

SECTION IV
APPLICATION PROCEDURES AND REQUIREMENTS

4.1 PHASE I: PRELIMINARY CONCEPTUAL CONSULTATION

- (A) In order to save applicants expense and avoid unnecessary changes in the future, it is strongly suggested that all applicants for Site Plan Review request, before the submittal of a formal application, to be included on the agenda of a regularly scheduled Planning Board meeting in order to discuss the Site Plan proposal. This discussion shall be directed at a review of the basic concepts of the proposal and suggestion which might be of assistance in resolving problems with meeting regulatory requirements during final consideration. A sketch map may be submitted by the applicant to facilitate discussion. The Board and the applicant may discuss the Site Plan proposal in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan.
- (B) The applicant may elect to forego or engage in preliminary conceptual consultation with the Planning Board. Such consultation, however, 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 Board members or invalidating any action taken. Notification of the public is not required for preliminary conceptual consultation.

4.2 PHASE II: DESIGN REVIEW FOR SITE PLANS

- (A) If an applicant desires a review of the Site Plan proposal beyond preliminary conceptual consultation, the applicant shall file a design review application with the Planning Board. Applicants are strongly encouraged to apply for a design review in order for the applicant to have a complete understanding of the types of data, special studies, or other information the application will need in order to submit a complete formal application. During this phase the Board and the applicant may discuss specific design and engineering details of proposal.
- (B) The applicant may elect to forego or engage in design review phase with the Planning Board. Such review, however, shall not bind either the applicant or the Planning Board and statements made by Planning Board members shall not be invalidating any action taken.
- (C) To be considered by the Planning Board, a design review application shall:
 - 1. Be made on forms available at the Planning Board Office. An example of this application form is included in the Appendix to these regulations.
 - 2. Include three (3) copies of the design review plat layout.
 - 3. Include and administrative fee in the amount of \$50.00 plus the applicant shall pay \$5.00 per abutter and per applicant for the cost of all notice requirements.

4. Be filed with the Planning Board at least fifteen (15) calendar days prior to a regularly scheduled meeting of the Board. Included with the design review application shall be the names and mailing addresses of all the abutters as indicated in the Town record. The names of all abutters shall be obtained from Town records not more than five (5) calendar days before the filing.
- (D) The design review shall only be conducted at a public meeting of the Planning Board after public notice has been provided. The Board may receive testimony in person or in writing from the applicant, an abutter, or any other person as permitted by the Board. The Board shall give a response to the applicant with respect to the design review of the proposal as a whole with respect the design review of the proposal as a whole or any portion of the proposal by informing the applicant in writing of the modification or additional information that may be required if a formal application for plat approval is submitted. This response shall be given within ninety (90) days of submission of the design review application.

The response of the Planning Board concerning a design review application shall not bind either the applicant of the Board.

4.3 PHASE III: FORMAL APPLICATION SUBMITTAL AND REVIEW FOR SITE PLAN REVIEW

Anyone desiring Site Plan Review shall file a formal application with the Planning Board. Only complete applications will be reviewed by the Board. To be considered complete, an application shall:

- (A) Be made on forms available at the Planning Board Office. An example of the application form is included in the Appendix to these regulations.
- (B) Include five (5) Copies of the final plat layout and the plat construction detail sheets.
- (C) The applicant shall pay the following fees and charges as are applicable:
 1. **Filing Fee:** The applicant shall pay a filing fee of \$150.00.
 2. **Notice Costs:** The applicant shall pay \$5.00 per abutter and per applicant for the costs of all notice requirements including the cost of postage for certified mail, reproduction costs, and any publication and/or postage.
 3. **Special Investigative Costs:** The Planning Board may require the applicant to pay reasonable costs of special investigative studies which may be necessary for the Planning Board to evaluate the impact of a proposed development.

- (D) Be filed with the Planning Board at least fifteen (15) calendar days prior to regularly scheduled meeting of the Board. Included with the application shall be the names and mailing addresses of all abutters as indicated in the Town records. The names of all abutters shall be obtained from Town records not more than five (5) calendar days before the filing.
- (E) Establishment of an escrow account in an amount to be determined by the Board which will be used to reimburse the Town for the cost of the review of plans and/or studies submitted by the applicant. Such account shall be replenished when the balance is reduced to \$500.00 or less. All reviews on the project will be discontinued until the balance is reestablished to the original amount. The Board may waive this requirement should there not be any special reports or studies involved with the proposed Site Plan.(RSA 676:4I(g)) Any monies not expended in review of the plans will be returned to the applicant.

4.4 DATA REQUIRED

The following data or information is required on the site plan(s) or as part of the submission package showing existing and proposed features as described.

4.4.1 Existing Data

The following existing site data shall be provided unless inappropriate for the specific project:

- (A) Location of site, current names and addresses of developer, owner of record, and abutting land owners.
- (B) Names and address (es) of person (s) or firm preparing the map (which must be prepared and stamped by a registered architect or registered professional engineer), the scale of the map, north arrow, and date. Name and address of person(s) or firm preparing other data and information if different from the preparer of the map.
- (C) The boundary lines of the area included in the site, including angles or bearings of the lines, dimensions, and the lot area.
- (D) Sketch plan of the site showing existing natural features, including watercourses and water bodies, trees and other significant vegetation, topographic features, and any other features which should be considered in the site design process.
- (E) The existing grades, drainage systems, structures, and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than three percent (3%).
- (F) The shape, size, height, and location of existing structures located on the site and within 100 feet of the site.

- (G) All easements and rights-of-way.
- (H) Natural features such as streams, marshes, lakes, or ponds.
- (I) Man-made features such as, but not limited to, existing roads, and structures indicating which of such features are to be retained and which are to be removed or altered.
- (J) Abutting properties with approximate location of the structures thereon, including access roads.
- (K) The size and location of all existing public and private utilities and all existing landscaping including the location and size of existing public utilities that are located off-site with which connection is planned or located within 100 feet of the site.
- (L) A vicinity sketch (no smaller than 1' = 1000') showing the location of the site in relation to the surrounding public street system and the zoning districts and boundaries for the site and within 1000 feet of the site.
- (M) One hundred-year flood elevation contour.
- (N) Soils map showing all soil types and delineating any poorly or very poorly drained soils.

4.4.2 Proposed Data

The following site data shall be provided for the proposed development, as appropriate.

- (A) Proposed grades, topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).
- (B) Plan view of the shape, size, height, and location of the proposed structures, including expansion or other alterations of existing buildings.
- (C) The locations, size, direction of travel, and if appropriate, curbing, paving, and the radii of all streets, driveways, accessways, and sidewalks within the site and its relationship to the off-site street system.
- (D) The size, location, and layout of all the on-site parking loading facilities.
- (E) The size and location of all public and private utilities, including water lines, sewage facilities, gas lines, power lines, telephone lines, fire alarm connections, and other utilities.
- (F) A storm drainage plan, performed by a Registered Professional Engineer, including a plan for the retention and slow release of storm water where necessary, together with supporting calculations.

- (G) The location, type, and size of all proposed landscaping and screening, as well as a plan for the retention of the existing significant natural features (open spaces, green area, etc.) on the site.
- (H) The location, size, and design of proposed sign and other advertising or instructional services.
- (I) The location, type, and design of outdoor lighting.
- (J) Surveyed property lines showing their bearings and distances and showing monument locations.
- (K) Construction details, including, but not limited to, pavement, walks, steps, curbing, drainage structures, and erosion and sedimentation control techniques.
- (L) Any other exhibits or data that the Planning Board may require in order to evaluate adequately the proposed development, including, but limited to, the following.
 - (1) Calculations relating to storm water runoff.
 - (2) Information on the composition and quantity of wastewater generated.
 - (3) Information on air, water, or land pollutants discharge.
 - (4) Estimates of noise generation.
- (M) **Traffic Impact Analysis:** All proposed commercial, industrial, or residential development shall be reviewed by the Planning Board to ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Planning Board may require the developer to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or traffic-generating characteristic of the development.

Traffic impact analyses shall address each of the following:

- (1) Traffic circulation and access, including adequacy of adjacent street and intersections, entrances, and exits, traffic flow, "sight distances", accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.
- (2) Pedestrian safety and access.
- (3) Odd-street parking and loading.
- (4) Emergency vehicle access.
- (5) Off-site improvements necessitated and to be constructed by the developer.

4.5 ACTION BY THE BOARD/PUBLIC HEARINGS

- (A) The Planning Board shall, by a majority vote of its members present, accept a formal application for Site Plan Review at its regularly scheduled meeting only if the application has been submitted in accordance with Section 4.3. Notice of said public meeting shall be provided to the applicant, abutters, and the public in accordance with Section 4.6 (RSA 676:4-I (d)).
- (B) The Board shall begin consideration of a formal application within thirty (30) days after submission and acceptance of the completed application. The Board shall act to approve, conditionally approve, or disapprove within ninety (90) days after accepting a formal application subject to extension or waiver as set forth in paragraph C below (RSA 676: 4-I (c)).
- (C) The Planning Board may apply to the Board of Selectman for an extension not to exceed an additional ninety (90) days before acting to approve, conditionally approve, or disapprove a formal application. The applicant may also waive the time period requirements for Planning Board action and consent to such extension as may be mutually agreeable (RSA 676: 4-I(f)). In granting any such extensions, the Board shall consider the concerns and involvement by abutters to proposed site plan and the progress of the applicant to minimize needless or unwarranted extensions.
- (D) No formal application shall be approved or disapproved without a public hearing on said application except as noted in Section 4.5 (G) below. Notice of public hearing shall be provided in accordance with Section 4.5.
- (E) Following a public hearing on a formal site plan review application, the Board shall approve, conditionally approve, or disapprove the proposed site plan review application. If the Board denies the formal application, the applicant shall be notified in writing as to reasons for denial within five days of the decision. In any case, the decision shall be placed on file in the Town Hall within 72 hours after the decision has been made (RSA 676:3).
- (F) A public hearing is not required for disapprovals of a formal application based upon the failure of the applicant to supply information required by the regulations, including: abutters identification, failure to meet reasonable deadlines established by the Board, failure to establish escrow accounts, or failure to pay fees required by the Board (RSA 676: 4-I (e)(2)).
- (G) Any application that receives plan approval subject to conditions precedent must comply with the conditions precedent prior to the Board's recording of the final plan. Additional public hearing, in accordance with this section and Section 4.6, will be held by the Board to determine if the applicant has complied with all conditions precedent, except as noted below (RSA 676: 4 –I (i)).
 - 1. A public hearing is not required to determine compliance with conditions precedent if the Planning Board determines that the applicant has satisfactorily complied with the conditions precedent and that the conditions imposed by the Board were:

- (a) minor plan changes, whether or not imposed by the Board, as a result of a public hearing, compliance which is administrative and which does not involve discretionary judgment; or
- (b) conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- (c) conditions with regard to the applicant's possession of permits approvals granted by other boards or agencies.

2. All other conditions precedent shall require a public hearing and notice as required in this section and Section 4.6.

4.6 PUBLIC NOTICE REQUIREMENTS

No site plan application shall be accepted or acted on by the Planning Board without giving due notice to public. Such notice will be given in the following manner:

- (A) The applicant and all abutters shall be notified by certified mail of the date upon which the application will be formally submitted to the Board. The applicant and all abutters shall also be notified in the same manner concerning the date of the public hearing on the application if the application is accepted by the Board. If the notice of public hearing has been included in the notice of submission or any prior notice, additional public notice, notice of public hearing is not required. Nor shall additional notice be required of a recessed public hearing if notice is provided at the public hearing (including date, time, and place) when the hearing will be resumed.
- (B) Notice shall be mailed at least ten (10) calendar days prior to the official submittal date of application.
- (C) Notice to general public shall be at the same time by advertising in a newspaper of general circulation or by posting. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal.
- (D) All costs of the notice, including mailing, posting, and/or publishing, shall be paid by the applicant. Failure to pay such costs shall constitute valid grounds for the Planning Board to terminate further consideration and to disapprove the application without a public hearing.

4.7 PLAN CERTIFICATION: PERFORMANCE AND MAINTENANCE GUARANTY

- (A) Upon plan approval, certification will be executed when the applicant files an original and four (4) copies of the approved plan layout with the Planning Board for the signing by the Planning Board Chairman.

- (B)** Approval of a site plan review application shall not be deemed to constitute or effect an acceptance by the Town of the dedication of any street, open space, or parks shown upon the approved plat layout.
- (C)** The applicant shall file, as per the judgment of the Planning Board, an irrevocable letter of credit and/or performance bond as required prior to the approval of the plan.

SECTION V
DESIGN AND CONSTRUCTION REQUIREMENTS

The layout of the proposed site plan is subject to the requirements and provisions of these Regulations.

5.1 ACCESS DESIGN

Traffic access to the site from Town streets must ensure the safety of vehicles and pedestrians.

- (A) The Planning Board must give its approval of the design for a proposed access/egress point onto the public way, which point shall provide as adequate sight distance, grade, width, and curb.
- (B) In all cases, the number of points of access to a given street shall be held to a minimum, preferably one, in order to reduce traffic hazards from turning movements and installation of traffic control devices.
- (C) The Planning Board may require, improvement of existing access/egress point(s) to provide safe slow onto abutting streets should increased traffic be generated by development.

Any approval or requirements above shall in no way be in lieu of, or superior to, any approval or permit which may be granted by the State of New Hampshire Department of Public Works and Highways in any case where that body had preemptive jurisdiction.

- (D) Off-site requirements may be required, such as pavement width, deceleration lanes, curbing, or signal devices.
- (E) Traffic circulation, pedestrian access, parking and loading facilities, emergency and fire access shall be designed and located to ensure safety on the site.
- (F) Parking areas and drivers shall be paved if public use is intended; however, the Planning Board may waive or modify paving to reduce runoff which cannot be conveniently disposed of.
- (G) Access to public streets will meet the requirements of the New Hampshire Department of Public Works and Highways and/or the Town, as adopted and amended, and shall conform to whichever standards are higher.

5.2 LANDSCAPING AND SCREENING

- (A) Landscaping and screening must be provided with proper regard to adjacent properties, the public highway, and within the site, including interior landscaping of parking areas.
- (B) Buffer strips of at least twenty-five (25) feet minimum width, or more, if required by the Zoning Ordinance, must be provided where a proposed non-residential development abuts residential properties. Where appropriate, existing growth must be incorporated

into the buffer strips or landscaping design. Buffer strips must contain vegetation which will screen the view from adjacent residential property during all seasons.

- (C) A landscaping plan must be submitted and approved, showing locations and types of vegetation to be retained or established.

5.3 STORM DRAINAGE

- (A) An adequate surface storm water drainage system must be provided. Storm drainage shall be carried to existing watercourses, or connect to existing storm drains. Storm water runoff shall be restricted to existing drainageways. No new drainageways shall be created unless necessary easements are obtained by the applicant. No increase in surface runoff shall be permitted if such increased runoff passes beyond the property lines unless it is to be within an existing approved public storm drainage system.
- (B) Storm sewers and drainage facilities must be based upon a design flow with a minimum return interval of a 10 year/ 24 hour storm. Retention structures, such as holding ponds, sedimentation ponds. Etc., must be designed to 50 year/ 24 hour storm standards, in accordance with the Soil Conservation Service handbook entitled, "Urban Hydrology for Small Watersheds, Technical Release #55", as amended.

5.4 FLOOD CONTROL

Provisions shall be made to assure that the proposal is consistent with the need to minimize flood damage that all public utilities and facilities, such as sewer, electrical and water system, are constructed and that adequate drainage is provided so as to reduce exposure to flood hazards. Design provisions shall also be made to minimize or eliminate infiltration of flood waters into new or replacement water supply systems and/or sanitary sewage systems and discharges from these systems into floodwaters. On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

5.5 SNOW STORAGE

Provisions shall be made to store snow accumulation during the winter months; such provisions shall be shown on the site plan.

5.6 SOLID WASTE DISPOSAL SCREENING

The manner of waste disposal must be specified on the site plan and include areas for safe disposal. Litter and/or garbage collection and holding areas must be secured. All outdoor storage areas and trash receptacles must be located or screened to prevent visibility from within the parking and neighboring properties. The use of either fencing or hedges is permitted for the foregoing purposes. However, as a condition of approval, the Planning Board may required earth berms and planting of shrubs and/or trees.

5.7 SIDEWALKS

Sidewalks must be provided for pedestrian traffic to permit passageways between the entrances of commercial, housing, or industrial establishments, and parking areas. All such sidewalks must be at least six (6) inches above grade and protected by curbing. The design must include means for access by handicapped persons.

5.8 ILLUMINATION

Outdoor lighting must be provided subject to the following conditions:

- (A) Outdoor lighting must not directly shine on abutting properties or on public highways or streets.
- (B) Indirect lighting should be used on signs advertising goods or services offered on the premises. Moving, fluttering, blinking, or flashing lights or signs shall not be permitted.
- (C) Outdoor lighting must be restricted to that which is necessary for advertising, safety, and security of development.
- (D) Fixtures and locations must be approved by the Planning Board.

5.9 PARKING AREAS AND ACCESS DRIVES

Drives and parking areas must be constructed to the following specifications:

- (A) Loam and/or yielding material must be removed to a depth of no less than fourteen (14) inches below finished grade.
- (B) A bank run gravel sub-base of six (6) inches must be applied or compacted, followed by a six (6) inch base of crushed gravel, then compacted and rolled true to grade lines with a roller weighing not less than 12 tons.
- (C) A one (1) inch binder course and a one (1) inch wearing surface of bituminous concrete pavement must be installed with a self propelled mechanical spreader and rolled by a tandem roller with not less than 285 pounds-per-inch of wheel width.
- (D) The minimum grade for parking areas shall be one percent (1%) ; the maximum grade shall be five percent (5%).
- (E) If approved by the Board, permeable pavement may be used which might minimize dust, erosion, and runoff conditions that could have a detrimental effect on abutting or neighboring properties.

5.10 WATER AND SEWER SERVICE

In areas of the Town where municipal water and sewer service is not provided, water supply and sewage disposal system must be sized to meet the needs of proposed use. Percolation tests and design of disposal systems shall comply with the Town of Deerfield Subdivision Regulations and all applicable State standards and regulations.

5.11 FIRE PROTECTION

Buildings to be used by the public and/or human occupancy must contain an adequate fire alarm/warning system. Such fire alarms shall be indicated on the plans, installed by the applicant, and reviewed and approved by the Fire Chief.

5.12 EROSION AND SEDIMENTATION PLANS

The plan must provide methods to control erosion and sedimentation subject to the following provision.

- (A) Provisions must be made to accommodate the increased runoff caused by changes soil and surface conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment, retention basins, and other such devices shall be constructed prior to any on-site grading or disturbance of surface material.
- (B) Control must show measures both during construction and any permanent controls to remain after construction.
- (C) The site plan must identify, locate, and show elevation, grades and/or contours at intervals of not more than two (2) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
- (D) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion. The disturbed area shall be kept to a minimum and duration of exposure shall be a maximum of six (6) months. Temporary seedlings and/or mulching shall be used to protect exposed critical areas during development. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
- (E) A timing schedule shall be submitted indicating the anticipated starting and completion dates of the measures and the sequence and time of exposure of each area.

5.13 STREET CONSTRUCTION

Streets in non-residential and multi-family developments shall be constructed to Town specifications as set forth in the Subdivision Regulations.

Streets serving non-residential and multi-family developments (unless a public roadway such as in an industrial park) shall remain in private ownership, and the applicant shall execute and provide legal instrument to insure their continued maintenance and ownership, any such instruments being subject to approval by the Town Attorney.

SECTION VI
SUPPLEMENTARY PROVISION

The site plans shall also comply with the following provisions.

6.1 CONSTRUCTION STANDARDS

Construction of improvements shall also comply with, and be inspected pursuant to, the requirements of the Town of Deerfield Zoning Ordinance and Building Code and other applicable ordinances and regulations.

Unless otherwise specified on the site plan and approved by the Planning Board, roadway and ancillary improvements shall comply with the State of New Hampshire Department of Public Work and Highways manual, “Standard Specifications for Road and Bridge Construction”, dated 1974, as amended.

6.2 AS-BUILD DRAWINGS

Prior to the issuance of a Certificate of Occupancy, the applicant shall have prepared by a competent surveyor or engineer, an “as-built plan”, showing the accurate location, invert, and top grade of all drainage structures, all sewer structures, water mains, and appurtenances and ties thereto, and profiles, centerline street, and ditch grades on 100-foot stations to the nearest .1 feet. Three prints of this information shall be submitted to the Planning Board, or its agent, for approval.

In the event that the Planning Board or its agent shall determine that the as-built plans shall differ in any respect from the plans previously approved by the Planning Board, the Board shall decide whether such differences are sufficient material as to require a re-submission of portions, or all of the project plans, to the Planning Board under these Regulations or any part thereof.

6.3 SITE INSPECTION AND FEE

During the construction of the site development, the Town Engineer, or the absence of a Town Engineer, a Professional Engineer hired by the Town, shall inspect all site improvements at periodic intervals.

6.3.1 Applicant Cost

The applicant shall pay the cost of the employment of said Engineer and the cost of any inspector(s) and test(s) deemed necessary by the Board or the Engineer. A letter certifying the applicant’s agreement to the employment of said Engineer shall be filed with the Planning Board as part of the site plan review.

6.3.2 Inspection of Improvements

All site improvements shall be subject to inspection by and approval of the Town Engineer and/or Road Agent, who shall be notified by the developer at least seventy-two (72) hours prior to the start of construction, Inspections will be conducted by said official

or his/her designee following a request by the developer. No underground installation shall be covered until inspected by the appropriate Town Official. Any improvements covered without inspection shall be considered not accepted.

SECTION VII
AGREEMENTS AND BONDING

7.1 PERFORMANCE REQUIREMENTS

7.1.1 Installation Requirements: All site improvements in an approved subdivision or part thereof shall be constructed and/or installed within two (2) years of the date of plat approval in accordance with the requirements specified herein, unless such time is extended by written mutual consent of the Planning Board and the sub divider.

7.1.2 Certificate of Occupancy: No dwelling unit or building may be occupied or used unless a Certificate of Occupancy has been issued by the Building Inspector. If any corrections, changes, or other stipulations are required by the Building Inspector prior to issuance of a Certificate of Occupancy, the Building inspector shall keep a copy of said required actions in his office.

Building Certificates of Occupancy shall be issued by the Building Inspector for all residential and/or non-residential units only upon the receipt of a written memorandum consigned by the Chairman of the Planning Board and the Chairman of the Board of Selectman or designee as to the adequacy of all required improvements servicing the subject parcel or parcels.

- (A) A certificate of occupancy shall be issued, provided that all required roads, utilities, and other improvements servicing the subject parcel have been constructed and/or installed in accordance with Town Specifications.
- (B) A certificate of occupancy may be issued if only minor improvements are needed to complete the project and if the completion of these improvements have been delayed due to factors, such as the weather, beyond the control of the developer. The developer must demonstrate to the Planning Board, the Board of Selectman, and the Building Inspector the reason these improvements were not completed. In addition, the developer must demonstrate that the lack of these improvements, as well as the eventual construction of the improvements, will not impede the protection of public health and safety and that an irrevocable letter of credit will be in place to cover the cost of these improvements, as outlined in this section. The developer must also indicate the time that will be required to make the necessary improvements.
- (C) Construction activities and storage of building materials shall only be carried out in such a manner and at such times that shall render said activities not unduly objectionable to adjacent properties.

7.1.3 PERFORMANCE GUARANTY

- (A) No subdivision plan filed with the Planning Board shall receive approval from the Board until the applicant has filed with the Board and engineer's estimate of costs of required streets, roads, public improvements, drainage structures, and other utilities along with a construction plan. Based on this engineering estimate, after review by the Planning Board, an irrevocable letter of credit or performance bond shall be filed with the Deerfield Planning Board and held by the Deerfield Board of Selectman in an amount satisfactory to ensure the completion of the bonded projects.
- (B) An irrevocable letter of credit shall provide that the issuer shall automatically pay the stated amount to the Town unless the issuer receives a Certificate of Completion from the Town prior to the expiration date of the letter.
- (C) In addition to the letter of credit, an escrow agreement must be filed that includes fees for inspections of improvements by the appropriate Town Officials and/or Town Consultants as well as legal fees and other costs which may be incurred. These fees shall be deposited in an interest bearing escrow account. Any fees collected for inspection and/or legal purposes not expended by the Town shall be returned to the sub-divider after the sub-divider has complies with Section 7.1.2 of these regulations. Also a specific percentage of the letter of credit may be released by the Town when certain predetermined stages of construction are completed by the sub-divider.
- (D) Construction and installation of required improvements must be satisfactorily executed within the time constraints imposed by the Planning Board, or the applicant shall forfeit said performance guaranty, and the surety shall be used to complete and/or install such improvements in accordance with the requirements specified herein. If an extension of such time limit is required, the applicant shall notify the Planning Board at least sixty (60) days prior to said completion date. The Planning Board shall have the discretion to extend said completion date and/or increase the limit of the performance guaranty.

7.1.4 Maintenance Guaranty:

An irrevocable letter of credit or bond to guaranty that all site work was properly done shall be posed by the applicant with the Board of Selectman. Such maintenance guaranty shall be in the amount of ten percent (10%) of the estimated project cost, as determined by the Planning Board, for one (1) year after site improvements are completed. If such repairs are needed are not satisfactorily installed by the developer, then such guaranty shall be used to complete and/or install such repairs in accordance with the requirements specified herein. Such maintenance guaranty shall be posted prior to the issuance of the certificate of completion.

SECTION VIII
WAIVERS

8.1 **WAIVERS**

Upon written request of the applicant, the requirements of the foregoing regulations may be waived or modified by the Planning Board where 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 IX
ENFORCEMENT

9.1 **ENFORCEMENT PROVISIONS**

These regulations shall be enforced under RSA 676:15 through 17.

SECTION X
VALIDITY

10.1 **DECLARATION**

If any section, clause provision, or portions of these Regulations are held to be invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not affect or impair any other section, clause, provision, or portion of these Regulations.

10.2 **EFFECTIVE DATE**

These Regulations are effective as of _____, on which day they were filed with the Deerfield Town Clerk.