locus map \_\_\_\_\_
- 17. Jurisdictional wetlands by CWS \_\_\_\_\_
- 18. Wetlands notation \_\_\_\_\_
- 19. Dimensional limits by DZO \_\_\_\_\_
- 20. All existing structures \_\_\_\_\_
- 21. Location, names of all streams \_\_\_\_\_
- 22. Special flood hazards \_\_\_\_\_
- 23. Location of utilities \_\_\_\_\_
- 24. Plan notes \_\_\_\_\_

b) Topographical Subdivision Plan III-3 C. 3 b)

- 1. Above information \_\_\_\_\_
- 2. Two-foot contours \_\_\_\_\_
- 3. Two benchmarks \_\_\_\_\_
- 4. Site Specific Soil Mapping \_\_\_\_\_
- 5. Location of culverts \_\_\_\_\_
- 6. One test pit for 4K area \_\_\_\_\_
- 7. Water well location \_\_\_\_\_
- 8. Driveway location \_\_\_\_\_
- 9. Existing tree lines, stone walls \_\_\_\_\_
- 10. Ledge outcroppings, other natural features \_\_\_\_\_

4. Three (3) copies of the following III-3 C.

- a) Test pit and percolation data III-4 a) \_\_\_\_\_
- b) NH DES subdivision approval \_\_\_\_\_
- c) NH DES wetlands permit, if applicable \_\_\_\_\_
- d) NH DOT driveway permit, if applicable \_\_\_\_\_
- e) Notice of Decision etc \_\_\_\_\_

**OFF-SITE IMPROVEMENTS:**

- 1. The applicant is advised that may be responsible for the apportioned cost of off-site improvements, the need for which is deemed by the Planning Board to be attributable to the demands imposed by their project.

**STATEMENT OF IMPACT FEE:**

- 2. The following statement must appear on all plans: “Any structure constructed on the proposed lots shall be subject to an Impact Fee from the Town of Deerfield. Said fee shall be calculated at the time of Building Permit Application and due at the issuance of the Certificate of Occupancy”.

\_\_\_\_\_  
Signature of authorized person completing checklist

Date: \_\_\_\_\_

Board of Selectmen  
Town of Deerfield

Re: Irrevocable Letter of Credit No. \_\_\_\_\_  
Developer: \_\_\_\_\_  
Amount: \$ \_\_\_\_\_  
Name of Project/Address: \_\_\_\_\_  
Development Agreement Dated: \_\_\_\_\_  
Entitled “\_\_\_\_\_” and dated \_\_\_\_\_

Dear Board of Selectmen:

By this document \_\_\_\_\_ Bank (hereinafter “Issuer”) hereby issues an irrevocable Letter of Credit in the amount of \$ \_\_\_\_\_ (the “Maximum Amount”) to the Town of Deerfield (the “Town”) on behalf of \_\_\_\_\_ (hereinafter “Developer”). This irrevocable Letter of Credit is issued to guarantee completion of all improvements required by the Town’s Planning Board and the Town subdivision regulations in connection with Phase \_\_\_\_\_ of the above referenced project and the Development Agreement for such project. We hereby irrevocably authorize you to draw upon us, in accordance with the terms and conditions hereinafter set forth, by sight draft, an amount not to exceed the Stated Amount. Any number of partial draws are permitted hereunder, up to the Maximum Amount.

Signed drafts must be accompanied by the affidavit of the Beneficiary certifying “Customer has failed to perform its obligations pursuant to the subdivision plan entitled \_\_\_\_\_, plan date \_\_\_\_\_, approved by Town’s Planning Board, dated \_\_\_\_\_, as required by applicable laws, statutes, rules and regulations and the application, maps, plans, and profiles filed by Developer with Town.”

The effective date of this Letter of Credit shall be 12:01 a.m. local time on \_\_\_\_\_. This Letter of Credit shall expire at 12:02 a.m. local time on \_\_\_\_\_.

If all improvements guaranteed by this Letter of Credit are not completed and the Letter of Credit has not been renewed by the Issuer by \_\_\_\_\_, and the Board of Selectmen,

or such individuals as the Board shall designate, has not issued a certificate indicating completion of all improvements by \_\_\_\_\_ (date), then this Letter of Credit shall be automatically considered to have been called and without further action of the Town or its Planning Board, the Issuer shall forthwith forward a check in the amount of \$\_\_\_\_\_ to the Treasurer of the Town, which the Town shall use exclusively for the purpose of completing the improvements that are guaranteed by this Letter of Credit. Any funds not needed by the Town to complete improvements required by the subdivision plan to above shall be returned to the Issuer.

It is a condition of this Letter of Credit that it shall be deemed automatically extended without amendment for the present or any future expiration date, unless thirty (30) days prior to any such date the Town of Deerfield shall notify in writing by certified mail that the Town of elects not to consider this Letter of Credit extended . Upon receipt by the Issuer of such notice you may draw your site drafts hereunder accompanied by above-mentioned certificate.

The improvements guaranteed by this irrevocable Letter of Credit include, but are not limited to, the following:

1. Water and Sewer Infrastructure;
2. Drainage;
3. Landscaping; and
4. Erosion and Sediment Control.

Upon receipt of the Town's written approval, the Issuer may reduce ("draw down") the amount of this Letter of Credit in accordance with the authorization of the Town; provided, however, that ten percent (10%) of the principal amount held for the constructed portion of the project shall be retained for one year after completion of the improvements to cover any latent defects appearing during the year and shall thereafter be returned to the Issuer or become the property of the Town, if necessary to remedy any such latent defects.

This letter of credit is not transferable or assignable.

Dated: \_\_\_\_\_ By: \_\_\_\_\_ Bank  
Its \_\_\_\_\_

I have read this Letter of Credit and agree to its terms.

Dated: \_\_\_\_\_  
\_\_\_\_\_  
(Signature of Developer)