

TOWN OF DEERFIELD, NEW HAMPSHIRE
SITE PLAN REVIEW REGULATIONS

Adopted by the Deerfield Planning Board July 24, 2013

Town of Deerfield, New Hampshire
Site Plan Review Regulations

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ARTICLE I

GENERAL PROVISIONS

Section I-1 Title

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

Section I-2 Authority, Adoption and Amendment

These Regulations have been adopted in accordance with authority vested in the Town of Deerfield Planning Board by a vote of Town Meeting on March 8, 1988 and the provisions of RSA 674:43 and 674:44, as amended.

Section I-3 Purpose

In accordance with RSA 674:44, the Site Plan Review Regulations of the Town of Deerfield:

- A. Provide for the safe and attractive development or change or expansion of use of the site and guard against such conditions as would involve danger or injury to health, safety or prosperity by reason of: inadequate drainage or conditions conducive to flooding of the property or that of another; inadequate protection for the quality of groundwater; 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; inadequate provision for fire safety, prevention, and control; and the inadequacy of vehicular and pedestrian safety.
- B. Provide for the harmonious and aesthetically pleasing development of the 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 the official map of the 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; and
- I. Require innovative land use controls on lands, if and when, supported by the master plan.

Section I-4 Applicability

- A. These Site Plan Review Regulations shall apply to all planned: non-residential development; multi-family residential development; and/or an expansion or change of use for any existing non-residential or multi-family residential site or structure.
- B. No construction activities involving non-residential or multi-family residential land development, including any expansion or change of use involving existing non-residential and/or multi-family residential property, shall commence unless and until:
 - 1. The owner/applicant has obtained final site plan approval from the Planning Board; and
 - 2. The Planning Board is in receipt of an adequate performance guarantee, if so required by the Board under authority of these Regulations.
- C. Notwithstanding these Regulations, any person may, without Planning Board approval, record a plan of the type described in RSA 676:18, II and 676:18, II-a, provided that no other information is included thereon except as authorized by statute and certified as such in accordance with the provisions of RSA 676:18, III.
- D. No tree cutting or land disturbance shall occur in anticipation of site plan approval; such activity may only occur after the Deerfield Planning Board has granted final site plan approval.

Section I-5 Appeals

- A. Any person aggrieved by any decision of the Planning Board upon these Regulations may appeal to the Superior Court pursuant to the provisions of RSA 677:15.
- B. Any person aggrieved by any decision of the Planning Board concerning site plan approval or disapproval under these Regulations may appeal to the Zoning Board of Adjustment, pursuant to the provisions of RSA 676:5, III, if the basis of such appeal involves a decision or determination made by the Planning Board in its interpretation of the Deerfield Zoning Ordinance.

Section I-6 Waiver Provision

The Planning Board may grant a waiver of one or more of these Regulations if the Board finds, by majority vote, that:

- A. Strict conformity would pose an unnecessary hardship to the applicant and the granting of such waiver would not be contrary to the spirit and intent of these Regulations; or
- B. Specific circumstances relative to the site plan, or conditions of the land indicate that the waiver will properly carry out the spirit and intent of these Regulations.

The applicant / owner shall make any and all waiver requests in writing and provide sufficient justification supporting each such request for consideration by the Board. 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 site plan 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.

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; the singular includes the plural; the plural includes the singular; the words “shall” and “will” are mandatory; and the word “may” is permissive.

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, Deerfield Subdivision Regulations, or applicable statute shall prevail. Words and terms not specifically defined shall have their common meaning. In the event a conflict is found to exist between the definition of any word or term which may be defined in these Regulations and either the Deerfield Zoning Ordinance or applicable statute, the definition provided in either the Zoning Ordinance or statute, as applicable, shall prevail. For the purposes of these Regulations, the following definitions shall 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 subject to site plan review 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.

Approval, Final: Recognition by the Planning Board, as certified by the Chair's signature on the final plat, that a site plan 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 locations, dimensions, elevations 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 used or intended to be used as a shelter or enclosure for any person, animal or property.

Building Permit: A document issued by the Building Inspector for the purposes of lawfully authorizing construction, repairs, alterations, or additions to a building or structure.

Capital Improvement Program: Those planning documents, or a 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 receive 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 site plan 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.

Deed Restriction: See definition of Restrictive Covenant.

Design Review Phase: Non-binding review and discussion of a site plan 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.

Development: Any man-made change to improved or unimproved real estate including but not limited to construction of new buildings, substantial improvements to existing buildings, or other structures, the placement of manufactured housing, paving, mining, dredging, filing, grading, excavation, drilling operations or similar activities.

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: Written 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: The total quantity of land situated exclusively within the boundary lines of a parcel.

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

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 674:4.

Off-Site Improvements: Improvements to public streets, utilities and infrastructure determined to be necessary for proper accommodation of a proposed site plan development, located beyond the boundaries of the site to be developed.

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 site plan 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 accessing and administering the surety for its intended purpose.

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

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 site plan 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.

Site Plan: One or more drawings meeting the requirements of these Site Plan Review Regulations on which the applicant's plan of for nonresidential or multi-family development is presented to the Planning Board for approval and, if approved, signed by the Chair of the Planning Board and placed on file at the Deerfield Town Offices.

Site Plan Determination: A request by an applicant submitted on the appropriate form, which seeks the Board's determination if the planned activity requires a formal site plan review application. See Section III-1.A of these Regulations.

Structure: Anything constructed or erected with a fixed location on the ground, or 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.

Town: The Town of Deerfield, New Hampshire; a municipal corporation establish 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 site plan proposals and to inspect the construction of improvements as may be 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.

Use, Change of: A change from one existing non-residential or multifamily use to another permitted use which may or may not include additional development, an increase in activity, or one or more changes in the appearance, character and function of the property in question.

Use, Expansion of: The replacement or expansion of an existing land use with a new approved or expanded use that includes either additional development of the site, or an increase in activity or a change in character of the existing site.

ARTICLE III

APPLICATION PROCEDURES & REQUIREMENTS

Section III-1 General Provisions and Requirements

- A. Residents and business owners, who may from time to time seek to change or amend the use of, or minimally alter or expand existing non-residential or multi-family buildings or sites, may apply for site plan determination. The Planning Board may, after submittal of an executed application for site plan determination, conduct a duly noticed public hearing and grant approval to such applications without benefit of formal site plan review. In order for any proposal to be eligible for approval through site plan determination, the site or building to be modified or expanded must have previously received site plan approval from the Planning Board. Proposals eligible for approval through site plan determination shall be limited to those involving one or more of the following activities: (1) change of use of an existing building or site from one permitted use to another permitted use; (2) additions to and/or renovations of existing structures such that the gross floor area of any existing structure does not increase by more than 10-percent or 1,000 square feet, whichever is less; (3) site improvements or modifications which alter not more than 10,000 square feet of lot area; and (4) other minor site plan proposals which the Planning Board may elect to consider. All non-residential development or multi-family residential land use proposals which do not have benefit of prior site plan approval or which contemplate a scope of work or activity which exceeds the limitations specified above must obtain site plan approval from the Planning Board prior to issuance of a building permit and/or commencement of construction as applicable.

- B. Prior to submission of an application for either site plan determination or site plan review by the Planning Board, applicants and/or their representatives are encouraged to meet with the Town Planner in order to discuss their proposals and gain the Town Planner's advice in regard to conformance with applicable requirements of Deerfield's land use ordinances and regulations.

- C. 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. After an application has been submitted to the Planning Board's Secretary, the applicant may not supplement, revise or modify the application after notice of public hearing has been given. The applicant may provide additional information upon affirmative vote of the Planning Board at a noticed public hearing. An applicant may withdraw an application prior to public hearing; however, in the case of withdrawal, any and all application fees paid by the applicant prior to the date of withdrawal shall be forfeited and the applicant shall remain liable for any expenses incurred by or on behalf of the Planning Board in the processing or technical review of the application prior to application withdrawal.

- D. 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, which have been submitted to the Board as part of the application.

Section III-2 Classification of Applications

Under the provisions of these Site Plan Review Regulations and applicable statute, the Deerfield Planning Board shall receive and act upon site plan review applications for:

- ☐ Non-residential & Multi-family development; and
- ☐ Site plan determination.

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 Non-Residential and Multi-Family Development

- A. Applicants for new non-residential uses or multi-family buildings shall file an application for site plan review in accordance with all applicable provisions of these Regulations.
- B. If a site plan review application is determined to be complete by the Planning Board, it shall be accepted for formal consideration pursuant to RSA 676:4, I(c) and the Board shall act to approve, conditionally approve, or disapprove that application. Although it is the intent of these Regulations to facilitate timely review and approval of applications which comply with applicable requirements of the Deerfield Zoning Ordinance and these Regulations, applicants are encouraged to engage in preliminary conceptual consultation or design review with the Planning Board prior to the submittal of an application for final site plan approval. In the event any applicant wishes to pursue preliminary conceptual consultation or design review with the Planning Board, the Planning Board shall provide that opportunity consistent with the procedures and limitations described herein.
- C. Preliminary Conceptual Consultation Phase – Recommended

In order to afford applicants proper guidance as well as an opportunity to potentially save time and expense when advancing an application for final site plan 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 public meeting of the Planning Board. All discussion occurring during

preliminary conceptual consultation 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 a public meeting of the Board.

D. Design Review Phase – Recommended

The Planning Board may 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). If an applicant desires to proceed with design review, arrangements for this phase may be made by filing an executed application form, together with three copies of plans conforming to the requirements of Section III-3.E (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 meeting, 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. The Planning Board Secretary shall receive applications not less than seventeen (17) calendar days prior to a regularly scheduled meeting of the Planning Board. In order to be deemed complete pursuant to RSA 676:4, I(c) an application for final site plan approval must include the following information:

- 1) An executed Site Plan Review application on a 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) An existing conditions plan which includes the following information:
 1. A title block identifying: (a) the name or identifying title of the site plan proposal; (b) the location of the site; (c) the tax map & lot numbers of all subject parcel(s); (d) the names, addresses &

- deed reference of the owner, and if different, the applicant; (e) the date of preparation & latest revision, if any; (f) plan scale (either 1" = 20' or 1" = 40'); (g) consecutive plan sheet numbers (i.e. Sheet 1 of 5); and (h) the name, address & telephone number of each individual or firm who prepared provided information;
2. A graphic (bar) scale;
 3. A Planning Board approval block, together with a note which reads: "The Zoning Ordinance and Site Plan Review 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 Site Plan Review 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 drawing (Maximum error of closure of 1:10,000);
 5. All boundaries of each subject parcel, defined by metes & bounds, together with the type and location of any existing or proposed boundary monuments;
 6. Match lines, if applicable;
 7. The tax map and lot numbers of the all proposed & abutting parcels, together with the names & addresses of all abutting property owners;
 8. The names, status, right-of-way & travelled way widths of all adjoining streets;
 9. The location of adjoining or affected municipal boundaries, if any;
 10. 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;
 11. The total area of the lot (in acres & in square feet) shall be noted. In addition, the plat shall indicate the areas of the lot comprised of poorly drained soil and very poorly drained soil/water bodies;
 12. A north arrow with a specified reference bearing;
 13. A recitation of all reference plans relied upon in preparation of the plat;
 14. 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. Applicants are encouraged to utilize the Deerfield Assessors Maps when preparing a locus map;
 15. The location of jurisdictional wetlands, as delineated, defined and sealed by a Certified Wetland Scientist;

16. A notation indicating when, by whom & under what criteria those wetlands shown on the plat were delineated & defined;
17. The limits & dimensions of all required yards, setbacks & buffers required under the Zoning Ordinance;
18. The location of all existing structures, wells, septic systems, drives and similar manmade improvements, as well as the location of existing tree lines, stonewalls, ledge outcroppings and other significant natural and manmade features of the site;
19. The location and name, if any, of all streams & water bodies;
20. 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;
21. The location of all existing drainage improvements and utilities (overhead and underground);
22. Two-foot contour interval topographical survey mapping with elevations referenced to NGVD of 1929 datum, as well as a minimum of two temporary or permanent benchmarks;
23. NRCS or Site Specific Soil Survey Mapping together with a corresponding legend of soil types as well as a notation describing the source of such mapping. In the event Site Specific Soil Mapping is provided, the stamp of the Certified Soil Scientist who prepared the same shall also be provided;
24. The location and results of each soil test pit if applicable; and
25. 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 site plan; (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) Site Plan drawings, sealed by a Licensed Professional Engineer and/or other licensed design professionals as applicable, which fully depict the extent of all proposed site improvements to include the following information:

1. The limits of land clearing proposed as well as identification of any existing natural and manmade site features or improvements to be razed or removed in order to accommodate planned site development;
2. Location and exterior dimensions and height of existing and proposed buildings and accessory structures;

3. Notes indicating total gross floor area of each existing or proposed building to remain, as well as a breakdown of the total gross floor area for each building by use classification;
4. Access points and service loading areas for all buildings;
5. Location and layout of all existing and proposed driveways, parking areas, fire lanes and walks;
6. Detailed parking lot design with supporting calculations;
7. Solid waste storage areas, snow storage areas, traffic control signs and pavement markings;
8. An exterior lighting plan together with details of all proposed lighting fixtures;
9. A detailed landscape design plan;
10. A detailed erosion and sedimentation control plan;
11. Commercial signage details and locations;
12. Construction details of all site improvements;
13. A detailed site grading plan;
14. Detailed off-site improvement plans, if applicable;
15. Drainage calculations prepared and sealed by a Licensed Professional Engineer together with a design plans and details for all stormwater management improvements;
16. Subsurface sewage disposal system design plan;
17. Water supply design calculations and corresponding plan of proposed water supply system improvements;
18. Traffic impact statements (TIS), when required. TIS scope shall be as determined by the Town Planner in cooperation with the Town Engineer;
19. Traffic circulation including the adequacy of the streets, intersections, entrances, exits and sight distances among other items; the applicant's agent shall provide information on pedestrian access and safety, loading, emergency vehicle access and any off-site improvements necessitated by the proposed development;
20. Location and design of fire protection accommodations;
21. Location, type and size of proposed utility service connections and appurtenant fixtures and equipment;
22. Location and specifications of proposed fencing, guardrail and amenities;
23. Detailed architectural elevation drawings of all proposed or renovated buildings and structures; and
24. A notation acknowledging receipt of each required local, State or Federal project permit shall be provided on the final site plan and a hard copy of each such permit transmitted to the Planning Board prior to signature of the final site plan by the Chair.

- F. Pursuant to RSA 676:4, I(c), the Planning Board shall, at its next regular meeting, or within thirty (30) calendar days following the receipt of an application by 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 Site Plan Determination

- A. Residents and business owners, who may from time to time seek to change or amend the use of, minimally alter or expand existing non-residential or multi-family buildings or sites, may apply for site plan determination. The Planning Board may, after submittal of an executed application for site plan determination, conduct a duly noticed public hearing and grant approval to such applications without benefit of formal site plan review. In order for any proposal to be eligible for approval through site plan determination, the site or building to be modified or expanded must have previously received site plan approval from the Planning Board. Proposals eligible for approval through site plan determination shall be limited to those involving one or more of the following activities: (1) change of use of an existing building or site from one permitted use to another permitted use; (2) additions to and/or renovations of existing structures such that the gross floor area of any existing structure does not increase by more than 10-percent or 1,000 square feet, whichever is less; (3) proposed site improvements or modifications which alter not more than 10,000 square feet of lot area; and (4) other minor site plan proposals which the Planning Board may elect to consider. All non-residential development or multi-family residential land use proposals which do not have benefit of prior site plan approval or contemplate a scope of work or an activity which exceeds the limitations specified above must obtain formal site plan approval from the Planning Board prior to issuance of a building permit and/or commencement of construction as applicable.

Section III-5 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 site plan review or site plan determination. 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 676:3, 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 unless a different maximum period of time is specified by the Planning Board. In the event an applicant fails to satisfy such conditions within the applicable 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 majority vote of the Board prior to expiration.
- C. Pursuant to RSA 676:3, III whenever a plat is recorded in order 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, upon successful demonstration 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 plans printed on mylar. Upon receipt of such plans, the Planning Board Chair or his/her designee shall determine if 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.
- E. Neither the approval of a site plan application nor the subsequent recording of any approved plat or plan shall be deemed to constitute or affect public acceptance, or an obligation for future public acceptance, of any dedicated street, utility, land or easement, which may be shown on said plat or plan, by the Town of Deerfield.

III-6 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. It is the normal practice of the Planning Board not to record approved site plans at the Rockingham County Registry of Deeds. However, if the applicant or owner desires to record an approved site plan at the Registry of Deeds, at the time final plans and mylars are transmitted to the Board Secretary for signature and recording, 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 be recorded at the Rockingham County Registry of Deeds, unless and until all fees payable to the Planning Board by the applicant have been received by the Board's Secretary.

ARTICLE IV DESIGN AND CONSTRUCTION STANDARDS

Section IV-I Access and Circulation Requirements

A. General Requirements for Site Access

1. All properties subject to review and approval by the Planning Board under these Regulations, shall be afforded safe and efficient pedestrian and vehicular access to and from public streets and where applicable, public sidewalks. The design and construction of all site driveways, private streets and pedestrian walks intended to satisfy this requirement shall be adequate, in the opinion of the Planning Board, to safely and efficiently accommodate anticipated volumes of site generated pedestrian and vehicular traffic, including bicycles.
2. Applicants for non-residential and multi-family residential site plans intended to derive access from public streets under the jurisdiction of the New Hampshire Department of Transportation (NHDOT) shall be required to obtain a valid NHDOT Driveway Permit prior to receipt of final site plan approval. In cases where a proposed non-residential or multi-family residential site is to be accessed from a public street under the jurisdiction of the Town of Deerfield, the applicant shall obtain a valid local driveway permit from the Deerfield Road Agent prior to receipt of final site plan approval.
3. All private streets and site driveways serving non-residential and multi-family residential developments subject to approval under these Regulations shall enjoy a measure of all-season safe intersection sight distance sufficient to satisfy the requirements of Section IV-4.B(4)(b)(6) of the Deerfield Subdivision Regulations.
4. All private streets shall be designed and constructed in accordance with Sections IV-4.A and IV-4.B of the Deerfield Subdivision Regulations. In the event one or more private streets are proposed under any site plan review application, the following note shall be placed on the final site plan: *“The ways shown on this site plan are intended by the applicant and the Town of Deerfield to be platted, constructed and maintained as private ways. Neither the approval or recording of this site plan shall be construed as an offer of dedication of those ways as public highways under New Hampshire Law of Dedication and Acceptance.”*
5. Pedestrian sidewalks shall be constructed or maintained along the frontage of non-residential or multi-family residential sites at locations where either the Town of Deerfield or the NHDOT presently maintain sidewalks, or at locations where the construction of such public sidewalks are planned in the future. All sidewalk construction within a public right-of-way under jurisdiction of the Town of Deerfield shall conform to the requirements of Section IV-4 of the Deerfield Subdivision Regulations and the Americans with Disabilities Act (ADA).

Sidewalk construction within a public right-of-way under jurisdiction of the NHDOT shall conform to applicable requirements of the NHDOT.

B. General Requirements for Site Circulation

1. Individual non-residential and multi-family residential structures, associated parking and service drives shall be afforded internal access via driveways having a minimum width of 20-feet.
2. All non-residential and multi-family residential sites and structures shall be equipped with fire lanes and emergency vehicle access sufficient to satisfy the Deerfield Fire Department.
3. Retail establishments, restaurants, banks and service businesses which offer drive-through facilities shall be equipped with a designated paved drive-through lane for each individual window or piece of equipment intended to serve drive-through patrons. Each drive-through lane shall be at least 11-feet in width, be properly striped and signed and be capable of accommodating a minimum of five passenger sized vehicles without impeding site circulation and parking situated beyond the drive-through facility.
4. Pedestrian access to all non-residential and multi-family residential structures and associated facilities shall be provided via paved walkways constructed in a manner consistent with the requirements of the Americans with Disabilities Act (ADA).

Section IV-II Parking Requirements

A. General Parking Requirements

1. Any non-residential or multi-family residential site or structure approved under these Regulations shall enjoy paved on-site parking accommodations conforming to the requirements of this Section.
2. All parking spaces and aisles, as well as site driveways, drive-through lanes, fire lanes and other paved surfaces shall be situated not closer than 20 feet to a side or rear property line and not closer than 30 feet to a front property line.
3. All parking facilities shall be designed and constructed in compliance with applicable requirements of the Americans with Disabilities Act (ADA).
4. All sites containing 15 or more on-site parking spaces shall contain one or more islands of green space situated within the interior of the paved parking lot surface. The total area of all interior green spaces provided shall equal not less than ten-percent of the cumulative area of all contiguous paved surfaces on the subject site.

5. Proper accommodations for delivery vehicle loading and unloading shall be provided at all locations where such activities are anticipated. Delivery vehicle loading/unloading accommodations shall be positioned and arranged so as to avoid or minimize potential conflicts with pedestrian and vehicular circulation routes, on-site parking facilities and fire lanes.
6. All public parking areas serving non-residential uses shall be illuminated to a minimum of a ½ foot candle during hours of operation.

B. Parking Density Requirements

1. All non-residential and multi-family residential sites shall provide on-site vehicular parking at a rate greater than or equal to that specified below. Where the computation of required parking density results in a fractional number of spaces, the required number of spaces shall be rounded upwards to the nearest whole number (i.e. a computed density of 39.2 or 39.8 spaces results in a requirement for 40 spaces). In cases where a single site has or is to have multiple uses parking requirements for each use shall be calculated in accordance with the requirements of this Section and the total number of required on-site parking spaces shall be sum equal to the combined minimum parking density requirements for each constituent use.
2. Accessible spaces, in sufficient number, location and dimension to satisfy applicable requirements of the Americans with Disabilities Act (ADA), shall be provided at all non-residential and multi-family residential sites.
3. One or more bicycle racks, each having a fixed, secure and convenient location on the ground shall be provided on each non-residential or multi-family residential site. The minimum number of individual bicycle racking positions available at any given property shall be equal to 5-percent of the number of required vehicular parking spaces or 4 racking positions, whichever is greater.
4. Minimum vehicular parking density requirements by specific use are as follows:
 - a. Multi-family Dwellings: One space per bedroom or a minimum of two spaces per dwelling unit;
 - b. Senior Housing: Two spaces per dwelling unit;
 - c. Hospitals, Congregate & Convalescent Care Facilities, Assisted Living Facilities and Nursing Homes: 0.5-spaces per bed, plus 1.25-spaces per employee on the largest shift;
 - d. Lodging Facilities: 1.25 spaces per room, plus one space per employee on the largest shift;
 - e. Retail Stores, Shops and Banks: One space per 250 square feet of gross floor area;
 - f. Service Establishments: One space per 250 square feet of gross floor area;

- g. Churches, Theaters, and Other Places of Public Assembly: One space per 3 seats, plus one space per employee;
- h. Restaurants: One space per three seats, plus one space for each employee of the largest shift;
- i. Day Care Facilities: Two spaces per employee, plus adequate accommodations for the safe and orderly drop-off and pickup of children;
- j. Gasoline Station with Convenience Store: One space per fueling position, plus one space per employee of the largest shift, plus one space per 250 square feet of retail area;
- k. Community Centers and Fraternal Membership Clubs: One space per 150 square feet of gross floor area or one space per four seats of function space, whichever is larger;
- l. General Offices, Professional Offices and Medical Clinics: One space per 250 feet of gross floor area;
- m. Warehousing & Distribution Facilities: One space per 1,000 square feet of gross floor area, plus one space per 500 square feet of gross floor area devoted to wholesale counter sales and/or product display;
- n. Manufacturing: One space per 500 square feet of gross floor area up to the first 10,000 square feet, plus one space per 1,000 square feet of gross floor area thereafter; and
- o. Uses Not Listed: To be specified by Town Planner.

C. Dimensional Requirements

- 1. Standard vehicular parking spaces shall be a minimum of nine feet in width and a minimum of 18 feet in length.
- 2. Accessible parking spaces shall conform to the dimensional requirements specified under the Americans with Disabilities Act (ADA).
- 3. Parking aisles intended for two-way vehicular travel shall be a minimum of 24-feet wide. Parking aisles intended for one-way vehicular travel shall be a minimum of 18-feet wide.

D. Construction Requirements

- 1. All vehicular parking spaces shall be striped with white or yellow traffic paint (4 inch minimum line width).
- 2. All vehicular parking surfaces, aisles and drives shall be paved with a minimum thickness of 3 inches of hot bituminous pavement comprised of a 2 inch thick binder course overlaid with a one inch wearing course. In order to accommodate motorcycle parking, without pavement damage often caused by kick-stands resting on bituminous surfaces during periods of warm weather, a minimum of 5-percent of all paved parking, or not less than 2-spaces, situated on any site approved under these Regulations shall be

equipped with a concrete kick-stand resting pad. Each resting pad shall be a minimum of 6-inches in thickness, measure not less than 3-feet in each horizontal direction and be installed at or about the center-point of specified parking spaces at an elevation flush with the adjoining paved parking surface.

3. All parking pavement shall be placed over a prepared gravel surface consisting of a minimum of 4 inches of compacted crushed gravel placed over a minimum of 8 inches of compacted gravel.

Section IV-3 Landscape and Visual Buffering Requirements

A. General Requirements

1. All plant materials required under this Section shall be standard nursery stock, installed in accordance with generally accepted horticultural standards and be regularly maintained after installation. All plant materials specified on any site plan approved by the Planning Board shall be annually inspected by the owner or owner's agent. Any required plant materials found to be dead or diseased shall be replaced in kind. Failure to complete this requirement may result in a violation of site plan approval.
2. All areas disturbed by construction shall be covered with a minimum thickness of four inches of friable topsoil and be seeded with grass seed, covered with sod, or planted with ground cover. In general, establishment of turf shall be limited to those areas that may be regularly maintained as lawn. Ground covers, mulch or other suitable material shall be applied to areas not intended to be regularly maintained as lawn.
3. A minimum of one third of the gross lot area utilized for any non-residential or multi-family development shall be reserved as green space. Areas reserved as green space may be vegetated with grass, landscape plantings, ground covers or native vegetation.
4. All landscape design plans intended to satisfy the requirements of this Section shall be prepared and sealed by a Licensed Landscape Architect and shall be configured in such a manner as to maximize aesthetic benefit on a site specific basis. Since it is recognized the pursuit of sustainable aesthetic quality involves subjective judgment on the part of the designer, the Planning Board may permit the designer to make reasonable adjustments when applying those Landscape Standards and Residential Buffering Requirements specified in this Section to a specific site if and when the Board believes the purpose and intent of these Regulations is better served.

B. Landscape Standards

1. A street tree strip, having a minimum width of 15-feet running parallel to the frontage of any non-residential or multi-family residential property shall be provided. Within any street tree strip, a minimum of one indigenous shade tree (such as oak, maple, elm, ash, linden, etc.) having a minimum caliper of 2.5 inches and branching height of not less than 8 feet at the time of planting shall be provided for each 50 feet of street frontage. Street trees shall be planted not closer than 25 feet to one another.
2. A minimum of one deciduous or ornamental tree, having a minimum caliper diameter of 2.5 inches, per 30 feet of building perimeter shall be planted within the developed portion of any site. Trees shall be located so as to maximize the aesthetic quality of the property.
3. A minimum of one deciduous or evergreen shrub, with a minimum height and diameter of 18 inches, per required parking space shall be planted within the developed portion of any site. Shrubs shall be located so as to maximize the aesthetic quality of the site.
4. In order to promote the preservation of mature specimen trees as part of the design and construction of new non-residential and multi-family residential sites, healthy deciduous trees having a diameter of at least 8 inches at breast height may be preserved and used to fulfill the minimum tree planting requirements of this Section.

C. Residential Buffering Requirements

1. All non-residential and multi-family residential sites shall provide for a residential buffer conforming to the requirements of this Section.
2. Residential Buffer Dimensions.
 - a. A continuous residential buffer, having a width of not less than 20 feet, shall be provided.
 - b. Structures, pavement, utility construction, signage and similar hardscape improvements shall not be permitted to encroach on any residential buffer unless specifically permitted by the Planning Board.
3. Design Requirements for Residential Buffers. In general, the design intent for residential buffers shall be to diminish the effects of more intensive non-residential and multi-family uses on abutting residential properties. In order to achieve these goals, applicants of proposed non-residential and multi-family residential sites may select one or more of the following options:

- a. Retention of Existing Vegetation and Forest Canopy. In cases where existing forest exists along a boundary subject to the residential buffering requirements of this section, existing, healthy forest canopy and associated understory vegetation may be used to satisfy the requirements of this Section. In cases where existing vegetation is insufficient to provide an effective visual screen, the Planning Board may require supplemental landscape plantings for the purposes enhancing the natural buffering capabilities of existing native vegetation.
- b. Use of Fencing. An applicant may elect to erect a continuous length of solid fencing of a type and style acceptable to the Planning Board. Fencing used to fulfill this requirement shall not be less than six feet in height, nor impede proper sight distances at intersections of driveways and streets. In cases where applicants elect to utilize this option, a minimum of one deciduous or evergreen shrub, with a minimum height and diameter of eighteen inches, shall be planted along the face of said fencing at a spacing not to exceed an average of one shrub per 10-feet of fence.

D. Screening of Unsightly Site Features

1. General screening requirements. Refuse storage areas, stockpiled materials, tractor-trailers used for storage and other unsightly materials and objects situated on any non-residential or multi-family residential site subject to review and approval under these Regulations, shall be located so as to be out of view from abutting properties and public streets to the extent possible. In cases where such positioning is not possible, those items shall be effectively screened. As a minimum, screening shall be achieved by use of landscape plantings, fencing or enclosures of a height at least as tall as the item or items to be screened.
2. Screening requirements for loading and receiving areas. Loading docks and receiving areas shall be situated so as to be out of view from abutting properties and public streets where possible. Where such provisions are not possible, the applicant shall propose a method of screening and buffering acceptable to the Planning Board.

Section IV-4 Design & Construction Standards for Drainage and Stormwater Management Facilities

A. Analysis and Design of Improvements:

1. All analysis and corresponding calculations 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 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, or Extreme Precipitation Tables published and maintained by the Northeast Regional Climate Center at Cornell University, whichever results in the highest rainfall intensity for the design storm(s), whether or not an Alteration of Terrain Permit is required pursuant to the authority of those same Rules. To the extent applicable, all drainage and stormwater management facilities and infrastructure shall be designed so as to comply with the requirements of Chapter ENV-Wq 1500 of the New Hampshire Code of Administrative 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 Site Plan Review 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 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, corresponding to the 10-year return frequency design storm event, tributary to any downstream privately or publicly owned property or street shall not be increased as a result of planned development 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, storm drains and driveway culverts shall have a minimum diameter of 12-inches and be constructed of either reinforced concrete or high-density polyethylene.

3. A minimum of three (3) feet of soil cover shall be maintained over all culverts and storm drains situated beneath pavement.
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 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.
6. 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.
7. 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.

Section IV-5 Design and Construction Standards for Utilities

A. Subsurface Sewage Disposal (Septic) Systems

Design and construction of on-site subsurface sewage disposal systems shall conform to all applicable requirements of the New Hampshire Code of Administrative Rules, as amended.

B. Water Supply Systems

Design and construction of on-site water supply systems shall conform to all applicable requirements of the New Hampshire Code of Administrative Rules, as amended.

C. Other Utilities

All proposed utilities (electric, telephone, cable T.V., etc.) shall be installed underground in accordance with the specifications of each individual utility provider and applicable code.

Section IV-6 General Site Design Standards

A. Exterior Lighting Provisions

1. All non-residential and multi-family residential site design plans presented to the Planning Board for approval shall include a lighting plan which provides for a method and level of lighting appropriate for the proposed use or uses. All lighting plans shall, as a minimum, identify the location, number, height, type and intensity of those exterior lighting fixtures specified. Proposed exterior lighting fixtures shall provide for a level of illumination appropriate for the proposed use or uses. Illumination patterns proposed shall be such that all sites subject to these regulations will enjoy an adequate level of lighting to insure user safety and security; however, care shall be taken to avoid lighting patterns and intensities which “over light” a site, creating nuisance and glare at abutting properties, public streets and the neighborhood in general. In recognition of these design priorities, the Planning Board encourages the use of LED lighting fixtures when possible. All lighting plans shall be subject to review and approval by the Planning Board. No changes or modifications in approved lighting plans may be proposed without the specific approval of the Board.
2. All pole mounted lighting fixtures shall be electrically fed by the use of underground electrical lines installed in accordance with applicable electrical code.

B. Solid Waste Storage Provisions

1. All solid waste storage areas shall be screened and shall be located a minimum of 20 feet from the boundary of any abutting parcel or street.
2. In recognition of the fact that non-residential facilities produce waste of varying types and quantities, provisions for adequate storage shall be reviewed by the Planning Board on a case by case basis. In general, the Planning Board shall:
 - a. Require applicants to disclose anticipated volumes and types of wastes to be produced by their proposed uses;
 - b. Find that the applicant’s proposal for storage and disposal of waste conforms with applicable local, state and federal requirements; and

- c. Find that the applicant's proposal for storage and disposal of waste has incorporated reasonable safeguards ensuring that such wastes will not become an undue threat to the environment nor create a public nuisance.

C. Snow Storage Provisions

1. All site plans presented to the Planning Board for approval shall identify an area or areas of sufficient size and composition to allow for safe and convenient storage of accumulated snow volumes or include a note indicating that snow is to be removed from the site.
2. Snow storage areas shall not be located such that: accumulated volumes of snow will produce a visual nuisance or impede proper lines of sight; inevitable snow melt will create a nuisance on-site or to abutters; or inevitable snow melt will result in the flow of water onto a public street. Snow shall not be stored in areas of jurisdictional wetland or in parking spaces, aisles, fire lanes, site driveways nor other areas of a site where accumulated snow volumes would create a nuisance, hazard or interfere with normal and routine site operations.

D. Commercial Signage Provisions

Each site plan presented to the Planning Board for approval shall identify all proposed commercial signage and successfully demonstrate such signage conforms to applicable requirements of the Deerfield Zoning Ordinance.

E. Erosion and Sedimentation Control Provisions

Each site plan presented to the Planning Board for approval shall include an erosion and sedimentation control plan which identifies a series of effective temporary and permanent best management practices for prevention and/or minimization of soil erosion during and after site construction.

F. Prohibition and Mitigation of Offensive Uses

Applicants seeking non-residential or multi-family residential site plan approval shall disclose the existence of any proposed use having the potential to be deemed an offensive use, in terms of its visual characteristics, excessive noise, odor or other potential nuisance. No site plan shall be permitted until the applicant has demonstrated to the satisfaction of the Planning Board that the proposed use or uses will not be offensive. In cases where a proposed use or uses of a site have the potential to be offensive, the Planning Board may require appropriate mitigation.

Section IV-7 Special Flood Hazard Areas

- A. All development proposals which contain lands designated as Special Flood Hazard Area by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the Town of Deerfield, NH”, associated Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps dated May 17, 2005 shall conform to the requirements of this Section.
- B. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- C. The Planning Board shall require that development proposals identify base flood elevation if applicable.
- D. Sufficient evidence (construction, drawings, grading and land treatment plans) shall be submitted so as to allow a determination that:
 - 1. All such proposals are consistent with the need to minimize flood hazards;
 - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- E. In order to obtain the approval of the Planning Board, the applicant must affirmatively demonstrate to the Board, by a preponderance of the credible evidence presented at a public meeting or meetings, that all the requirements of this Section have been met and that the procedures set forth in these Regulations have been satisfied.

ARTICLE V PERFORMANCE GUARANTEE REQUIREMENTS & CONSTRUCTION PROCEDURES

Section V-1 General Requirements

- A. Pursuant to RSA 674:44, III (d) 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. 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 of site improvements contemplated on, or in anticipation of, a site plan submitted to the Planning Board for review and approval under these Regulations. Further, no building or site construction shall commence, nor shall a building permit be issued for such construction, unless and until a site plan has received final approval from the Planning Board and been signed by the Board Chair in acknowledgement of the same.
- C. In the case of site plans 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 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 site plans 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 site plan are transmitted to the Planning Board for signature by the Board Chair, 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. No Building Permit shall be issued for the construction of a structure or site 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.
- F. No Certificate of Occupancy shall be issued for any structure or site unless and until all work shown on an approved site plan is fully complete and determined to be satisfactory by the Building Inspector and/or Town Engineer. However, in

certain instances and for good cause and reason, the Building Inspector may issue a temporary certificate of occupancy provided the owner provides a performance guarantee, in an amount and form acceptable to the Town, to serve as a financial guarantee for timely and successful completion of site improvements which remain to be completed, corrected or begun.

- G. Upon issuance of a Certificate of Occupancy for any structure or site permitted under these Regulations, the property owner, his/her heirs, successors or assigns shall provide for timely and proper maintenance of the property to the extent needed in order to protect, preserve and maintain the functionality and appearance of those improvements approved by the Planning Board. In the event a landowner fails to fulfill this requirement, the Town of Deerfield may compel said landowner to properly restore and maintain the premises in a manner consistent with the provisions of an approved site plan and these Regulations through any and all remedies available under New Hampshire law.

Section V-2 Performance Guarantee Requirements and Procedures

- A. The Planning Board may stipulate, as a condition precedent to final site plan approval, that a performance guarantee be provided to serve as financial surety for full and successful completion of the work, a portion thereof, or adequate restoration of the site should the applicant fail to complete the project in a timely manner. In such instances, the Town Engineer shall provide the Planning Board with a recommendation as to surety value.
- B. The Planning Board shall receive a performance bond, irrevocable letter of credit, cash, or other form of surety acceptable to the Board. In all instances, the form or 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 acknowledge that the surety shall neither lapse nor terminate until released in writing by the Board of Selectmen.
- C. In the event improvements for which a performance guarantee has been given remain incomplete or are found to have been completed in an unacceptable manner, the Town of Deerfield shall enjoy the right to call the performance guarantee and utilize the proceeds of the same to cause any required improvements to be properly completed or repaired.
- D. As site improvements for which a performance guarantee has been given are completed, the Planning Board may, upon request of the applicant and receipt of a favorable recommendation from the Town Engineer, recommend the Board of Selectmen vote to release all or a portion of the remaining surety. However, in no case shall the value of any performance guarantee, which may continue to be held by the Town of Deerfield, represent a sum less than 110-percent of the anticipated cost of completion or correction of all remaining work as estimated by the Town

Engineer. Only upon full and final completion of all work contemplated under an approved site plan, as determined by the Town Engineer, may a performance guarantee be released in full.

Section V-3 Inspection Requirements and Procedures

- A. Prior to commencement of construction, the applicant or his/her representative shall contact the Town Engineer and request that a preconstruction conference 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 preconstruction conference, the Town Engineer shall review applicable Town construction requirements and procedures with attendees and confirm that all items prerequisite to the commencement of construction have been satisfied.
- 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 his firm's 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, changes in the design of those improvements specified on an approved site plan are proposed, the owner shall notify the Town Engineer in advance of proceeding with the same. 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.

TOWN OF DEERFIELD

APPLICATION FOR SITE PLAN REVIEW

1. Name of Applicant: _____

Address of Applicant: _____

Phone Number: _____

2. Name of Owner of Record (If other than Applicant): _____

Address of Owner: _____

Phone Number: _____

3. Name of Surveyor/Engineer: _____

Address: _____

Phone Number: _____

4. Name of Proposed Site: _____

Location of Proposed Site: _____

Tax Map & Lot Number: _____

Number of Total Acres in Parcel: _____

5. Include Five (5) Copies of the Final Plat Layout and the Plat Construction Detail Sheets. _____

6. Attach list with names and addresses of Abutters to be completed (on page 2) (Also shown on Plate).

7. Statement of Intent: _____

8. Payment to Town of Deerfield for the following Application Fees:

1. Application Fees: \$ 200.00

2. Administrative Fees: \$ _____

\$ 0.10 Sq. Ft. of Building Area for 0-10,000 Sq. Ft. \$ _____

\$ 0.075 Sq. Ft. of Building Area for 10,000-50,000 Sq. Ft. \$ _____

\$ 0.05 Sq. Ft. of Building Area for 50, 000- 100,000 Sq. Ft. \$ _____

\$ 0.025 Sq. Ft. Building Area for 100,001 Sq. Ft. and Over. \$ _____

3. Town Planner Review fee of \$500.* \$500.00

Planner fees to be
submitted on
separate check

4. Town Engineer Review, if applicable. \$ _____

5. Abutter Notification \$7.00 per Abutter. \$ _____

6. Recording Fee \$30.00 per drawing to be recorded \$ _____

7. \$ 18.00 per page for written documents \$ _____

Total Application Fees \$ _____

* 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 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.

Signature of Applicant and/or Owner:

" I hereby authorize the Deerfield Planning Board and its agents access to 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 on 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: _____ Name: _____
Address: _____ Address: _____
Map _____ Lot# ____ Map _____ Lot# ____

Name: _____
Address: _____
Map _____ Lot# ____

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Name: _____ Name: _____
Address: _____ Address: _____
Map _____ Lot# ____ Map _____ Lot# ____

**Town of Deerfield
Site Plan Review Regulations (DSPRR) Checklist**

All proposed site plan review plan submissions shall be accompanied by a properly completed, dated and signed **SITE PLAN REVIEW APPLICATION** 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 Site Plan Review Regulations. Prior to proceeding with preparation of plans and submission of an application, the Deerfield Planning Board encourages all applicants for site plan review 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 _____

The Checklist closely follows Section III-3 E of the Deerfield Site Plan Review Regulations. Items listed refer to the complete item as described in subsection E 3) a) 1 through 25 and b) 1 through 24.

| <u>DSPRR Reference</u> | <u>Applicant</u> | <u>DPB Review</u> |
|---|-------------------------|--------------------------|
| 1. An executed complete Site Pan Review application | _____ | _____ |
| 2. Abutters list | _____ | _____ |
| 3. Payment of all required application fees | _____ | _____ |
| 4. Draft copies of any proposed easement etc. | _____ | _____ |
| 5. Five (5) copies of all project plans etc. | _____ | _____ |

An existing conditions plan with the following information: E 3) a) 1 through 25:

| | | |
|---|-------|-------|
| 1. A title block identifying: | _____ | _____ |
| 2. Bar scale | _____ | _____ |
| 3. A Planning Board approval block | _____ | _____ |
| 4. Sealed certification by a Licensed Land Surveyor | _____ | _____ |
| 5. All boundaries of each subject parcel | _____ | _____ |
| 6. Match lines, if applicable | _____ | _____ |
| 7. Tax map and lot numbers | _____ | _____ |

| | | |
|---|-------|-------|
| 8. Names, status, ROW, widths of all adjoining streets | _____ | _____ |
| 9. Location of adjoining or affected municipal boundaries | _____ | _____ |
| 10. Easements, restrictive covenants or deed restrictions | _____ | _____ |
| 11. Total area of the lot; poorly, very poorly drained | _____ | _____ |
| 12. North arrow with a specified reference bearing | _____ | _____ |
| 13. Recitation of all reference plans | _____ | _____ |
| 14. Locus map having a scale of not less than 1" = 1,000' | _____ | _____ |
| 15. Location of jurisdictional wetlands | _____ | _____ |
| 16. A notation on wetlands criteria | _____ | _____ |
| 17. Dimensional zoning requirements | _____ | _____ |
| 18. Location all existing structures, wells, etc. | _____ | _____ |
| 19. Location, name of all streams and water bodies | _____ | _____ |
| 20. Location of all areas of special flood hazard | _____ | _____ |
| 21. Location of existing overhead & underground utilities | _____ | _____ |
| 22. Two foot contours | _____ | _____ |
| 23. NRCS or site specific soil mapping | _____ | _____ |
| 24. Location / results of each soil pit | _____ | _____ |
| 25. Plan notes indicating (a) through (f) | _____ | _____ |

Site Plan fully depicts the extent of all proposed improvements: E 3) b) 1 through 24

| <u>DSPRR Reference</u> | <u>Applicant</u> | <u>DPB Review</u> |
|---|-------------------------|--------------------------|
| 1. Limits of land clearing, existing site features | _____ | _____ |
| 2. Location, dimensions, height of buildings | _____ | _____ |
| 3. Gross floor area | _____ | _____ |
| 4. Access points and loading areas | _____ | _____ |
| 5. Driveways, parking areas, fire lanes and walks | _____ | _____ |
| 6. Parking lot design | _____ | _____ |
| 7. Solid waste, snow storage areas, traffic control | _____ | _____ |
| 8. Exterior lighting plan | _____ | _____ |
| 9. Landscape design plan | _____ | _____ |
| 10. Erosion and sedimentation control plan | _____ | _____ |
| 11. Commercial signage details | _____ | _____ |
| 12. Construction details of all site improvements | _____ | _____ |
| 13. Site grading plan | _____ | _____ |
| 14. Off-site improvement plans, if applicable | _____ | _____ |
| 15. Drainage calculations, details stormwater | _____ | _____ |
| 16. Subsurface sewage disposal system design | _____ | _____ |
| 17. Water supply design and plan | _____ | _____ |
| 18. Traffic impact statement, when required | _____ | _____ |
| 19. Traffic circulation | _____ | _____ |
| 20. Location, design of fire protection | _____ | _____ |
| 21. Location, type of proposed utility connections | _____ | _____ |
| 22. Fencing, guardrail and amenities | _____ | _____ |
| 23. Detailed architectural elevation drawings | _____ | _____ |
| 24. Notation of receipt of all permits | _____ | _____ |

Three (3) copies of supporting documentation and reports:

- | | | |
|---|-------|-------|
| a) Test pit and percolation data, if needed | _____ | _____ |
| b) Owner statement of maintenance, liability | _____ | _____ |
| c) Stormwater Management Report | _____ | _____ |
| d) State permits: | | |
| e) NH DES subsurface disposal | _____ | _____ |
| 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 | _____ | _____ |

Note: Please indicate if the checklist item is Not Applicable (NA) or if a waiver is requested.

OFF-SITE IMPROVEMENTS:

1. The applicant is advised that he/she 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 lot 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