

ARTICLE I

GENERAL PROVISIONS

Section 1. Title

This chapter shall be known and may be cited as the “Land Subdivision Regulations” of the Town of Deerfield.

Section 2. Legislative Authority

These regulations are adopted by the Deerfield Planning Board pursuant to the authority granted by the New Hampshire Revised Statutes Annotated (RSA), as amended, 1987, Chapter 674:35 and by the authority granted by the Deerfield Town Meeting.

Section 3. Purpose

The purpose of these regulations, as permitted under RSA 674:36-II shall be 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 or 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 or with features of the official map of the municipality;
- D.** Provide for 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 systems;
- F.** Require, in proper cases, that plats showing new streets or narrowing or widening of such streets submitted to the Planning Board for approval shall show a park or parks suitably located for playground or other recreational purposes;
- G.** Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses;
- H.** 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;

- I. Prescribe minimum areas of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities; and
- J. Include provisions which will tend to create conditions favorable to health, safety, convenience or prosperity.

Section 4. Applicability

- A. No subdivision of land shall be made, and no land in any subdivision shall be sold or leased, and no streets or utility construction shall be started, until a subdivision plat prepared in accordance with the requirements of these regulations has been approved by the Board and the final plat endorsed by the Chairman of the Planning Board.
- B. As authorized under RSA 676:16 the Town of Deerfield may enjoy any transfer or sale of any land located in a subdivision before a subdivision has been approved by the Planning Board and filed with the Rockingham County register of deeds as required under RSA 674:35, II.

Section 5. Interpretation

The 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 a proposed application is in the best public interest will the application be approved.

Section 6. Responsibility of Applicant

The applicant for subdivision should become familiar with all state and town regulations relative to zoning, health, buildings, roads, driveways, dredge and fill and other pertinent data so that he or she is thoroughly aware of the obligations and standards expected. The applicant should study thoroughly these subdivision regulations and the requirements contained herein. The Planning Board will provide assistance to any applicant, before and during the preparations of an application, in order to save the applicant unnecessary expense due to a lack of understanding of these and other regulations.

Section 7. Layout

The layout of lots shall conform to the requirements of the zoning regulations where in force and be appropriate for the intended construction. The side lot lines shall generally be at right angles to straight street lines, or radial to curved street lines. Lots, other than corner lots, with frontage on two streets will not be allowed.

Section 8. Non-residential and Multifamily Dwelling Subdivision Review

Anyone who desires to subdivide parcels for nonresidential use or for multifamily dwellings of more than two (2) dwelling units per structure shall comply with the rules and regulations set forth in this chapter. Prior to the issuance of a building permit by the Building Inspector for nonresidential and multifamily dwelling development of a site, all provisions pursuant to the Town of Deerfield Site Plan Review Regulations shall be met.

ARTICLE II

WORDS AND PHRASES

Section 9. Word Usage

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; the words “used” or “occupied” include the words “intended”, “designed” or “arranged” to be used or occupied; and the word “lot” includes the word “parcel” (Same as Zoning Ordinance).

Section 10. Definitions

For the purpose of this chapter, the terms used herein are defined as follows:

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 for a public hearing by the Board, the term of abutting property owner for a condominium or other collective form of ownership means the officers of the collective or association as defined in RSA 356-B:3, XXIII.

APPLICANT - Any person, agent, firm, association, partnership or corporation that makes application to the Planning Board for the subdivision of land pursuant to the rules and regulations of these regulations.

APPLICATION, COMPLETE – An application for subdivision approval which contains sufficient information to invoke jurisdiction of the Planning Board. A complete application shall include all the items listed in Section 14 for a major subdivision, Section 20 for a minor subdivision and Section 21 for a minor lot line adjustment. The ninety (90) day period for review does not start until a complete application has been submitted by the sub-divider and accepted by the Board. The owner of the land must sign the application before it is filed with the Planning Board.

APPLICATION, FORMAL - A complete application for a major subdivision, minor subdivision, lot line adjustment or boundary line agreement.

APPLICATION, FILE - To deliver an application to the designee of the Planning Board for inclusion on Planning Board’s agenda as outlined in Section 14,

Section 20 and Section 21.

APPLICATION, SUBMISSION - See Official Submittal Date.

APPROVAL, FINAL – The recognition by the Planning Board, certified by written endorsement on the plan, that the subdivision plan meets the requirements of these regulations and satisfies, in the judgment of the Planning Board, the current criteria of good planning and design.

AS-BUILT DRAWINGS - Drawings which delineate the specific location of site utilities.

BOARD – See Planning Board.

BOUNDARY LINE ADJUSTMENT - See Lot Line Adjustment, Minor.

BUFFER ZONE – Land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. Buffer zones may include such things as fences or berms as well as shrubs and trees.

BUIDABLE LOT – The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

BUILDING INSPECTOR – The individual designated by the Town of Deerfield to enforce the building codes and development 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 purpose of a building (same as zoning ordinance).

BUILDING PERMIT – Written permission issued by the proper Town Official authorizing the construction, repair, alteration or addition to a structure.

CAPITAL IMPROVEMENTS PROGRAM – The documents or any portion of them as permitted under RSA 674:5 through RSA 674: 8.

CERTIFICATION OF COMPLETION – A document issued by the Planning Board indicating that the improvements required by the Board have been satisfactorily completed.

CERTIFICATE OF OCCUPANCY (C0) - A document issued in accordance with Section 23 allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

COMON LEACHING SYSTEM - A system for the collection and processing via leach fields, the effluent from more than two septic tanks and/or dwellings or structures, including all of the pipes, valves and other equipment, land and easements necessary for operating such a system. All of the leaching equipment will be in a single common ownership, though the septic tanks may not.

CONDITIONS PRECEDENT – A condition of approval that shall be satisfied before final and recording of a subdivision plat.

CONDITIONS SUBSEQUENT - A condition of approval that shall be satisfied after approval of a final subdivision plat.

CONSTRUCTION PLAN – The map or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirement of the Planning Board as a condition of the approval of the subdivision plat.

CUL-DE-SAC- A short, minor local, having only one end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles.

DEED RESTRICTION – See restrictive Covenant.

DESIGN REVIEW PHASE - A review by Planning Board of specific design and engineering details of a subdivision proposal. This review is at the option of the applicant and statements made by Planning Board members shall be the basis for disqualifying any Planning Board members or invalidating any subsequent action of the Board.

DEVELOPER – The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owners of the property in order to file a subdivision application.

DISTRICT – A zoning district as specified in the Zoning Ordinance (same as zoning ordinance).

DRIVEWAY – A private road which is intended to provide vehicular access from a public or private street to a parking space, garage, dwelling or other structure.

DWELLING, SINGLE FAMILY – A detached or free-standing residence designed for and occupied by one family only.

DWELLING, TWO FAMILY - A residential building in single ownership designed for or occupied by two families living independently of each other in individual attached dwelling units (same as zoning ordinance).

DWELLING, APARTMENT – A residential building designed for or occupied by up to four families (same as zoning ordinance).

DWELLING UNIT – Any room or rooms connected together forming a habitable unit for one family with its own living, eating and sleeping areas wholly within such rooms, or rooms connected together (same as zoning ordinance).

EASMENT – The right or privilege that a person may have in another person’s property such as for the purposes of installing and maintaining utilities and drainageways.

FAMILY – An individual, or two or more individuals related by blood, marriage or adoption living together, or not more than four individuals not related by blood, marriage or adoption living together as a single housekeeping unit (same as zoning ordinance).

FLOOD HAZARD AREA – That portion of land, as designated on the most current Flood Insurance Rate Maps or the Flood Boundary and Floodway maps of the Town of Deerfield, that, on the average, is likely to be flooded once every one hundred (100) years.

FRONTAGE – The width of a lot measured along its common boundary with the street line (same as zoning ordinance).

IMPROVEMENT – Refers to site grading, streetwork and utilities, including water, sewer, electric, gas and storm water to be installed or agreed to be installed by the Subdivider on land to be public or private streets, and easements or other purposes as are necessary for the general use of lot owners in the subdivision.

LAND USE – A description of how land is occupied or utilized.

LETTER OF CREDIT, IRREVOCABLE – 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.) used as security for improvements required as a condition of subdivision approval.

LOT – The whole area of a single parcel of land with ascertainable boundaries in a single or joint ownership, undivided by a street and established by deed(s) or record (same as zoning ordinance).

LOT AREA – The land wholly within the boundary of a lot (same as zoning ordinance).

LOT, CORNER – A lot abutting upon two (2) or more streets at their intersection.

LOT COVERAGE - The area of a lot covered by the aggregate of the maximum horizontal cross section of all buildings (same as zoning ordinance).

LOT LINE – A line marking a boundary of a lot (same as zoning ordinance).

LOT LINE ADJUSTMENT, MINOR – A change in the lot line that does not create a buildable lot.

LOT OWNERS ASSOCIATION - A lot owners association which is organized in a residential development in which individual owners share common interests in open space or facilities.

LOT OF RECORD – A lot which is part of a subdivision of record in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded (same as zoning ordinance).

MAINTENANCE GUARANTY – An irrevocable letter of credit or cash accepted by the Town to assure that necessary improvements will function as required for a specific period of time.

MANUFACTURED HOME (MOBILE HOME) – Any structure transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to required utilities which include plumbing, heating and electrical heating systems contained therein. Manufactured housing does not include presite built housing as defined in New Hampshire statute RSA 674:31-a.

MANUFACTURED HOME PARK OR MOBIL HOME PARK – Any Parcel of ground upon which two (2) or more manufactured homes, occupied for dwelling or sleeping purposes, are located.

MANUFACTURED HOME OR MOBILE HOME SUBDIVISION - Any subdivision involving a division of land into two (2) or more lots designed to accommodate one (1) or more individual manufactured homes.

MASTER PLAN – The documents or any portion of them adopted by the Planning Board under RSA 674:2-4 to guide the development of the Town.

MOTOR HOME – A portable temporary dwelling to be used for travel, recreation and vacation and constructed as an integral part of a self propelled vehicle (same as zoning).

MOTOR VEHICLE – As defined in RSA 267: A2, III (same as zoning ordinance).

NON-CONFORMING STRUCTURE – A non-conforming structure is a structure the use of which in whole or in part does not conform to the use regulations of the district in which the structure is located (same as zoning).

NON-CONFORMING USE – A use lawfully existing at the effective date of the Zoning Ordinance or any subsequent amendment thereto which is not in conformity with the provisions of the Zoning Ordinance (same as zoning ordinance).

NONRESIDENTIAL SUBDIVISION – A subdivision intended to be used for purposes other than residential, such as commercial and industrial. Such subdivision shall comply with the applicable provision of these regulations.

OFFICIAL SUBMITTAL DATE – An application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the appropriate application procedures.

OFF-SITE IMPROVEMENTS – Improvements located outside the lot lines of the tract under subdivision consideration.

OPEN SPACE, COMMON – Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for common use or public enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary, appropriate and approved by the Planning Board.

ORDINANCE – Any legislative action, however denominated, of the Town of Deerfield which has force of law, including any amendment or repeal of any ordinance.

OWNER – Any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

PARCEL – A lot or tract of land.

PERFORMANCE GUARANTY – An irrevocable letter of credit or cash accepted by the Town as a guarantee that improvements required as part of a subdivision approval are satisfactorily completed. This guaranty may include the estimated cost of construction improvements as well as possible legal fees that may be required to enforce the performance guarantee.

PLANNING BOARD – The Planning Board of the Town of Deerfield. Also referred to as the Board.

PLAT – The maps, drawings, charts and other documents complying with all applicable provisions in this chapter which constitute the plan for subdivision and which the sub-divider submits to the Town.

PLAT CONSTRUCTION, DETAIL SHEETS – Drawings which delineates the proposed locations, profiles and specifications of all existing and proposed site utilities.

PLAT, FORMAL - The formal layout map pf all a portion of a subdivision which is presented to the Planning Board for approval.

PRELIMINARY CONCEPTUAL CONSULTATION – A review by the Planning Board of the basic concepts of a subdivision proposal. The proposal can only be discussed in conceptual form and in general terms such as desirability of types of subdivision proposals under the Master Plan and subdivision regulations. This consultation is at the option of the applicant and shall not bind either the applicant or the Planning Board and statements made by Planning Board members shall not be the basis for disqualifying any Planning Board member or invalidation any subsequent action of the Board.

PRESTIE BUILT HOUSING – Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on building sites. For the purposes of these subdivision regulations pre-site housing shall not include manufactured housing as defined elsewhere in these regulations.

PRINCIPAL USE – The primary purpose for which a lot or structure is used (same as zoning ordinance).

PUBLIC HEARING – A public meeting, announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

PUBLIC MEETING – Any scheduled meeting of the Planning Board.

REGISTERED ENGINEER – An engineer properly licensed and registered in the State of New Hampshire.

REGISTERED LAND SURVEYOR – A land surveyor properly licensed and registered in the State of New Hampshire.

RESTRICTIVE COVENANT – A restriction on the use of the land usually set forth in the deed.

RESUBDIVIDE – The further division of lots or the relocation of lot lines of any lot or lots within a subdivision previously made and approved or recorded according to law or the alteration of any streets or the establishment of any new streets within any such subdivision, but including conveyances made so as to combine existing lots by deed or other instrument.

RIGHT-OF-WAY, PUBLIC – Means all town, state and federal highways and the land on either side as covered by statutes to determine the widths of the right-of-way, does not include Class VI highways (same as zoning ordinance).

RIGHT-OF-WAY LINES – The lines that form the boundaries of the right-of-way.

ROAD AGENT – The individual designated by the Town who is responsible for maintaining roads and streets in the Town of Deerfield.

SETBACK, FRONT YARD – A space between a street line and a line parallel, thereto extending between side lot lines drawn through the nearest point of a structure (same as zoning ordinance).

SETBACKS, SIDE YARD – A yard extending from the front yard or front lot lined where there is not front yard, to the rear yard (same as zoning ordinance).

SETBACK, REAR YARD – A yard between side lot lines across the rear of the lot (same as zoning ordinance).

SITE – Any plat or parcel of land or combination of contiguous lots or parcels of land.

SITE PALN REVIEW – The procedure under RSA 674:43 by which the Planning Board reviews and approves, or disapproves, a plan for development or changes or expansion of the use of tracts for nonresidential uses or for multifamily dwelling units, which are defined as any structure containing more than two (2) dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

SKETCH MAP – A preparatory sketch or plat layout that enables the sub-divider to save time and expense in reaching general agreement with the Planning Board concerning the form of the plat and objectives of these regulations. Primarily used when an applicant is involved in preliminary conceptual consultation with the Planning Board.

SLOPE – The degree of natural inclination of existing ground.

SOIL SCIENTIST, CERTIFIED – A person who is qualified to practice soil science and who is certified by the New Hampshire Board of Natural Scientists. (RSA 310: A:84)

STREET/ROAD – A public right of way as defined in these regulations or a right of way shown in an approved and recorded subdivision plan that meets roadway construction requirements contained within the Deerfield Subdivision Regulations (same as zoning ordinance).

STREET/ROAD, ARTERIAL – A street identified in the Master Plan and utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

STREET/ROAD, COLLECTOR – A street identified in the Master Plan which carries or is proposed to carry intermediate volumes of traffic from local streets to arterial streets and which may or may not be continuous.

STREET/ROAD, LINE – The right of way line of a street (same as zoning ordinance).

STREET/ROAD, LOCAL – A street identified in the Master Plan used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as minor or secondary streets.

STREET/ROAD, PRIVATE – A street constructed and maintained by a private owner or owners, for private use, which provides 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 (same as zoning ordinance).

SUBDIVIDER – Any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit dividing or proposing to divide land in a manner that constitutes a subdivision as herein defined.

SUBDIVISION - The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other division 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 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 unmanned structure, which is less than 200 square feet, shall not be considered a subdivision, and shall not be deemed to create any new division of land for any other purpose.

A. MAJOR – A division of a lot, tract or parcel of land into four (4) or more additional parcels, or a subdivision which requires new streets, the extension of municipal facilities or the creation of any public improvements.

B. MINOR – A division of a lot, tract or parcel of land into three (3) or fewer additional parcels.

TOWN – Deerfield, New Hampshire

TOWN ENGINEER – A registered engineer(s) employed by the Town of Deerfield to review subdivision proposals and/or inspect construction of improvements required by the Planning Board. The Subdivider will be charged for the time and expenses charged the Town by the engineer(s) for the review of plats and inspections of improvements.

TRACT – An area, parcel, site, piece of land or property which is subject of a development application.

TRAVEL TRAILER – A portable vehicle built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having a body width not exceeding 8' 6" and a body length not exceeding 32 feet. Any travel trailer exceeding 32 feet in length shall be considered manufactured housing (same as zoning ordinance).

USE – The purpose or activity for which or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

YARD – A space on the same lot with a main building unoccupied and unobstructed by any structure or portion of structure provided that fences, wall, poles, posts and other customary yard accessories, ornaments and furniture shall be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility (same as zoning ordinance).

ZONING DISTRICT – See District.