

**TOWN OF DEERFIELD**  
**SITE PLAN REVIEW REGULATIONS**

August 15, 1990

**SITE PLAN REVIEW REGULATIONS  
TOWN OF DEERFIELD, NEW HAMPSHIRE**

**SECTION I  
GENERAL PROVISIONS**

**1.1 AUTHORITY:**

These Regulations are enacted in accordance with the authority conferred in RSA 674: 43-44 and based upon the authority given to the Planning Board at the Town Meeting held on March 8, 1988.

**1.2 PURPOSES:**

The purposes of these Regulations are to:

- (A) Provide for the safe and attractive development or change or expansion of the use of the site and guard against such conditions as would involve danger or injury to health, safety, or prosperity by reason of:
  - 1. inadequate drainage or conditions conducive to flooding of the property or that another;
  - 2. inadequate protection for quality of groundwater;
  - 3. undesirable and preventable elements of pollution such as noise, smoke, soot, particulates, or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties; and
  - 4. inadequate provision for fire safety, prevention, and control.
- (B) Provide for the harmonious and aesthetically pleasing development of municipality and its environs.
- (C) Provide for open spaces and green spaces of adequate proportions.
- (D) Require the proper arrangement and coordination of streets within the site in relation to other existing or planned streets or with features of municipality.
- (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 in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval.
- (G) 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.
- (H) Include such provisions as will tend to create conditions favorable for health, safety, convenience and prosperity.

**1.3 TITLE**

These Regulations shall be known as the “Site Plan Review Regulations of the Town of Deerfield, New Hampshire.”

## **SECTION II** **DEFINITIONS**

### **2.1 DEFINITIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these Regulations. Words used in the present tense include the future; the singular number shall include the plural, as the plural the singular; the word “building” shall include the word “structure”; and the word “shall” is mandatory and optional.

In general, words and terms used in these Regulations shall have their customary dictionary meanings. Definitions described in the existing Town of Deerfield Zoning Ordinance shall apply therein. The following words are specifically defined:

**2.1.1 Abutter:** means any person whose property is located in New Hampshire and adjoins or is directly across any street or any other way or stream from the land to be considered or under consideration by the Planning Board for Site Plan Review approval. For purposes of receiving testimony and not for purposes of specific notifications, the term abutter shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal to be considered or under consideration.

**2.1.2 Applicant:** means any person agent, firm, association, partnership or corporation that’s makes application to the Planning Board for subdivision of land pursuant to the rules and regulations of Deerfield Subdivision Regulations.

**2.1.3 Application:** Complete: means 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 the Deerfield Subdivision Regulations in Section 14 for a major subdivision, Section 20 of 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.

**2.1.4 Building Inspector:** means the individual designated by the Town of Deerfield to enforce building codes and development regulations.

**2.1.5 Building Permit:** means written permission issued by the proper Town Official authorizing the construction, repair, alteration, or addition to a structure.

**2.1.6 Certificate of Occupancy (CO):** means a document issued in accordance with Section 23 of the Deerfield Subdivision Regulations 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.

**2.1.7 Conditions Precedent:** means a condition of approval that shall be satisfied before final approval and recording of a subdivision plat.

**2.1.8 Conditions Subsequent:** means a condition of approval that shall be satisfied after approval of a final subdivision plat.

**2.1.9 Development:** means the construction or enlargement of improvements on a tract to accommodate an existing or proposed use.

**2.1.10 Driveway:** means 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.

**2.1.11 Enlargement:** means the increase in size or expansion of any structure or improvement.

**2.1.12 Engineer or Surveyor:** means the duly designated and legally recognized engineer or licensed surveyor or the developer as may be pertinent to the actual services to be performed.

**2.1.13 Improvement:** means all structures, appurtenances, or additions to the site whether above or below the surface of the land, and including but not limited to buildings, construction of any kind, site grading, landscaping, street construction, utilities (including water, sewer, electric, gas, storm drainage), whether proposed by the developer, or required by the Board under these Regulations.

**2.1.14 Letter of Credit, Irrevocable:** means 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.

**2.1.15 Maintenance Guarantee:** means an irrevocable letter of credit or bond accepted by the Town to assure that necessary improvements will function as required for a specific period of time.

**2.1.16 Non-Residential Use:** means any use other than single or two-family dwellings and uses and structures accessory to such dwellings; provide that agricultural uses and home occupations shall require site plan review only when new or expanded structures are involved or additional on-site parking spaces are required by the zoning ordinance.

**2.1.17 Off Site Improvements:** means improvement located outside the lot lines of tract under subdivision consideration.

**2.1.18 Performance Guarantee:** means an irrevocable letter of credit or a performance bond accepted by the Town as a guarantee that improvements required as part of a site plan approval are satisfactorily completed. This guarantee may include the estimated cost of construction improvements as well as possible legal fees that may be required to enforce the performance guarantee.

**2.1.19 Preliminary Conceptual Consultation:** means a review by the Planning Board of the basic concepts of a site plan proposal. The proposal can only be discussed in conceptual form and in general terms such as desirability of types of site plan proposals under the Master Plan and Site Plan Review 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 any Planning Board members shall not be the basis for disqualifying any Planning Board member or invalidating any subsequent action of the Board.

**2.1.20 Street:** means, relates to, and includes street, avenue, boulevard, road lane, alley, viaduct, highway, freeway, and other ways.

**2.1.20** Subdivision:

- (A) “Subdivision” means the division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to land or territory subdivided.
- (B) 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 this title.
- (C) 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 construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

**2.1.22 Use:** means the purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or building are occupied or maintained.

**SECTION III**  
**SCOPE AND REQUIREMENTS**

**3.1 SCOPE**

The Planning Board is hereby authorized to review, and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units (any structure containing in excess of two dwelling units) whether or not such development includes a subdivision or re-subdivision of the site.

**3.2 RELATIONSHIP TO OTHER REQUIREMENTS**

**3.2.1 Compliance with Other Regulations**

The Site Plan Review procedure in no way relieves the applicant from compliance with or approval under the provisions of the Town's Zoning Ordinance, Subdivision Regulations, Building Codes, and/or other regulations which pertain to or govern the proposed development. No Site Plan will be approved unless it is in compliance with all pertinent ordinances and regulations.

**3.2.2 Conflicting Provisions**

If any other provision of the Town or any provision of State or Federal Law relates to any matter covered herein, the provision which imposes the greater restriction or higher standard shall govern.

**3.3 SITE PLAN REVIEW REQUIRED**

The Planning Board requires site plans to be submitted to it for review by any applicant seeking any of the following:

- (A) The development or establishment of any non-residential or multi-family use.
- (B) The expansion or change of any existing non-residential or multi-family use.

**3.4 BUILDING PERMIT**

No building permit shall be issued by the Building Inspector for the construction or expansion of a building, or other facilities subject to these regulations, until final approval or, where appropriate, conditional approval is granted by the Planning Board and the Building Inspector is so notified in writing by the Planning Board.