

# Site Plan Review and Subdivision Regulations for



## The Town of Exeter New Hampshire

As Amended [March 2018]

**SITE PLAN REVIEW  
AND  
SUBDIVISION REGULATIONS  
FOR THE TOWN OF  
EXETER, NEW HAMPSHIRE**

The following amended Site Plan Review/Subdivision Regulations were adopted by the Exeter Planning Board on March 8, 2018. These regulations were adopted in accordance with NH RSA §672 through §677 inclusive of the Revised Statutes Annotated following a public hearing on March 8, 2018.

EXETER PLANNING BOARD

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PLANNING DEPARTMENT

Dave Sharples, Town Planner

Barbara M<sup>c</sup>Evoy, Deputy Code Enforcement Officer

Kristen Murphy, Natural Resource Planner

Kathleen Croteau, Administrative Assistant

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## TOWN OF EXETER

### Record of Amendments

**Site Plan Review/Subdivision Regulations:**

<b>DATE</b>	<b>SECTION(S)</b>	<b>REVISION DESCRIPTION</b>
June 8, 2000	All	Consolidated Site Plan Review Regulations & Subdivision Regulations
August 9, 2001	9.6, 9.7, 9.13.7, 9.17.5	Reorganization and revisions to sections.
April 10, 2003	3,4,5,6,7,8,9, 14	Recognition of NPDES requirements and multiple other revisions
Sept. 30 <sup>th</sup> , 2010	9.20	Revision to outdoor lighting regs.
Oct. 25 <sup>th</sup> , 2007	11.2.6	Revision to Open Space Regulation
Oct. 16 <sup>th</sup> , 2010	4.36, 5.33, 8.9, 9.9.2 & 9.9.3, 9.17	Review required for changes in use, revised definition of subdivision, amendment to include reference to NH Dept. of Agriculture, amendment to wetland and wetland buffer setbacks incl. waiver guidelines, add section to define allowances to roadway and street widths and define driveway
April 14 <sup>th</sup> , 2016	6.2	Digital PDF submission required
Oct. 27, 2016	6.6, 6.7, 6.8, 6.9	Delete sections in their entirety
Oct. 27, 2016	9.3	Add 9.3.5 to add requirements for Maintenance Log & Inspection & Maintenance checklist
Oct. 27, 2016	12, 13, 14, 15	Delete sections in entirety & replace with new Sections 12, 13 and 14.
[INSERT DATE]	[INSERT SECTIONS]	Revision of....

## **SECTION 1. AUTHORITY**

Under the authority vested in the Exeter Planning Board by a public vote held at Town Meetings of March 24, 1969 and March 10, 1981, in accordance with the State law then in effect, and in accordance with current State laws including, but not limited to, Chapter 672 through 677 inclusive of the Revised Statutes Annotated of the State of New Hampshire, the Exeter Planning Board adopts the following regulations governing the review of site plans and subdivisions for land within the Town of Exeter, New Hampshire.

## **SECTION 2. TITLE**

### **2.1. Formal Title**

These regulations shall be known and may be cited as the “Site Plan Review and Subdivision Regulations for the Town of Exeter, New Hampshire”, as adopted and subsequently amended.

### **2.2. Short Title**

Site Plan Review/Subdivision Regulations

### **SECTION 3. PURPOSE**

Consistent with the enabling legislation cited above, these regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the municipality;
2. To guide the future growth and development of the municipality, in accordance with the Master Plan;
3. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population;
4. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land; and to minimize the conflicts among the uses of land and buildings;
5. To provide adequate and efficient transportation, water, sewage disposal, schools, parks, playgrounds, recreation, and other public requirements and facilities;
6. To provide for suitably located streets, sidewalks, and access ways of sufficient width to accommodate existing and prospective traffic (both vehicular and pedestrian); to afford access for firefighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system;
7. To establish reasonable standards of design and procedures for site plans and subdivisions in order to further the orderly layout and use of land; and to insure proper descriptions and monumentation of subdivided land;
8. To insure that public facilities are available and will have a sufficient capacity to serve proposed site plans and subdivisions;
9. To prevent the pollution of air, land, watercourses, and water bodies; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land; and
10. To provide for green spaces through the most efficient design and layout of the land, while preserving the density of land development as established in the Zoning Ordinance of the municipality.

11. To meet requirements of the Stormwater Phase II Final Rule, as amended, which requires regulated small municipal separate storm sewer systems (MS4) to develop, implement and enforce a program to reduce pollutants in storm water runoff from construction sites.

## **SECTION 4. JURISDICTION**

### **4.1. General**

All Sections and paragraphs of these Site Plan Review/Subdivision Regulations shall apply to all site plan reviews and subdivisions unless the section or paragraph specifically indicates otherwise.

### **4.2. Applicability**

These provisions shall govern all residential, non-residential, and multifamily development within the boundaries of the Town of Exeter. No land shall be developed, subdivided, or lots conveyed or sold within the corporate limits of the municipality until:

- 4.2.1. The Planning Board has given final approval of the site plan or subdivision plan after a public hearing and after the Chairman of the Board (or designee) has affixed his/her signature on the approved plan;
- 4.2.2. The applicant has complied with all of the regulations herein, including the posting of appropriate performance guarantees; and
- 4.2.3. For subdivisions, the approved plan is filed with the Rockingham County Registry of Deeds.
- 4.2.4. For construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development or sale that would disturb one acre or more, site operators must obtain a National Pollution Discharge Elimination System (NPDES) permit from the Environmental Protection Agency (EPA) and implement practices to minimize pollutant runoff.
- 4.2.5. For construction activities that result in a land disturbance of 50,000 square feet or more if in the Protected Shoreland or 100,000 square feet or more in other areas, a Site Specific permit from the New Hampshire Department of Environmental Services (NHDES) must be obtained.

### **4.3. Activity Requiring Site Plan Review Or Minor Site Plan Review**

The Planning Board shall require the submission of site plans for its review by all applicants seeking approval for any of the following, except

as exempted in Section 4.4 Activity Not Requiring Site Plan Review if Waived by the Town Planner:

- 4.3.1. The construction of any non-residential use facility;
- 4.3.2. The enlargement of any existing non-residential use that occasions development of the site;
- 4.3.3. The construction of any new multi-family dwelling other than one and two-family dwellings;
- 4.3.4. The enlargement of any existing multi-family dwelling use resulting in other than one and two-family dwellings, that occasions development of the site;
- 4.3.5. The construction and conversion of any multi-family dwellings, other than one and two-family dwellings, or non-residential use in which development of the site is contemplated or required by virtue of any other Town or State ordinance, statute, or regulation, or decision of the Town's Zoning Board of Adjustment; or
- 4.3.6. All development, change, expansion of use, or increase in use intensity of non-residential uses and multiple dwelling units (structure containing more than two dwellings) shall be subject to these regulations whether or not such development or change or expansion of use includes a subdivision or re-subdivision of the site.
- 4.3.7 Any land disturbance of greater than or equal to one acre.

#### **4.4. Activity Not Requiring Site Plan Review If Waived By The Town Planner**

- 4.4.1. The Board shall not require the submission of site plans for their review by an applicant seeking construction of any of the following:
  1. Handicap and service ramps;
  2. Stairs;
  3. Fire escapes;
  4. Flagpoles;
  5. Signs;
  6. Lights;

7. Underground structures and utilities, including, but not limited to, private sewage disposal systems, drainage pipes, water lines, sewer lines, gas lines, and underground storage tanks, if land disturbance is less than one acre.
8. Above-ground storage tanks;
9. Ancillary telecommunications structures, equipment, and concrete pads within previously approved fenced tower base areas; or
10. Site development of 1,000-square-feet or less.
11. Site development of 1,000 to 3,000 square-feet may be waived if no additional impervious surface is created and the development is within compliance of all other site regulations. (Note: A minimum inspection fee may be required.)

4.4.2. A building permit shall be issued by the Building Inspector for any of the items listed above without site plan review by the Board after a determination has been made by the Town Planner that the proposed use will not have a negative impact on internal pedestrian or vehicular traffic circulation, or on abutting properties or approved site plans. In making this determination, the Town Planner shall consult with other members of the Technical Review Committee (TRC) of these regulations) and abutting property owners as necessary. If the Town Planner determines the proposed use will have a negative impact, the applicant shall be required to comply with all applicable requirements of these regulations.

#### **4.5. Activity Requiring Subdivision, Minor Subdivision, Or Lot Line Adjustment Review**

The Planning Board shall require the submission of plans for its review by all applicants seeking approval for any of the following:

- Subdivision of any lot, tract, or parcel of land;
- Lot line adjustments; or
- Merging of lots.

#### **4.6. Building Permits/Occupancy Permits**

In all cases, no building permit shall be issued by the Building Inspector for the construction of any building subject to these regulations until final approval is granted by the Planning Board, and no certificate of occupancy shall be issued until the terms and conditions of the Board's approval have been fulfilled including the completion of all required site



improvements. In the case of the latter, the Building Inspector may issue a certificate of occupancy provided that there is a performance guarantee in place that is adequate to insure the completion of all required site improvements.

**4.7. Activity Requiring Erosion and Sediment Control Review and Stormwater Pollution Prevention Plan (SWPPP) Review.**

The Planning Board shall require the submission of plans for its review by all applicants seeking approval of the following:

- 4.7.1. Construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development or sale that would disturb one acre or more. A Stormwater Pollution Prevention Plan (SWPPP) is required as part of the EPA NPDES Construction Permit.

## SECTION 5. DEFINITIONS

### 5.1. Abutter

Abutter shall mean 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 Board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Town of a Planning Board hearing, in the case of an abutting property being under condominium or other form of collective ownership, the term abutter shall mean the officers of the collective or association, as defined in RSA §356 – B:3, XXIII and any amendments thereto.

### 5.2. Applicant

Applicant shall mean the owner of record of the land that is proposed to be subdivided or developed in a non-residential or multi-family manner, including any subsequent owner of record who proposes such development, or the duly authorized agent of any such owner.

### 5.3. Best Management Practices (BMPs)

Activities or structural improvements that help reduce the quantity and improve the quality of storm water runoff. BMPs include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

### 5.4. Board

Board shall mean the Planning Board of the Town of Exeter, New Hampshire as established under the provisions of RSA §673:2 as amended.

### 5.5. Certified Soil Scientist

A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

### 5.6. Completed Application

This term refers to the application form provided by the Planning

Department with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals, and other paperwork as requested in the form or elsewhere in these regulations, and all fees and administrative expenses as indicated in these regulations.

**5.7. Construction Activities**

Disturbance of soils associated with clearing, grading, or excavating. Can include construction of residential houses, office buildings, industrial sites, roads and other utilities, or demolition.

**5.8. Cul-de-sac**

A cul-de-sac shall mean a minor, local street, having only one end open for vehicular traffic with the other end terminated by a turn-around for vehicles.

**5.9. Development**

This term shall mean the construction of improvements on a tract or tracts of land, including the enlargement of a structure or physical changes to the site in an effort to accommodate an intended use. As used within these regulations, development also includes the subdivision of land.

**5.10. Easement**

An easement shall mean the right or privilege that a person, corporation or other organization may have in another's land usually for the purpose of access or installing and/or maintaining utilities and drainage ways.

**5.11. Engineer or Surveyor**

These terms shall denote the duly designated, legally recognized, New Hampshire licensed professional engineer or land surveyor employed by the applicant as may be pertinent to the actual services to be ~~preformed~~ performed in accordance with the provisions set forth in RSA §320 - A as amended.

**5.12. Enlargement**

This term refers to an increase in size or an expansion of any structure or appurtenance, whether said appurtenance exists alone or in service of a structure or other appurtenance.

**5.13. Green Space**

Green Space shall be those vegetated areas, reserved areas, or recreational spaces as described in Section 9.6 Green Space.

**5.14. Groundwater Recharge Volume (GRV)**

Groundwater recharge volume means the volume of water to be infiltrated at a site subsequent to development.

**5.15. Hydrologic Soil Group (HSG)**

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

**5.16. Improvement**

This term shall refer to site grading, landscaping, street or road construction, and utilities (including but not limited to water, sewer, electric, gas, storm drainage, and their appurtenances) to be installed or agreed to be installed by the applicant on the land to be used for public or private streets and easements or other purposes as are necessary for general development of the site.

**5.17. Individual Water Supply System**

This term refers to any water supply system, other than the municipal water system or a public water system, which provides potable water.

**5.18. Land Disturbance**

An area where the natural vegetation has been removed exposing the underlying soil. Exposed soil due to clearing, grading, or excavation activities.

**5.19. Lot**

This term refers to a piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations and/or the Town's Zoning Ordinance, and having frontage on a public street, private way, or right-of-way.

**5.20. Lot Line Adjustment**

A lot line adjustment shall mean the movement of a property boundary line that involves the exchange of abutting land among two or more parcels, without increasing the number of lots. For the purpose of these regulations, the merging of lots is considered a lot line adjustment. A lot line adjustment may not create a non-conforming lot where a lot was previously conforming, and a lot line adjustment may not increase the non-conformity of an already non-conforming lot, except in accordance with the provisions of the Exeter Zoning Ordinance.

**5.21. Minor Site Plan**

A site plan involving less than a 10% increase in existing lot coverage, as determined by the formula found in Section 6.10 Minor Site Plan Review, Minor Subdivision, and Lot Line Adjustments Procedures of these regulations, or in-progress changes of previously approved site plans.

**5.22. Minor Subdivision**

A minor subdivision shall mean the division of a lot, tract, or parcel of land which would result in three or fewer building lots, and which does not require the installation of any new streets or roads (public or private) or the extension of any municipally owned utilities (sewer and water).

**5.23. Municipal Separate Storm Sewer System (MS4 )**

A publicly-owned conveyance or system of conveyances that discharges to waters of the U.S. and is designed or used for collecting or conveying storm water, is not a combined sewer, and is not part of a publicly-owned treatment works.

**5.24. Municipal Sewage Disposal System**

This term shall refer to any component of the sewage disposal system operated by the Town of Exeter.

**5.25. Municipal Water System**

This term shall refer to any component of the water distribution system operated by the Town of Exeter.

**5.26. Natural Resources**

Natural Resources refer to the natural wealth of the Town, consisting of land, air quality, soils, vegetation, mineral deposits, water, wildlife, and wildlife habitat. Natural resources consist of two main types: renewable

and non-renewable. Renewable resources include wildlife and natural vegetation. Non-renewable resources are those that cannot be replaced, or that can only be replaced over extremely long periods of time. See Section 9.8 Natural Resources for a description of requirements concerning Natural Resources.

**5.27. Notice of Intent (NOI)**

An application to notify the permitting authority of a facility's intention to be covered by a general permit: exempts a facility from having to submit an individual or group application.

**5.28. NPDES**

"National Pollutant Discharge Elimination System" the name of the surface water quality program authorized by Congress as part of the 1987 Clean Water Act. This is EPA's program to control the discharge of pollutants to waters of the United States.

**5.29. Plat**

Plat shall mean the final map, drawing, or chart on which the applicant's plan of subdivision is presented to the Exeter Planning Board for approval and which, if approved, shall be submitted to the Rockingham County Registry of Deeds for recording. For the purpose of these regulations, the term "plan" will be used instead of "plat"; these two terms shall be considered synonymous throughout these regulations.

**5.30. Private Sewage Disposal System**

As defined by RSA §485-A:2 – XI, this term shall refer to any private sewage disposal or treatment system, other than a municipally owned and operated system.

**5.31. Public Water Systems**

As defined by RSA §485:1 – XV, this term shall mean a system for the provision to the public of piped water for human consumption, if such system has at least 15-service connections or regularly serves an average of at least 25-individuals daily at least 60-days out of the year.

**5.32. Seasonal High Water Table**

This term refers to the upper limit of the groundwater in a soil that becomes seasonally saturated with water.

**5.33. Stormwater Pollution Prevention Plan (SWPPP)**

A plan to describe a process whereby a facility thoroughly evaluates potential pollutant sources at a site and selects and implements appropriate measures designed to prevent or control the discharge of pollutants in storm water runoff.

**5.34. Street**

As set forth in RSA §672:13, street means, relates to, and includes, street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway, and other ways. The term “street” shall also apply to areas on any plans designated as streets, roads, and lanes, etc. as defined in RSA §674:41. A Street is a public or private way intended to provide vehicular movement, and which may or may not be continued at a later date.

**5.35. Subdivision**

As set forth in RSA §672:14, subdivision means the division of a 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, or building development. The term includes re-subdivision, and when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

**5.36. Water Quality Volume (WQV)**

Water Quality Volume means the volume of water equivalent to the volume of runoff attributable to the first one inch of rainfall.

**5.37. Wetlands**

Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. They include, but are not limited to, swamps, bogs, marshes, ponds, lakes, and all such areas as included in the jurisdictional definition of the New Hampshire Wetlands Bureau Administrative Rules, Chapter Wt 100, as subsequently amended.

## SECTION 6. PROCEDURE

### 6.1. Pre-Application Review

There are two levels of Pre-Application Review: the Preliminary Conceptual Consultation and the Design Review Stage.

#### 6.1.1. Preliminary Conceptual Consultation

1. In accordance with RSA §676:4, II – (a), an individual who anticipates submitting a formal application for Site Plan/Subdivision approval has the option of informally consulting with the Board prior to formal submission.
2. Purpose: The purpose of a preliminary consultation is to familiarize the Board with the basic concept of the proposed Site Plan/Subdivision. The consultation can also help to acquaint the potential applicant with the formal application process and particular information that the Board may request.
3. Limits of the Review:
  - a) The Board shall conduct the preliminary conceptual consultation at a regularly scheduled meeting of the Board. The applicant will make a presentation defining the general scope and concept of the Site Plan/Subdivision and/or development/redevelopment and how the land will be divided and/or used.
  - b) Such consultation shall not bind either the applicant or the Board, and statements made by the 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 desirability of types of development and proposals under the Town's Master Plan. Neither the applicant nor the Board shall be bound by the discussions.
4. Project Description: In order to facilitate discussion, the potential applicant is requested to prepare a base map of the site to be developed or property to be subdivided. The map shall be drawn to scale, and may be drawn in pencil. The proposed site or subdivision development shall be drawn on the base map. Dimensions may be approximate. The data may be tentative, but all information shall be sufficiently clear to illustrate all conditions on the proposed site and/or subdivision development of the property.



5. The following information or data is requested for a preliminary conceptual consultation with the Board:
  - a) General description of existing conditions on the site including characteristics of the land, topography, vegetation, and similar features;
  - b) General description of available public and private facilities and utilities both on-site and in close proximity to the site;
  - c) A general description of the development plan for the site and of the lots to be created, including their size and dimensions, and a general use plan for the site; and
  - d) A topographic map of the site showing in sketch form the proposed layout of streets, lots, and other features in relation to existing conditions and/or the location of other site development features both natural and man-made.

#### 6.1.2. Design Review Phase

In accordance with RSA §676:4, II – (b), the Board and/or the Technical Review Committee may engage in non-binding discussions with the applicant beyond conceptual and general discussions which involve more specific site design and engineering details; provided, however, that the design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA §676:4, I – (d). Statements made by the Board members shall not be the basis for disqualifying said members or invalidating any action taken.

### **6.2. Formal Application Submission**

Applications for Site Plan/Subdivision approval or Lot Line Adjustment shall be filed with the Planning Department and shall fulfill all the requirements of these regulations. An application shall be on forms available from the Planning Department Office. A completed application shall be submitted to, and accepted by, the Board only at a public hearing for which notice has been given to the applicant, abutters, and the general public. Only completed applications will be placed on the Board's agenda in accordance with the "Planning Board's Schedule of Deadlines and Public Hearings".

All application documents, plans, supporting documentation and other materials shall also be provided in digital Portable Document Format (PDF) on compact disc, DVD or flash drive. Digital files shall be

complete and exact copies of the corresponding paper submittals (e.g. plans shall be at the same scale and sheet size as the paper copies). Applicants may submit additional digital files to assist in presentations at public hearings, but such additional files shall not be considered part of the application unless corresponding paper documents are also provided.

### **6.3. Public Hearing and Notices**

6.3.1. Before acting on a completed site plan review, subdivision, or lot line adjustment application, the Board shall hold a public hearing to discuss the merits of said application. A public hearing shall not be required when the Board disapproves an application based upon an applicant's failure to supply information required by these regulations, including abutter's identification; or failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board. In accordance with RSA §676:4, I, (e), requiring notice to the general public shall not be required when the Board is considering or acting upon:

1. Minor lot line adjustments or boundary agreements that do not create buildable lots. However, even for these application, notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions shall be given prior to approval of the application. Any abutter or holders of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon their request; or
2. Disapprovals of applications based upon failure of the applicant to supply information required by these regulations. This information includes identification of abutters, or holders of conservation, preservation, or agricultural preservation restrictions. Additionally, failure to meet reasonable deadlines established by the Board; or failure to pay costs of notice or other fees required by the Board, is grounds for disapproval.

6.3.2. It shall be the responsibility of the applicant to supply the names and addresses of all abutters, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board upon filing an application with the Planning Department. Abutters and the applicant shall be notified

by the Planning Department, in the form of a certified mailing, of the date upon which the application will be formally submitted for acceptance by the Board. Notice shall be mailed at least 10-days prior to consideration of the application by the Board. Notice to the general public will be given at the same time by advertisement in a newspaper of general circulation in the Town of Exeter and shall be posted in at least two public places. All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant, in accordance with RSA §674:44, V and RSA §676:4, I (d).

#### **6.4. Regional Notice**

In accordance with RSA §36:54 – 58, applications that might have a regional impact shall require additional notice, and by State law, require additional time for public notice.

6.4.1. Determination of potential regional impact shall not apply to Minor Site Plan, Minor Subdivision, or Lot Line Adjustment applications.

6.4.2. Determination of potential regional impact shall be found only for applications which meet any of the following impacts:

1. Any portion of the property is located within 1,000-feet of the Town of Exeter border;
2. The proposal involves 100,000-square-feet or more of new retail floor space;
3. High intensity traffic impact on regional transportation networks;
4. Anticipated emissions such as light, noise, smoke, odors, or particles;
5. Proximity to aquifers or surface waters which transcend municipal boundaries; or
6. Shared facilities such as schools and solid waste disposal facilities.

6.4.3. The TRC, as established in Section 6.5 Technical Review Committee (TRC), shall review each application and make a recommendation to the Board as to the requirement for Regional Notice.

6.4.4. Notice shall be sent by certified mail a minimum of 14-days in advance of the scheduled public hearing to the Rockingham Planning Commission and to each town reasonably likely to be

affected, with each governmental entity to be considered an abutter for purposes of computing public notice fees.

## **6.5. Technical Review Committee (TRC)**

- 6.5.1. A “Technical Review Committee” (TRC) is hereby established to assist the Board in reviewing Site Plan / Subdivision applications and plans. The TRC shall consist of representatives from: the Planning Department, Department of Public Works, Fire Department, and Conservation Commission. Representatives from other Town agencies may be requested to serve on the TRC as required on a case-by-case basis. The Chairman of the TRC shall be the Town Planner or his/her designated representative. The Chairman of the TRC is authorized to determine the scope of the review and whether a formal meeting of the TRC is necessary.
- 6.5.2. The TRC will review all site plans/subdivision plans to determine their conformance with these regulations and any other applicable ordinances and regulations including, but not limited to, the Town’s Zoning Ordinance, the Town’s Master Plan, and the document entitled Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire (hereafter referred to as the “Public Works Specifications”).
- 6.5.3. When deemed necessary by the chairman of the TRC, additional meetings of the TRC may be scheduled to ensure all aspects of a proposed project are properly analyzed prior to submittal of recommendations to the Board.
- 6.5.4. The TRC, through its Chairman, shall provide the Board with a memorandum prior to the public hearing, summarizing its review of the Site Plan/Subdivision application and plans, along with a recommendation to the Board for approval, approval with conditions, or disapproval.

## **6.6. Minor Site Plan Review, Minor Subdivision, and Lot Line Adjustment Procedures**

Per RSA §674:43, §674:44, §676:4, the Exeter Planning Board hereby adopts the following procedures for minor site plan review, minor subdivision, and lot line adjustment applications:

- 6.6.1. When Permitted:

1. Minor site plan review shall be permitted under the following conditions:
  - a) Site development involving less than a 10% increase in existing lot coverage. An increase in existing lot coverage will be determined by the following formula:  
Percent Increase in Lot Coverage = (Proposed Additional Ground Floor Area + Proposed Additional Paved Area) divided by (Existing Ground Floor Area + Existing Paved Area) times 100.
  - b) Site development (other than structural additions and paving) involving the disturbance of less than 10% of the area of existing lot coverage.
2. Minor subdivision application shall be permitted when the division of a lot, tract, or parcel of land would result in three or fewer building lots, and the application does not require the installation of any new streets or roads (public or private) or the extension of any municipally owned utilities (sewer and water).
3. Lot line adjustments shall always follow the procedures in 6.10.2.

6.6.2. Procedure: Minor site plan review, minor subdivision, or lot line adjustment applications may be submitted, reviewed and approved at one or more Board hearings subject to the following requirements:

1. Submission: An application for minor site plan review, minor subdivision, or lot line adjustment approval shall be submitted in the same manner prescribed in Section 6.2 Formal Application Submission of these regulations.
2. Public Hearing and Notices: See Section 6.3 Public Hearing and Notices of these regulations.
3. Decision of the Board: With the exception of the expedited review procedures and limited exhibits outlined in this section, the Board shall follow the same decision making procedures specified for a regular site plan review or subdivision application.
4. Required Exhibits: The following items shall be shown on the minor site review plan, minor subdivision plan, or lot line adjustment plan:
  - a) The name and address of the property owner, authorized agent, the person or firm preparing the plan, and the

- person or firm preparing any other data to be included in the plan.
- b) Title of the site plan, subdivision or lot line adjustment, including Planning Board Case Number.
  - c) Scale, north arrow, and date prepared.
  - d) Location of the land/site under consideration together with the names and address of all owners of record of abutting properties and their existing use.
  - e) Tax map reference for the land/site under consideration, together with those of abutting properties.
  - f) Zoning (including overlay) district references.
  - g) A vicinity sketch showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 1,000-feet.
  - h) For minor site plan review only, a description of the existing site and proposed changes thereto, including, but not limited to, buildings and accessory structures, parking and loading areas, signage, lighting, landscaping, and the amount of land to be disturbed.
  - i) If deemed necessary by the Town Planner, natural features including watercourses and water bodies, tree lines, and other significant vegetative cover, topographic features and any other environmental features which are significant to the site plan review or subdivision design process.
  - j) If deemed necessary by the Town Planner, existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
  - k) If deemed necessary by the Town Planner for proposed lots not served by municipal water and sewer utilities, a High Intensity Soil Survey (HISS) of the entire site, or portion thereof. Such soil surveys shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.

- l) State and federal jurisdictional wetlands, including delineation of required setbacks.
- m) A note as follows: "The landowner is responsible for complying with all applicable local, State, and Federal wetlands regulations, including any permitting and setback requirements required under these regulations."
- n) Surveyed exterior property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.
- o) For minor site plans only, plans are not required to be prepared by a professional engineer or licensed surveyor unless deemed essential by the Town Planner or the TRC.
- p) For minor subdivisions and lot line adjustments only, the locations, dimensions, and areas of all existing and proposed lots.
- q) The lines of existing abutting streets and driveways locations within 100-feet of the site.
- r) The location, elevation, and layout of existing catch basins and other surface drainage features.
- s) The footprint location of all existing structures on the site and approximate location of structures within 100-feet of the site.
- t) The size and location of all existing public and private utilities.
- u) The location of all existing and proposed easements and other encumbrances.
- v) All floodplain information, including contours of the 100year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
- w) The location of all test pits and the 4,000-square-foot septic reserve areas for each newly created lot, if applicable.
- x) The location and dimensions of all property proposed to be set aside for green space, parks, playgrounds, or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any).
- y) A notation shall be included which explains the intended purpose of the subdivision. Include the identification and



location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part of all of the tract.

- z) Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with Section 9.17 Streets of these regulations. aa) The following notations shall also be shown:

Explanation of proposed drainage easements, if any

Explanation of proposed utility easement, if any

Explanation of proposed site easement, if any

Explanation of proposed reservations, if any

Signature block for Board approval as follows:

Town of Exeter Planning Board

\_\_\_\_\_

Chairman

\_\_\_\_\_

Date

## 6.7. Recording Procedure

6.7.1. Site Plans: The Board at its discretion may require the site plan to be filed by the Town with the Rockingham County Registry of Deeds once said plan is approved or approved with conditions. Per RSA §674:44, V, the cost of said filing is considered an administrative expense, and shall be borne by the applicant. The filing fee will be determined by the Registry at the date of filing.

6.7.2. Subdivision and Lot Line Adjustment Plans: All subdivision and lot line adjustment plans, whether approved or approved with conditions, shall be filed by the Town with the Rockingham County Registry of Deeds. Per RSA §676:4, I (g), the cost of said filing is considered an administrative expense, and shall be borne by the applicant. The filing fee will be determined by the Registry at the date of filing.



## 6.8. Revocation of Approval

- 6.8.1. A site plan, subdivision plan, or lot line adjustment which has been filed with the appropriate recording official under RSA §674:37 may not be revoked, in whole or in part, by the Board, except pursuant to RSA §676:4-a. Reasons for revocation may include:
1. Request of an applicant, or agreement with an applicant;
  2. When an applicant performs work or established a use of land which fails to comply with the approved application;
  3. When an applicant fails to perform any condition of approval within a reasonable time specified in the approval;
  4. When the time periods specified in RSA §674:39 have elapsed without any vesting of rights, and the plan or other approval no longer conforms to applicable ordinances or regulations; or
  5. When the applicant has failed to provide for the continuation of adequate security as provided by RSA §674:36 and RSA §674:44 until such time as the work secured thereby has been completed.
- 6.8.2. A revocation of approval shall follow the procedures established by RSA §676:4-a.

## SECTION 7. PLAN REQUIREMENTS

### 7.1. Scope of Review

Any site plan or subdivision plan, whether it covers the entire site or just a building addition, must, by necessity, incorporate the entire parcel within the review. Not to do so may cause approval of a use or situation, which does not conform to the Zoning Ordinance and/or other applicable ordinances and regulations. The Board does not have the authority to, and may not, create such uses or situations.

### 7.2. Professional Standards

7.2.1. Site plans shall be prepared and stamped by a registered professional engineer licensed in New Hampshire. This requirement shall apply to all site plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans. In specific cases, the Board may waive this requirement when deemed appropriate. A land surveyor licensed in the State of New Hampshire shall stamp boundary surveys.

7.2.2. A land surveyor licensed in the State of New Hampshire shall stamp subdivision plans. Plans of roadway, utilities, bridges and culverts, drainage, and other construction plans shall be prepared and stamped by a registered professional engineer licensed in the State of New Hampshire.

### 7.3. Sheet size

Plans drawn in ink shall be presented on one of the following sheet sizes subject to approval by the TRC. Only one sheet size shall be used for preparing all plans within a single application.

- 11" x 17"
- 17" x 22"
- 22" x 34"
- 24" x 36"

### 7.4. Existing Site Conditions Plan

Submission of this plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. The purpose of this plan is to provide general information on the site, its existing conditions, and to provide the

base data from which the site plan or subdivision will be designed. The plan shall show the following:

- 7.4.1. Names, addresses, and telephone numbers of the owner, applicant, and person(s) or firm(s) preparing the plan.
- 7.4.2. Location of the site under consideration, together with the current names and addresses of owners of record, of abutting properties and their existing land use.
- 7.4.3. Title, date, north arrow, scale, and Planning Board Case Number.
- 7.4.4. Tax map reference for the site under consideration, together with those of abutting properties.
- 7.4.5. Zoning (including overlay) district references.
- 7.4.6. A vicinity sketch or aerial photo showing the location of the land/site in relation to the surrounding public street system and other pertinent location features within a distance of 2,000-feet, or larger area if deemed necessary by the Town Planner.
- 7.4.7. Natural features including watercourses and water bodies, tree lines, significant trees (16-inches diameter (caliber) or greater measured 12-inches above ground), and other significant vegetative cover, topographic features, and any other environmental features that are important to the site design process.
- 7.4.8. Man-made features such as, but not limited to, existing roads, structures, and stone walls. The plan shall also indicate which features are to be retained and which are to be removed or altered.
- 7.4.9. Existing contours at intervals not to exceed 2-feet with spot elevations provided when the grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
- 7.4.10. A High Intensity Soil Survey (HISS) of the entire site, or appropriate portion thereof. Such soil surveys shall be prepared by a certified soil scientist in accordance with the

standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted.

- 7.4.11. State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: “The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations.”
- 7.4.12. Surveyed property lines including angles and bearings, distances, monument locations, and size of the entire parcel. A professional land surveyor licensed in New Hampshire must attest to said plan.
- 7.4.13. The lines of existing abutting streets and driveway locations within 200-feet of the site.
- 7.4.14. The location, elevation, and layout of existing catch basins and other surface drainage features.
- 7.4.15. The shape, size, height, location, and use of all existing structures on the site and approximate location of structures within 200-feet of the site.
- 7.4.16. The size and location of all existing public and private utilities, including off-site utilities to which connection is planned.
- 7.4.17. The location of all existing easements, rights-of-way, and other encumbrances.
- 7.4.18. All floodplain information, including the contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
- 7.4.19. All other features which would fully explain the existing conditions of the site.
- 7.4.20. Name of the site plan or subdivision.

## **7.5. Proposed Site Conditions Plan (Pertains to Site Plans Only)**

The purpose of this plan is to illustrate and fully explain the proposed changes taking place within the site. The proposed site conditions plan shall depict the following:

- 7.5.1. Proposed grades and topographic contours at intervals not to exceed 2-feet with spot elevations where grade is less than 5%. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
- 7.5.2. The location and layout of proposed drainage systems and structures including elevations for catch basins.
- 7.5.3. The shape, size, height, and location of all proposed structures, including expansion of existing structures on the site and first floor elevation(s). Building elevation(s) and a rendering of the proposed structure(s).
- 7.5.4. High Intensity Soil Survey (HISS) information for the site, including the total area of wetlands proposed to be filled.
- 7.5.5. State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."
- 7.5.6. Location and timing patterns of proposed traffic control devices.
- 7.5.7. The location, width, curbing and paving of all existing and proposed streets, street rights-of-way, easements, alleys, driveways, sidewalks and other public ways. The plan shall indicate the direction of travel for one-way streets. See Section 9.14 – Roadways, Access Points, and Fire Lanes for further guidance.
- 7.5.8. The location, size and layout of off-street parking, including loading zones. The plan shall indicate the calculations used to determine the number of parking spaces required and

provided. See Section 9.13 – Parking Areas for further guidance.

- 7.5.9. The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage disposal facilities, gas lines, power lines, telephone lines, cable lines, fire alarm connection, and other utilities.
- 7.5.10. The location, type, and size of all proposed landscaping, screening, green space, and open space areas.
- 7.5.11. The location and type of all site lighting, including the cone(s) of illumination to a measurement of 0.5-foot-candle.
- 7.5.12. The location, size, and exterior design of all proposed signs to be located on the site.
- 7.5.13. The type and location of all solid waste disposal facilities and accompanying screening.
- 7.5.14. Location of proposed on-site snow storage.
- 7.5.15. Location and description of all existing and proposed easement(s) and/or right-of-way.
- 7.5.16. A note indicating that: “All water, sewer, road (including parking lot), and drainage work shall be constructed in accordance with ~~Section 9.5 Grading, Drainage, and Erosion & Sediment Control~~ Section 9.3 Stormwater Management Standards, Stormwater Management Plan, Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Standards and the Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire”. See Section 9.14 Roadways, Access Points, and Fire Lanes and Section 9.13 Parking Areas for exceptions.
- 7.5.17. Signature block for Board approval as follows:  
Town of Exeter Planning Board

\_\_\_\_\_

Chairman

\_\_\_\_\_

Date

## **7.6. Subdivision Layout Plan (Pertains to Subdivisions Only)**

The purpose of this plan is to illustrate the layout of the subdivision lots, rights-of-way, easements, and other uses of land within the subdivision. It shall be prepared on reproducible mylar and be suitable for filing with the Rockingham County Registry of Deeds. The plan shall depict the following:

- 7.6.1. Names, addresses, and telephone numbers of: the owner, applicant, and person(s) or firm(s) preparing the plan (including engineer, architect, or land surveyor).
- 7.6.2. Name of the subdivision.
- 7.6.3. Location of the land/site together with the names and address of all owners of record of abutting properties.
- 7.6.4. Title, date, north arrow, scale, and Planning Board Case Number.
- 7.6.5. Tax map reference for land/site under consideration with those of abutting properties.
- 7.6.6. Zoning (including overlay) district references.
- 7.6.7. The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
- 7.6.8. The location and width of all existing and proposed streets, street rights-of-way, sidewalks, easements, alleys, and other public ways.
- 7.6.9. The locations, dimensions, and areas of all proposed lots.
- 7.6.10. The location of all test pits and the 4,000-square-foot septic reserve areas for each newly created lot, if applicable.
- 7.6.11. High Intensity Soil Survey (HISS) information for the site, including the total area of wetlands proposed to be filled.
- 7.6.12. State and Federally designated wetlands, setback information, total wetlands proposed to be filled, other pertinent information and the following wetlands note: "The landowner is responsible for complying with all applicable local, state, and federal wetlands regulations, including any permitting and setback requirements required under these regulations."

- 7.6.13. All floodplain information, including contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.
- 7.6.14. Sufficient data acceptable to the Board to determine the location, bearing, and length of all lines; sufficient data to be able to reproduce such lines upon the ground; and the location of all proposed monuments.
- 7.6.15. The location and dimensions of all property proposed to be set aside for green space, parks, playgrounds, or other public or private reservations. The plan shall describe the purpose of the dedications or reservations, and the accompanying conditions thereof (if any).
- 7.6.16. A notation shall be included which explains the intended purpose of the subdivision. Indication and location of all parcels of land proposed to be dedicated to public use and the conditions of such dedications, and a copy of such private deed restriction as are intended to cover part or all of the tract.
- 7.6.17. Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with Section 9.17 Streets of these regulations.
- 7.6.18. The following notations shall also be shown:
  - Explanation of proposed drainage easements, if any
  - Explanation of proposed utility easement, if any
  - Explanation of proposed site easement, if any
  - Explanation of proposed reservations, if any

Signature block for Board approval as follows:

Town of Exeter Planning Board

\_\_\_\_\_ Chairman

\_\_\_\_\_ Date

- 7.6.19. A note indicating that: "All water, sewer, road (including parking lot), and drainage work shall be constructed in accordance with ~~Section 9.5 Grading, Drainage, and Erosion~~



& Sediment Control Section 9.3 Stormwater Management Standards, Stormwater Management Plan, Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Standards and the Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire”. See Section 9.14 Roadways, Access Points and Fire Lanes and Section 9.13 Parking Areas for exceptions.

## 7.7. Construction Plan

Submission of this plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. The purpose of this plan is to provide detailed information and layout of the improvements (if any are required) to be constructed as part of the site’s development. Please provide separate detail sheets as necessary to show all required information. The plan shall contain the following items:

- 7.7.1. Profiles showing existing and proposed elevations along centerline of all roads. Where a proposed road intersects an existing road(s), the elevation along the centerline of the existing road(s) within 300-feet of the intersection, shall be shown on the plan. Include radii of all curves, lengths of tangents, and central angles on all streets.
- 7.7.2. Plans and profiles showing the locations and typical cross-sections of street pavements including curbs & gutters; sidewalks; drainage easements; rights-of-way; manholes; catch basins; locations of street trees; street lighting equipment (including cones of illumination); street signs; location, size & invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants; connections to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
- 7.7.3. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, septic disposal facilities, sewers, drains, water mains, wells, easements, water bodies, watercourses, and other pertinent features such as surface drainage areas, swamps, railroads, and buildings at the point of connection to proposed facilities and utilities within the subject site. The water elevations

of adjoining water bodies or watercourses at the date of the survey, and the approximate high and low water elevations of such water bodies and watercourses shall also be shown on the plan.

- 7.7.4. Topography at the same scale as the Existing Site Conditions Plan with a contour interval of 2-feet referred to sea-level datum. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and should be noted on the plan.
- 7.7.5. A High Intensity Soil Survey (HISS) information for all areas of construction.
- 7.7.6. State and Federal wetlands information for all areas of construction.
- 7.7.7. A note indicating that: "All water, sewer, road (including parking lot) and drainage work shall be constructed in accordance with ~~Section 9.5 Grading, Drainage, and Erosion & Sediment Control~~ Section 9.3 Stormwater Management Standards, Stormwater Management Plan, Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Standards and the Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire". See Section 9.14 Roadways, Access Points, and Fire Lanes and Section 9.13 Parking Areas for exceptions.
- 7.7.8. All floodplain information, including contours of the 100-year flood elevation, based upon the Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, dated May 17, 1982.

## **7.8. Utilities Plan**

Submission of this plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. The purpose of this plan is to clearly indicate the scope and layout of all proposed utilities for the site. In conjunction with submission of the Utilities Plan, the applicant shall also submit any accompanying design calculations and analysis that further explain the proposed installation of utilities. The Utilities Plan shall address the following items:

1. Road layout

2. Water
3. Sewer
4. Pump stations
5. Storm water drains
6. Fire hydrants and fire alarm boxes (at location(s) to be determined by the Fire Department)
7. Street lighting
8. Telephone
9. Cable television
10. Natural gas lines
11. Electric
12. Other transmission lines

### **7.9. Grading, Drainage, and Erosion & Sediment Control Plan**

- 7.9.1. Submission of such a plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. The applicant shall submit such plans to the Board for any tract of land being developed or subdivided where one or more of the following conditions are proposed:
1. A cumulative disturbed area exceeding 10,000-square-feet, or as directed by the TRC.
  2. Construction of a street or road.
  3. Disturbed areas of any size within 50-feet of a stream, bog, water body, or poorly or very poorly drained soils; disturbed areas exceeding 2,000-square-feet in highly erodible soils; or disturbed areas containing slope lengths exceeding 25-feet on slopes greater than 15%.
- 7.9.2. Standard agricultural and timber harvesting practices are exempt from these provisions when land disturbance is less than one acre and not part of a larger common plan of development or sale that would disturb one acre or more. Existing agricultural operations are exempt from these provisions.
- 7.9.3. The Board may waive the requirement for all or part of a grading, drainage, and erosion & sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural conditions of a site. All requests for waivers and action

thereon shall be made in accordance with Section 13 Waivers of these regulations.

7.9.4. A description of design standards, plan requirements, and other relevant criteria can be found in ~~Section 9.5 Grading, Drainage, and Erosion & Sediment Control~~ Section 9.3 Stormwater Management Standards, Stormwater Management Plan, Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Standards of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

#### **7.10. Landscaping Plan**

Submission of such a plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. All landscaping plans shall be prepared in accordance with the design standards as outlined in Section 9.7 Landscaping and Screening of these regulations.

#### **7.11. Drainage Improvements and Storm Water Management Plan**

Submission of such a plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. All storm water management plans shall be prepared in accordance with the design standards as outlined in ~~Section 9.3 Drainage Improvements and Storm Water Management Plans~~ Section 9.3 Stormwater Management Standards, Stormwater Management Plan, Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Standards of these regulations.

#### **7.12. Natural Resources Plan**

Submission of such a plan will not be applicable in all cases. The applicability of such a plan will be considered by the TRC during its review process as outlined in Section 6.5 Technical Review Committee (TRC) of these regulations. All natural resources plans shall be prepared in accordance with the design standards as outlined in Section 9.8 Natural Resources of these regulations.

#### **7.13. Yield Plan (Pertains to Subdivisions Only)**

A Yield Plan is designed to provide the applicant and the Board with information regarding the available and viable building development that is feasible under a conventional design. The Yield Plan shall be proposed by the applicant's engineer to ensure the information is valid and complete. The Yield Plan shall comply with conventional subdivision regulations and shall not require a variance from existing zoning ordinances in order to achieve the layout supporting the proposed density. The Yield Plan shall include:

- 7.13.1. Topography at the required 2-foot interval; wetlands and their appropriate buffers; 100-year floodplain; all rivers, water courses including their tributaries, and contiguous wetlands and the appropriate setbacks; tree lines; and any other pertinent natural features.
- 7.13.2. Manmade features including roads, trails, stone walls, and existing structures.
- 7.13.3. Easements and right-of-ways.
- 7.13.4. Abutting streets, lot lines, and structures within 200-feet.
- 7.13.5. Public and private utilities.
- 7.13.6. Potential lots including their dimensions, lot sizes, and applicable setbacks; proposed sewer, water, and roadways; and any other features requested by the Board to ensure the Yield Plan produces a viable development.
- 7.13.7. If an applicant desires, a Yield Plan may be submitted to the Board at a Design Review Phase meeting in accordance with Section 6.1.2 Design Review Phase of these regulations. The Board may vote to accept the Yield Plan concept only after a public hearing as required for a Design Review Phase meeting.

#### **7.14. Other Required Studies and/or Exhibits**

In an effort to determine the completeness of a site plan or subdivision application and its conformity to all applicable ordinances and regulations, the TRC may request an applicant to submit studies and/or exhibits above and beyond those outlined in Section 7.4 Existing Site Conditions Plan through 7.13 Yield Plan. In addition, the Board may also request the submission of studies and/or exhibits above and

beyond those outlined in Section 7.4 Existing Site Conditions Plan through 7.13 Yield Plan as part of their consideration of a complete site plan or subdivision application. In accordance with RSA §674:44,V and 676:4,I(g), the Board may require that the cost of preparing and reviewing such studies and/or exhibits be borne by the applicant. Examples of such studies and/or exhibits include, but are not limited to the following:

7.14.1. A hydrogeologic study in accordance with Section 9.21 Sewage Disposal of these regulations, if applicable.

7.14.2. A sewer and water availability study.

7.14.3. Environmental Impact Assessment: An environmental Impact Assessment may be required when necessary to evaluate the effects of the proposed development on existing wetland natural resources.

7.14.4. Traffic Impact Analysis: All proposed non-residential, multifamily, commercial, industrial, or residential development shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner or his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a

traffic impact analysis when deemed necessary by the Board due to the size, location, or any other traffic-generating characteristic of the development. Traffic impact studies analyses shall address each of the following items:

1. Traffic circulation, access & egress, adequacy of adjacent streets & intersections, entrances & exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended traffic signalization.
2. Pedestrian safety, circulation, access, and egress.
3. Off-street parking and loading.
  - a) Emergency vehicle access.
4. Off-site improvements necessitated by the development.

7.14.5. Economic Impact Analysis: An economic impact analysis may be required when necessary to evaluate the impact of the proposed development on the existing property values, existing tax revenues, existing neighborhood social and economic conditions, the attraction of new business and industry, and the

encouragement of conditions which make our community a pleasant place to live and work.

- 7.14.6. A School enrollment impact study:
- 7.14.7. Other Studies and/or Exhibits: Any other plans or studies and/or exhibits which the Board may reasonably request as necessary in order to make an informed decision on the applicant's proposal.

### **7.15. Items Required for Final Approval**

The Board will not give final approval to a site plan or subdivision application until the following items, if applicable, have been submitted and reviewed by the Board or its designated agent:

- 7.15.1. Protective covenants where the applicant proposes to regulate land use within the development or otherwise protect the proposed development.
- 7.15.2. Preparation and execution of a "Site Plan Review Agreement" or "Subdivision Agreement" (using the format approved by the Board) which specifies the terms and understandings between the Board and the applicant with respect to the approval granted by the Board. A Site Plan Review Agreement or Subdivision Agreement will not be required for a minor site plan, minor subdivision, or a lot line adjustment unless deemed appropriate by the Board.
- 7.15.3. For site plan proposals that involve the construction of a roadway, monumentation shall be installed as set forth in Section 9.25 Monuments and Benchmarks of these regulations.
- 7.15.4. For subdivisions that do not involve the construction of a roadway, and for lot line adjustments, all monumentation shall be in place prior to final Board signature of the plan, in accordance with Section 9.25 Monuments and Benchmarks of these regulations. The applicant's surveyor must complete the form entitled "Certificate of Monumentation Installation Form" and have it delivered to the Planning Department office. Copies of said form can be obtained from the Planning Department office.



- 7.15.5. For subdivisions which involve the construction of a roadway, monumentation shall be installed as part of the installation or other required improvements as set forth in Section 9.25 Monuments and Benchmarks of these regulations.
- 7.15.6. Any required performance guarantee, and deposit of inspection fee.
- 7.15.7. All administrative, engineering review, recording, and public notice fees.
- 7.15.8. Any required federal, State, or local approvals and/or permits.
- 7.15.9. Copy of the Notice of Intent (NOI). Note: A complete and accurate NOI must be submitted to the EPA Regional Office two days prior to commencement of any work on site.
- 7.15.10. Copy of the Stormwater Pollution Prevention Plan (SWPPP). Note: (See **Section 9.3.5**) The Applicant shall provide the Town with three copies of the SWPPP and also ensure that one copy remains onsite.
- 7.15.11 Copy of an Erosion and Sediment Control Plan which shall be developed in accordance with the requirements outlined in Section 9.3.6.
- 7.15.12. ~~Preparation and execution of a “Stormwater Management/BMP Facilities Maintenance Agreement” (See Town approved format) that will ensure the long-term operation and maintenance (O&M) of the selected BMP’s. A long-Term Inspection & Maintenance Manual shall be developed and implemented in accordance with the requirements outlined in Section 9.5.2.~~
- 7.15.13. Two copies of a maintenance manual for all stormwater control facilities developed by the applicant’s engineer and signed by the owner of the facilities.
- 7.15.14. Completed Town of Exeter Land Use Development Tracking Form, most recently revised version, utilizing the companion instructions and definitions OR the online Pollution Tracking and Accounting Pilot Project (PTAPP) portal.



## **SECTION 8. GENERAL STANDARDS**

### **8.1. Overview**

An applicant shall adhere to the following general principles when designing a site plan for land and laying out a proposed subdivision development within the Town of Exeter. These principles and requirements shall be construed as the minimum requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

### **8.2. Conformity with Master Plan, Zoning Ordinance, Official Zoning Map, and These Regulations**

The site or subdivision plan shall be in harmony and consistent with the Town's Master Plan goals and objectives, Zoning Ordinance and Official Zoning Map, and these Regulations.

### **8.3. Conformity to Other Laws**

Site and subdivision plans shall conform to all regulations of the Board, and other applicable Town by-laws, ordinances, regulations, and statutes of the local, State, and federal governments.

### **8.4. Character of Land**

Land unsuitable for development due to the presence of poorly drained soils, flood hazard, steep slopes, or other conditions constituting a danger to health, safety, or the environment shall not be approved for development unless the applicant can present satisfactory evidence or data to the Board establishing the methods which will be used to overcome such conditions and the adequacy of the method. Land with inadequate capacity for sanitary sewage disposal shall not be developed unless connected to the municipal sewage system or a publicly approved private sewage disposal system.

### **8.5. Self-Imposed Restrictions and/or Covenants**

If the owner places restrictions and/or covenants on any portion of the site or land within the subdivision greater than those required by these regulations or the Zoning Ordinance, such restrictions and/or covenants shall be referenced on the plan. The Board reserves the right to review, or have its attorney review, the proposed restrictions and/or covenants to ensure that they are designed to protect the public health, safety, and general welfare and that such restrictions and/or covenants do not

violate any local regulations or ordinances. All costs of legal review shall be paid by the applicant in accordance with RSA §674.44 V and §676:4, I (g).

## **8.6. Protection of Environmental Quality**

All development plans shall be reviewed to ensure that:

- 8.6.1. All walls, fences, hedges, and plantings shall be located and designed to ensure harmony with adjacent developments, screen parking and loading areas, and conceal storage areas, utility installations and other such features.
- 8.6.2. Dust and erosion shall be prevented through the planting of ground cover or installation of other surfaces.
- 8.6.3. Natural attributes and major features of the site such as wetlands, highly erodible areas, historic structures, major trees, and scenic views (both from the site and onto or over the site) shall be retained to the extent feasible.
- 8.6.4. Provisions shall be made for adequate storm and surface water drainage facilities in order to properly drain the site while minimizing downstream flooding. Site development shall also consider potential water quality impacts. A Stormwater Pollution Prevention Plan (SWPPP) shall be developed using a combination of structural, non-structural, and vegetative Best Management Practices (BMPs) as outlined in the [Stormwater Management And Erosion And Sediment Control Handbook prepared by Rockingham County Conservation District. New Hampshire Stormwater Manual, prepared by the New Hampshire Department of Environmental Services \(NHDES\).](#)
- 8.6.5. All site development must comply with the performance standards outlined in [Article 5.10 Performance Standards](#) of the Zoning Ordinance. These standards ~~addresses~~ address issues such as sound, vibration, radioactivity, odor, hazardous waste, glare, heat, dust & fly ash, and smoke.

## **8.7. Vehicular and Pedestrian Traffic**

Safe, adequate, and convenient vehicular and pedestrian traffic must be maintained both within and adjacent to the development. To this end, all site plans must address the following items:

- 8.7.1. The effect of the proposed development on traffic conditions on abutting streets.
- 8.7.2. The number, locations, and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
- 8.7.3. The visibility in both directions of all exit points of the development and the visibility of a vehicle entering or exiting the development to a driver or a vehicle traveling on the street.
- 8.7.4. The location, arrangement, and adequacy of off-street parking.
- 8.7.5. Interconnection of parking areas via access drives within and between adjacent lots in order to provide maximum efficiency, minimize curb cuts, and encourage safe and convenient traffic circulation.
- 8.7.6. The location, arrangement, and adequacy of truck loading and unloading facilities.
- 8.7.7. Patterns of vehicular and pedestrian circulation both within the boundaries of the development and in relation to adjoining streets and sidewalks.
- 8.7.8. The location, arrangement, and adequacy of landscaping within the development and adjacent parking and loading facilities.

## **8.8. Preservation of Natural Features**

Insofar as possible, the development plan shall preserve such natural features as wetlands, watercourses, water bodies, floodplains, steep slopes, aquifer recharge areas, large or unique trees, wildlife habitats, and scenic views. The street and lot layout shall bear a logical relationship and be adapted to the topography of the site. Extensive grading and filling is discouraged and shall be avoided to the greatest extent possible.

## **8.9. Landscaping and Tree Planting**

Insofar as possible, the development plan shall preserve existing woodlands and suitable individual trees. If not possible to retain such, additional suitable plantings shall be included on the development plan. In accordance with the NH Department of Agriculture, Markets and Food regulation Agr-3800, plantings may not contain any prohibited species, including their cultivars and varieties. For redevelopment, salvage of

existing landscaping and replanting prohibited species are also prohibited. In addition, the Board may require buffer strips between developments and adjacent land uses as deemed necessary.

## **8.10. Scattered or Premature Development**

8.10.1. As per RSA §674:36 II (a), the Board, in its discretion, will not approve such scattered or premature development as would create danger or injury to the general public health, safety, and welfare due to lack of water supply, drainage, sewage disposal, transportation, or other public services; nor will the Board approve such development which will necessitate an excessive expenditure of public funds for the supply of such services.

8.10.2. These regulations are designed to guide the Town's future growth in a balanced and responsible manner. Towards this end, the Board shall consider the following items when determining whether a proposed development is scattered or premature:

1. Distance of proposed development from nearest elementary school.
2. Existing and projected capacity of the Town's school system and the effect of the development on school bus transportation.
3. Adequacy of existing access streets and/or sidewalks.
4. Adequacy of water for domestic needs and firefighting purposes.
5. Potential health problems regarding the relationship between on-site sewage disposal systems and the soil conditions of the parcels, as well as the potential impact on surrounding water quality.
6. Potential problems with the delivery of municipal services (such as fire protection, ambulance and police services).
7. Potential drainage problems both on-site and downstream.
8. Adequacy of nearby recreation facilities.
9. Other issues which, in the view of the Board, may cause the proposed development to be scattered or premature.

8.10.3. The Board may determine that a proposed development is scattered or premature unless special improvements are made off-site or to the site itself. In such cases, the Board may require the applicant to make said improvements prior to, or as a

condition of development approval. Required improvements may consist of, but shall not be limited to, the following:

1. Improvement of access streets leading to the proposed development if, in the view of the Board, the existing access streets are deemed to be inadequate.
  2. Extension of the municipal water and/or sewer system(s) if the water mains and/or sewer lines are within 3,000-feet of the proposed development, provided that a subdivision development consists of twelve or more lots.
  3. Construction or improvement of sidewalks along any access streets where a potential increase in pedestrian traffic is expected.
  4. Construction of static water supplies (fire ponds) with dry hydrants for fire protection.
  5. Improvement of nearby intersections (including the installation of traffic signals) if, in the view of the Board, the existing intersections are deemed to be inadequate.
  6. Provision and/or enhancement of recreational facilities.
  7. Provision and/or extension of drainage facilities.
- 8.10.4. The Board will consider only the impact of the proposed development in relation to the provision of municipal services and, if necessary and appropriate, apportion the costs of any such improvements required of the applicant.

## SECTION 9. DESIGN AND CONSTRUCTION STANDARDS

### 9.1. Overview

An applicant shall use the following design and construction standards when developing a site or laying out a subdivision development within the Town of Exeter. These standards and requirements shall be construed as the minimum standards and requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

### Architectural

### 9.2. Architectural Design

9.2.1. The purpose of these architectural guidelines is to provide design standards with which to assist with the development or renovations of commercial properties to compliment the overall New England style ambiance of the community. The guidelines are directed towards, but are not limited to, assisting corporate franchises and commercial developments in the design of structures that reflect small town New England atmosphere unique to Exeter. Consideration must be given to human scale and pedestrian orientation for the design of or renovation of a commercial structure.

9.2.2. The objective of these regulations is not intended to restrict imagination, innovation, or variety in the new construction or renovation of commercial buildings and related property, but rather to encourage continued economic development, conserve property values, and further enhance the visual appearance of the community.

9.2.3. These architectural design guidelines may apply to industrial buildings.

9.2.4. The guidelines contained herein do not expect to foresee all possible proposed building situations. Decisions concerning such unforeseen situations will be made with these guidelines in mind.

1. Monotony of design or warehouse style structures shall be avoided. Variation in detail, form, and siting shall be used to provide visual interest.

- a) In order to prevent the construction of warehouse style buildings (buildings with long, horizontal roof lines), all new buildings and additions shall have pitched roofs of 3:12 or greater or gabled roofs, where practical.
  - b) In cases where pitched roofs are not practical, the use of false building fronts shall be used to imitate pitched roofs to vary the horizontal lines along portions of the façade to create the appearance of multiple attached buildings. All sides of a structure shall receive design consideration. A façade unrelated to the rest of the building is not an acceptable design.
  - c) In large commercial structures that are over 200-feet in length, building elevations shall be designed to give the appearance of multiple attached buildings.
  - d) In all cases, all roof top mechanical units shall be located so as to not be visible from street level or from public areas from ground level.
  - e) Alternative architectural solutions may be considered by the Board. Emphasis should be placed on compatibility, aesthetics and creativity.
2. The exterior surfaces of all buildings shall be covered with wood, stone, brick, or man-made materials that simulate natural materials (such as architectural concrete masonry units). Pitched roofs shall be constructed of shingles, metal roofing, or other materials traditionally used in this region.
  3. Windows shall comprise no less than 5% of the exterior wall surface of the portions of the building facing either a public right-of-way, parking area, or an adjacent development area either on or off the site. Windows may be used for either interior illumination or for display purposes.
  4. Use of historic details to enhance building elements is encouraged.

## Grading and Drainage Stormwater Management Standards for Post Construction and Construction

### 9.3. Stormwater Management Standards, Stormwater Management Plan, Stormwater Pollution Prevention Plan, and Erosion and Sediment Control Standards

Post construction stormwater management standards provide reasonable guidance for the regulation of stormwater runoff to protect local natural resources from degradation and prevent adverse impacts to adjacent and downstream land, property, facilities and infrastructure. These standards regulate stormwater discharges and runoff from land development projects and other construction activities to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff.

9.3.1. Stormwater Management for New Development: All proposed stormwater management practices and treatment systems shall meet the following design standards.

1. Low Impact Development (LID) site planning and design strategies must be used to the maximum extent practicable (MEP) to reduce stormwater runoff volume, protect water quality, and maintain predevelopment site hydrology. If LID strategies are not used to manage stormwater, an applicant must provide written documentation explaining why LID strategies are not appropriate and obtain approval from the Town.
2. All stormwater treatment areas shall be planted with native plantings appropriate for the site conditions: trees, grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil erosion and to achieve the water quality treatment requirements of this section.
3. All stormwater installations and areas that receive rainfall runoff must be designed to drain within a maximum of 72 hours for vector control.
4. Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the maximum extent practicable and/or captured and reused onsite.
5. All stormwater runoff generated from new development shall be treated on the development site, to the maximum extent practicable. Runoff shall not be discharged from the development site to municipal stormwater systems or privately-owned stormwater systems (whether closed conduit or open drainage) or to surface water bodies and wetlands in volumes greater than



discharged under existing conditions (developed condition or undeveloped condition). A development plan shall include provisions to retain stormwater on the site by using the natural flow patterns, when feasible.

6. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids (TSS) and at least 60% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency.
7. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the NH Stormwater Manual.

Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from new development shall not contribute additional pollutant loads to existing water body impairments.
8. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff. Drainage analyses shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes (cubic feet) for the WQV and the 2-year, 10-year, 25-year, and 50-year 24-hour storm events. Similar measures shall be taken to control the post-development runoff volume to infiltrate the groundwater recharge volume (GRV) according to the following ratios of Hydrologic Soil Group (HSG) type versus infiltration rate multiplier: HSG-A: 0.4; HSG-B: 0.25; HSG-C: 0.1; HSG-D: 0.00. For sites with dual HSG types, HSG-D shall be used, unless the applicant can demonstrate that another HSG type should be used. For sites where infiltration is limited or not practicable, the applicant must demonstrate that the project will not create or contribute to water quality impairments. Infiltration structures shall be placed in locations with the highest permeability on the site.
9. The design of the stormwater systems shall provide for the management of stormwater without flooding or functional

impairment to streets, adjacent properties, downstream properties, soils, or vegetation.

10. The design of the stormwater management systems shall account for upstream and upgradient runoff that flows onto, over, or through the site to be developed or re-developed, and provide for this contribution of runoff.
11. Stormwater collection and conveyance systems (i.e. closed conduit stormdrain networks) shall be designed to accommodate the 10-year storm event.
12. The analysis and design of stormwater systems and treatment practices shall utilize precipitation data from the Northeast Regional Climate Center (NRCC) or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA).
13. Whenever practicable, native site vegetation shall be retained, protected, or supplemented. Any stripping of vegetation shall be done in a manner that minimizes soil erosion.
14. Implement long-term maintenance practices for stormwater treatment practices in accordance with Section 9.5.2.

### 9.3.2 Stormwater Management for Redevelopment

1. Redevelopment (as applicable to this stormwater regulation) means:

- a) Any construction, alteration, or improvement that disturbs existing impervious area (including demolition and removal of road/parking lot materials down to the erodible subbase) or expands existing impervious cover by any amount, where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential.
- b) Any redevelopment activity that results in improvements with no increase in impervious area shall be considered redevelopment activity under this regulation if capital cost of improvements is greater than 30% of the appraised property value.
- c) Any new impervious area over portions of a site that are currently pervious.
- d) Any change in land use cover.
- e) Road maintenance or improvements that increase the amount of impervious area on the redevelopment site.
- f) The following activities are not considered redevelopment unless they meet the above criteria in b):

- i. Interior and exterior building renovation.
  - ii. Resurfacing of an existing paved surface (e.g. parking lot, walkway or roadway) unless improvements increase the amount of impervious area.
  - iii. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
  - iv. Landscaping installation and maintenance.
2. Redevelopment applications shall comply with the requirements of Sections 9.3.3 and 9.3.4.
3. For sites meeting the definition of a redevelopment project and having less than 60% existing impervious surface coverage, the stormwater management requirements will be the same as other new development projects. The applicant must satisfactorily demonstrate that impervious area is minimized, and LID practices have been implemented on-site to the maximum extent practicable.
4. For sites meeting the definition of a redevelopment project and having more than 60% existing impervious surface area, stormwater shall be managed for water quality in accordance with one or more of the following techniques, listed in order of preference:
  - a) Implement measures onsite that result in disconnection or treatment of 100% of the additional proposed impervious surface area and at least 30% of the existing impervious area and pavement areas, preferably using filtration and/or infiltration practices.
  - b) If resulting in greater overall water quality improvement on the site, implement LID practices to the maximum extent practicable to provide treatment of runoff generated from at least 60% of the entire developed site area.
5. Retain or treat the WQV calculated in accordance with NH AoT Rules Env-Wq 1504.10 and be designed to remove pollutants in accordance Section 9.3.4.1 below.
6. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids (TSS) and at least 60% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual (refer to Volume 2, page 6, Table 2.1 Summary of Design Criteria, Water Quality Volume for treatment criteria) or other equivalent means. Where practical, the use of

natural, vegetated filtration and/or infiltration practices or subsurface gravel wetlands for water quality treatment is preferred given its relatively high nitrogen removal efficiency. All new impervious area draining to surface waters impaired by nitrogen, phosphorus or nutrients shall be treated with stormwater BMP's designed to optimize pollutant removal efficiencies based on design standards and performance data published by the UNH Stormwater Center and/or included in the latest version of the NH Stormwater Manual.

Note: The Anti-Degradation provisions of the State Water Quality Standards require that runoff from development shall not contribute additional pollutant loads to existing water body impairments.

7. Stormwater runoff generated from redevelopment shall be treated on the development site to the maximum extent practicable. Runoff shall not be discharged from a redevelopment site to municipal stormwater systems or privately-owned stormwater systems (whether closed conduit or open drainage) or to surface water bodies and wetlands in volumes greater than discharged under existing conditions (developed condition or undeveloped condition).
8. Stormwater collection and conveyance systems (i.e. closed conduit stormdrain networks) shall be designed to accommodate the 10-year storm event.
9. The analysis and design of stormwater systems and treatment practices shall utilize precipitation data from the Northeast Regional Climate Center (NRCC) or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA).
10. Implement long-term maintenance practices for stormwater treatment practices in accordance with Section 9.6.2.

9.3.3 Stormwater Management Plan Requirements: The Board shall require a report and plan including each of the following for existing and proposed conditions:

1. A narrative description and an Existing Conditions Site Plan showing all predevelopment impervious surfaces, buildings and structures; surface water bodies and wetlands; drainage patterns, subcatchment and watershed boundaries; building setbacks and buffers, locations of various hydrologic group soil types, mature vegetation, land topographic contours with minimum 2-foot intervals and spot grades where necessary for sites that are flat.

2. A narrative description and a Proposed Conditions Site Plan showing all post-development proposed impervious surfaces, buildings and structures; temporary and permanent stormwater management elements and best management practices (BMP); important hydrologic features created or preserved the site; drainage patterns, sub-catchment and watershed boundaries; building setbacks and buffers; proposed tree clearing and topographic contours with minimum 2-foot intervals. The plans shall provide calculations and identification of the total area of disturbance proposed on the site (and off site if applicable) and total area of new impervious surface created. A summary of the drainage analysis showing a comparison of the estimated peak flow and volumes for various design storms at each of the outlet locations shall be included.
3. Description of the general approach and strategies implemented, and the facts relied upon to meet the design standards of the applicable sections of these regulations, including design plans and/or graphical sketch(es) of all proposed above ground LID practices.
4. Calculations of the change in impervious area, pollution loading and removal volumes for each best management practice.
5. Plans shall include appropriate methods to extend and/or connect the proposed stormwater system to adjacent land whether or not such land is developed. Such plans shall also reasonably anticipate upstream development and preserve natural watercourses within the drainage basin. Detailed design and construction standards for the installation of drainage facilities can be found in the Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire.
6. Existing and Proposed Conditions Plans shall reference Exeter's Climate Risk in the Seacoast (C-RiSe) maps to determine if the project or any portion of the subject parcel is located within projected sea-level rise and storm surge high-risk flood areas as shown on these maps. All plans shall show the projected flood extent and flood depth from sea-level rise and storm surge. It is recommended that the projected flood conditions should be considered in the design of buildings, infrastructure and landscape features to minimize potential flood impacts from increased flooding over time.

9.3.4 General Performance Criteria for Stormwater Management Plans: Site design practices shall be incorporated to reduce the generation

of stormwater in the post-developed condition, reduce overall impervious surface coverage, seek opportunities to capture and reuse and minimize and discharge of stormwater to the municipal stormwater management system.

1. Methods for Protecting Water Quality:

- a) Permanent methods for protecting water quality, including all stormwater management practices, shall be designed to:
  - i. Minimize the discharge of pollutants in accordance with Section 9.3.4.2;
  - ii. Recharge groundwater in accordance with Section 9.3.4.3;
  - iii. Protect channels in accordance with Section 9.3.4.4;
  - iv. Control peak runoff rates in accordance with Section 9.3.4.5; and
  - v. Implement long term maintenance practices in accordance with 9.5.2.
- b) Stormwater runoff generated from new development shall not be discharged directly into a jurisdictional wetland or surface water body without adequate treatment.
- c) Minimize pollutants to surface waters of the state using the following stormwater treatment practices: stormwater ponds, stormwater wetlands, infiltration practices, filtering practices, treatment swales and vegetated buffers.
- d) All development shall provide adequate treatment and infiltration practices in accordance with the New Hampshire Stormwater Manual.

2. Pollutant Discharge Minimization Requirements:

- a) The stormwater treatment practices such as: stormwater ponds, stormwater wetlands, gravel wetlands, infiltration practices, filtering practices, treatment swales, vegetated buffers and treatment practices shall be acceptable methods for minimizing pollutant discharges to surface waters of the state, provided that the requirements of this section are met along with all method-specific criteria.
- b) Stormwater treatment practices shall be accessible for proposed maintenance activities.
- c) Infiltration rates for designing stormwater treatment practices shall be determined in accordance with NHDES Alteration of Terrain (AoT) Rules Env-Wq 1504.14.

- d) Stormwater treatment practices shall meet the water supply well setback criteria identified in NHDES AoT Rules Env-Wq 1508.02.
- e) Stormwater treatment practices shall be designed for the water quality volume (WQV), calculated in accordance with NHDES AoT Rules Env-Wq 1504.10.
- f) Treatment practices shall follow the design guidance in the New Hampshire Stormwater Manual.
- g) Stormwater treatment practice designed to infiltrate stormwater on commercial or industrial sites shall provide a level of pollutant removal equal to or greater than the level of pollutant removal through the use of bioretention.
- h) Stormwater management system designed on commercial or industrial land use areas within the Squamscott River watershed shall incorporate shutdown and containment to isolate the system in the event of an emergency spill or other unexpected event.
- i) Stormwater management systems shall be designed to optimize for nitrogen removal in accordance with the New Hampshire Stormwater Manual and the MS4 Permit.

3. Groundwater Recharge Requirements:

- a) The purpose of this section is to protect groundwater resources by requiring the amount of water diverted off-site by the proposed development to be reduced to the maximum extent practicable by using groundwater recharge practices as described in NHDES AoT Rules Env-Wq 1508.16.
- b) The applicant shall capture and infiltrate the GRV calculated pursuant to Env-Wq 1504.12, based on hydrologic soil group (HSG) as described in e) below.
- c) Infiltration rates for designing groundwater recharge practices shall be determined in accordance with NHDES AoT Rules Env-Wq 1504.14.
- d) The groundwater recharge practices shall meet the water supply well setback criteria identified in NHDES AoT Rules Env-Wq 1508.02.
- e) Capture and infiltrate the groundwater recharge volume (GRV) based on HSG types: HSG A soils = 0.40 inches; B soils = 0.25 inches; C soils = 0.10 inches and D soils no recharge is required.
- f) Groundwater recharge requirements can be met through the design and implementation of infiltrating stormwater



treatment practices such as: infiltration trenches, infiltration basins, dry wells and drip edges.

g) All treatment practices shall follow the design guidance in the New Hampshire Stormwater Manual.

#### 4. Channel Protection:

a) The purpose of this section is to protect channels, downstream receiving waters, and wetlands from erosion and associated sedimentation resulting from urbanization within a watershed.

b) The combined flow to a single water body from a project site shall meet one of the following criteria:

i. The 2-year, 24-hour post-development peak flow rate generated from the proposed disturbance shall be equal to or less than the 2-year, 24-hour pre-development peak flow rate and:

a. The 2 year, 24-hour post-development storm volume, directed to the nearest water body has not increased over the pre-development volume by more than 0.1 acre-feet;

b. The 2-year, 24-hour post-development peak flow rate directed to the nearest water body is less than 2 cfs; or

c. The area directly discharges into a fourth order or greater river, a pond or lake greater than 10 acres, or tidal water.

ii. The 2-year, 24-hour post-development peak flow rate shall be less than or equal to 50 percent of the 2-year, 24-hour pre-development peak flow rate; or

iii. The 2-year, 24-hour post-development peak flow rate shall be less than or equal to the 1-year, 24-hour pre-development peak flow rate.

c) When determining “equal to or less than”, allowances shall be made for scientific uncertainty and mathematical rounding.

#### 5. Peak Runoff Control Requirements:

a) The purpose of this section is to address increases in the frequency and magnitude of flooding caused by development.

b) Subject to d), below, the 10-year, 24-hour post-development peak flow rate shall not exceed the 10-year, 24-hour pre-development peak flow rate for all flows leaving the site.



- c) Subject to d), below, the 50-year, 24-hour post-development peak flow rate shall not exceed the 50-year, 24-hour pre-development peak flow rate for all flows leaving the site.
- d) A project area that directly discharges to a stream, waterbody, estuary, or tidal water shall be exempt from b) and c), above, if the applicant has provided supporting off-site drainage calculations for the 10-year and 50-year, 24-hour storm in accordance with NHDES AoT Rules Env-Wq 1504.09, showing that at a point immediately downstream from the project site the post-development peak flow rate from the site and the off-site contributing area does not exceed the pre-development peak flow rate at that point.
- e) The applicant shall provide supporting information in accordance with NHDES AoT Rules Env-Wq 1503.09, showing that there is no impact to properties as a result of developing within the 100-year floodplain.

9.3.5 Stormwater Pollution Prevention Plan (SWPPP): As part of a site or subdivision application, a SWPPP is required for all construction projects with land disturbance equal to one acre or more, or less if part of a larger common plan or development. The SWPPP must include the appropriate Best Management Practices (BMPs) to minimize the discharge of pollutants from the site. Parties responsible for developing the SWPPP should refer to the NPDES Construction General Permit for a complete outline of required elements.

The SWPPP focuses on two major requirements: (1) Providing a site description that identifies sources of pollution to storm water discharges associated with industrial activity on site; and (2) Identifying and implementing appropriate measures to reduce pollutants in storm water discharges to ensure compliance with the terms and conditions of this permit.

The applicant shall provide three hard copies or one electronic pdf of the SWPPP to the Planning Department and also ensure that one copy remains onsite.

9.3.6. Erosion and Sediment Control Standards: The following standards shall be applied in planning for erosion and sediment control:

1. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the ~~“Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire” as amended and adopted by the Rockingham County Conservation District.~~ New Hampshire Stormwater Manual, prepared by NHDES.
2. A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected, and supplemented.
3. Appropriate control measures shall be installed prior to removal of vegetation.
4. Disturbed areas shall be kept to a minimum. Disturbed areas not in active development shall be adequately stabilized.

For forested lots, lot clearance values assumed by the applicant’s engineer in the stormwater analysis calculations of any subdivision or site plan shall be noted on the plan (ie. ½ an acre for an average house lot). These assumed areas of clearance shall become the limit of clearable area for each lot for that subdivision or the total clearance area of the site for other development. If a lot has been cleared beyond the clearable area limit, the applicant shall develop a reforestation and planting plan for the area cleared beyond the limit.

In order to create a smooth and safe transition between newly graded areas and the surrounding abutters, there will be no grading within 5 feet of any exterior property line.

5. Measures shall be taken to control sediment and retain it within the projected area. Provisions must be made to accommodate increased runoff caused by changed soil conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention

basins, and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface material.

6. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.
7. Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area.
8. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30-days.
9. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

10. Plan Requirements: The Board shall require a plan including each of the following for existing and proposed conditions ~~unless specifically waived~~:

- a) Locus map showing property boundaries.
- b) North arrow, scale, and date.
- c) Property lines.
- d) Structures, roads, utilities, earth stockpiles, equipment storage, and on-site stump disposal locations.
- e) Topographic contours at 2-foot intervals.
- f) Extent of 100-year floodplain boundaries as determined by the Town's Flood Insurance Rate Maps. Soils information based on High Intensity Soil Maps as prepared by a Certified Soil Scientist.
- g) Easements.
- h) State and Federal wetlands information.
- i) Total area of soil disturbance.
- j) Total area of wetlands to be disturbed or filled within local, State, and Federal jurisdiction.
- k) Areas of cut and fill.
- l) Location of all proposed structural and vegetative erosion and sediment control measures (both during the construction phase and after).
- m) Identification of all permanent erosion and sediment control measures.
- n) Narrative section including:

- i. A detailed description of the construction sequence including timing a schedule that indicates the starting and completion dates of the measures.
- ii. An earth movement schedule.
- iii. A description of temporary and permanent vegetative measures including seeding specifications.
- iv. A description of all structural erosion and sediment control measures, with detailed drawing of each.
- v. A proposed schedule for the inspection and maintenance of all measures.
- vi. Identification of all permanent erosion and sediment control measures and a description of plans for their continued maintenance.
- vii. Calculations showing volume, peak discharge, and velocity of present and future runoff.
- viii. A note indicating that all erosion and sediment control measures have been installed in accordance with the design standards and specifications set forth in the ~~“Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire” as amended and adopted by the Rockingham County Conservation District.~~ New Hampshire Stormwater Manual, prepared by NHDES.

#### **9.4. Flood Hazard Areas**

Non-residential and multi-family development proposals and subdivision proposals involving land designated as flood hazard areas shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements. For a detailed description of the construction standards that apply to the Town’s delineated flood hazard areas, please review Article 9.4 Floodplain Development Ordinance of the Exeter Zoning Ordinance.

9.4.1. Permits: The Board shall review the proposal to assure that all necessary permits have been received from those government 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.

9.4.2. Minimization of Flood Damage: Sufficient evidence (construction drawings, grading, and land treatment plans) shall be submitted so as to allow the Board to determine that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damage;
3. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
4. New and replacement water and sewer systems (including on-site systems) are located, designed, and constructed to minimize infiltration and avoid impairment.

9.4.3. Elevation and Flood-proofing Records: The applicant shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures, whether or not such structures contain a basement.

9.4.4. Alteration of Watercourses: The State Wetlands Board shall be notified prior to any alteration or relocation of a watercourse and copies of such notifications shall be submitted to the National Flood Insurance Program. The flood carrying capacity shall be maintained within the altered or relocated portion of any watercourse.

9.4.5. Floodplain Delineation: The base flood elevation (100-year flood) shall be delineated on all plans.

## **9.5. Grading, Drainage, and Erosion & Sediment Control Construction, Inspection & Maintenance and Approval**

9.5.3. **9.5.1. Responsibility for Installation/Construction**: The applicant shall bear final responsibility for the installation, construction and disposition of all grading, drainage, stormwater management and erosion and sediment control measures required by the provisions of these regulations. The Board may require a performance guarantee to ensure the actual construction and installation of all grading, drainage, stormwater management and erosion & sedimentation control measures within a period specified by the Board. Site development shall not begin before the grading, drainage, stormwater management and erosion & sediment control plan is approved by the Board.

Construction site operators shall be responsible to ensure the erosion and sediment control measures and post-construction stormwater control measures approved for the site are installed as designed. Construction site operators must control on site waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste or other materials that may cause adverse impacts to water quality. Control of waste on site must be included in the SWPPP.

#### 9.5.2. Long Term Inspection & Maintenance:

1. To ensure the long-term effectiveness of approved stormwater practices, the applicant shall establish a mechanism to provide for on-going inspections and maintenance (I&M) of the practices for so long as the practices are reasonably expected to be used.
2. Subject to 9.5.2.6, below, the mechanism shall include an I&M manual for the practices which includes, at a minimum:
  - a) The name of each responsible party who will implement the required reporting, inspection, and maintenance activities identified in the I&M manual;
  - b) The frequency of inspections;
  - c) An inspection checklist to be used during each inspection;
  - d) A requirement to photograph each practice that is subject to the I&M requirement at each inspection of that practice;
  - e) An I&M log to document each I&M activity;
  - f) A deicing log to track the amount and type of deicing materials applied to the site;
  - g) A plan showing the locations of all the stormwater practices described in the I&M manual;
  - h) The cost to maintain the stormwater practices;
  - i) Preparation and execution of a “Stormwater Management/BMP Facilities Maintenance Agreement”; and
  - j) Actions to be taken if any invasive species begin to grow in the stormwater practices.
3. All record keeping required by the I&M manual shall be maintained by the responsible party(ies) and be made available to the Board upon request.
4. Upon the completion of all terrain alteration activities that direct stormwater to a particular practice, the responsible party(ies) shall initiate the I&M activities.
5. The responsible party(ies) may contract with one or more third parties to conduct the I&M activities, but shall remain responsible

- for ensuring the long-term effectiveness of the stormwater practices.
6. All inspections shall be documented in written form. A Maintenance Log and Inspection & Maintenance Checklist is required for the proposed onsite stormwater management facilities that details the ongoing maintenance to insure the long-term functionality of the infrastructure. The written inspection forms, Maintenance Log, and Inspection & Maintenance Checklist shall be completed annually and submitted to the Exeter Public Works Department on or before January 31<sup>st</sup> of each year. The form may be proposed by the responsible party, unless or until the Town provides a specific form to be utilized. The town inspector or their agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the inspection reports filed by the applicant.
  7. If a federal or state agency or the Town agrees to assume the responsibility for some or all components of the stormwater management system, the following shall apply:
    - a) The transferor responsible party(ies) shall document the transfer of responsibility in writing to the Board;
    - b) No I&M manual shall be required for those components for which the agency or political subdivision assumes responsibility, unless required by the agency or political subdivision as a condition of accepting responsibility; and
    - c) The entity that agrees to assume responsibility shall document that maintenance activities are being performed as necessary to ensure the long-term effectiveness of those components of the stormwater management system for which the agency or political subdivision assumed responsibility.
  8. If ownership of commercial or industrial property is transferred, the new property owner(s) shall become the responsible party(ies).
  9. If the property is a residential development for which a homeowners' association will be established, then:
    - a) The homeowners' association shall become the responsible party as specified in the documentation that establishes the association; and
    - b) If the homeowners' association is dissolved or otherwise discontinued, the individual homeowners shall have joint and several liability for all I&M obligations.
  10. If the owner or subsequent owners fail to maintain such measures, the Town shall have the right, but not the obligation to



perform the required maintenance in accordance with the terms of the approved plan. The cost of such work shall be borne by the owner.

9.5.3. Drainage Easement: Where it is determined that the additional runoff incidental to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements (i.e. retention/detention ponds and/or facilities) necessary to alleviate such problems.

9.5.5. 9.5.4. Plan Approval and Review

1. The Board shall indicate its approval of the grading, drainage, and erosion & sediment control plan, as filed, if it complies with the requirements and objectives of these regulations. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.
2. Technical review of submitted plans shall be conducted by the TRC, which may utilize the services of the Rockingham County Conservation District at the expense of the applicant.

9.5.7. 9.5.5. Other Required Permits: In addition to local approval, the applicant may be responsible for obtaining State and Federal permits. Permits may include a Federal storm water permit or other permits as required by the Federal NPDES program, NH Site Specific permit, State and Federal wetlands permits, and/or EPA's dewatering permit. (see 4.2.4, 4.2.5)

## **Natural Landscapes and Resources**

### **9.6. Green Space**

#### **9.6.1. Buffer Strips:**

1. Internal Buffer Strips: The Board may require the designation of buffer strips of at least 50-foot width around surface water, wetlands, or other natural features that may be adversely affected by erosion or storm water runoff. The Board may require a vegetative buffer to provide screening where nonresidential developments abut a residential zone
2. Perimeter Buffer Strip: For all open space/cluster developments and standard subdivisions, except minor subdivisions, a required vegetated buffer strip of 100-foot



width in the RU or R1 districts and 50-foot width in all other allowed districts shall be provided between any proposed lots, septic system, or service road and the perimeter lot line of the tract. The buffer strip shall be comprised of natural or planted vegetation. The first 50-feet in width for RU and R1 districts and 25-feet in width for other allowed districts measured from

the external abutting property line shall be left natural and not to be disturbed by construction activities with the exception of access roads into the subdivision. Primary access and secondary access roads, utilities, and services shall be allowed to cross the buffer zone. Where roads may interfere with the buffer strip, the developer shall propose additional planting in the area of the interference. The Board may approve a partial or total waiver to the buffer strip if the configuration or location of the parcel, with consideration of abutting properties, warrants flexibility to the proposed green space. (Also, see Zoning Ordinance Article 7.3.1)

3. Other Required Landscape Strips (See section 9.7.3)

9.6.2. Natural Features: The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. Use Low Impact Development (LID) site planning and design strategies such as land conservation and maintaining natural flow paths to the maximum extent practicable to reduce discharge of stormwater. The Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, water bodies, floodplains, wetland areas, steep slopes, aquifer recharge areas, wildlife habitats, large or unique trees, and scenic views. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value.

9.6.3. Parks: In order to provide recreation space for residents in a new subdivision or residential site plan (multiple units), the applicant shall provide adequate uplands to allow multiple recreation uses. The following guidelines shall be followed for creating the recreation area.

1. For subdivisions creating ten or more lots/units, the Board shall require a minimum of 10 % of the total site be dedicated

or reserved as active or passive recreational space for the residents of the subdivision, or general public if chosen by the developer and agreed to be the Town of Exeter.

2. Recreation areas shall be centrally located. The applicant may suggest more than one area for recreation purposes or if the number of lots/units warrants additional play area, it may be required by the Board.
3. For open space/cluster housing developments, required open space cannot be substituted for recreation requirements. However, recreation allowance within open space areas may be proposed and considered by the Board.
4. Improvements to the reserved area are required including providing grading, drainage and appropriate recreation equipment. The Board shall consider the size and type of residential development in order to determine if the Applicant has adequately met this requirement.
5. The developer shall evaluate how the proposed recreational lands and easements within the subdivision would impact nearby existing and/or other proposed green space areas and recreational trails.
6. The Board will review the developer's proposal to insure that the dedicated or reserved recreational space is useful for its intended purposes; is accessible to residents or the general public; or is accessible to other conservation lands.
7. Alternative proposals to provide recreational opportunities, whether on-site or off-site, may be considered by the Board. As a guideline, alternative proposals to provide off-site recreational opportunities may require that an amount equal to 5% of the development's performance bond shall be contributed to the Town of Exeter Recreation Department.

## **9.7. Landscaping and Screening**

- 9.7.1. Landscaping: The Board shall require the developer to supply and plant such trees and shrubbery as are deemed to be compatible with the environmental design of the neighborhood. Landscaping shall be provided with proper regard to adjacent properties, adjacent roadways, and, within the site, include interior landscaping of parking areas as specified in Section 9.7.4. The visual expanse of a building's exterior shall be broken up by planting shrubs and/or shade trees around the building's

perimeter. (See General Standards Section 8.9 Landscaping and Tree Planting)

9.7.2. Visual Barrier: All outdoor storage areas, loading areas, and trash receptacles shall be located, fenced, and landscaped to prevent visibility from either the parking area or neighboring properties. The manner of waste disposal shall be specified and the site plan shall show the location of all waste disposal facilities.

9.7.3. Landscape Strips: Where appropriate, existing trees and vegetation shall be incorporated into landscape or buffer strips. Landscape strips shall be at least 20-feet in width and 4 to 6 feet in height to effectively screen the view from adjacent residential properties. If approved by the Board, the use of fencing,

landscaped berms and/or other type screening materials can be used in lieu of providing a 20 foot wide planted landscape strip. Landscape strips shall be used for screening purposes in the following situations:

1. Where a proposed non-residential use abuts a residential zoning district.
2. Where a proposed non-residential use abuts an existing residential use.
3. Where a proposed road of any development abuts an existing property line or is within 20 feet of a property line in which the existing use is residential.

9.7.4. Tree Planting: At its discretion, the Board may require the developer to plant shade trees within the rights-of-way of a subdivision layout. The developer shall supply planting plans to the Board who will seek an advisory opinion on said plans from the Conservation Commission.

9.7.5. Landscaping for Parking Areas and New Roadways: The guidelines and design standards listed below are intended to help an applicant prepare a suitable landscaping plan for proposed parking areas and new roadways.

1. The visual expanse of a building's exterior shall be broken up by planting shrubs and/or shade trees around the building's perimeter.
2. Parking areas and new roadways shall be effectively landscaped with trees and shrubs to reduce the visual impact

of glare, headlights, and parking lot lights from the public right-of-way and from adjacent properties. In addition, parking lots shall be adequately shaded to reduce the amount of reflected heat.

3. In case where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment shall be planted with low shrubs and shade or ornamental trees. Where feasible, a minimum of 10-feet of landscaping is required between the edge of any paved surface and the property line, except as otherwise required in these regulations.
4. A curbed traffic control island shall be provided between every four rows of parking. The traffic control island shall be a minimum of 8-feet in width to accommodate low hedges, shade trees, or drainage swales. At the ends of the traffic control islands, landscaping plans shall create 12-foot wide curbed planting islands to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These planting islands shall extend the full length of the parking stalls, and if the parking row is double, shall extend the total width of the row. The applicant, if desired, may shorten the main traffic control island no more than 14-feet at each end just before each planting island to better allow for the removal of snow. If the main traffic control island is proposed to be shortened, pavement markings shall be required to prohibit through traffic.
5. Landscaping plans shall provide additional curbed planting islands (a minimum of 9-feet wide) between every ten to fifteen parking spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least 6-feet.
6. Curbing for all traffic control and planting islands shall be granite or concrete.
7. Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the site.

8. Landscaping plans shall use deciduous shade trees with ground cover or low shrubs as the primary landscape material within parking lots and avoid tall shrubs or low-branching trees that will restrict visibility.

## 9.8. Natural Resources

9.8.1. Included in the purposes of these regulations is the statement “to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land”. The Board believes that the protection of our natural resources is important, and desires applicants to have a complete understanding of the natural resources on sites being proposed for development. To this extent, applicants shall use the following guidelines when developing a natural resources plan.

1. Inventory: Applicants shall inventory all natural resources of the site proposed for development. The inventory shall include the natural resources of land, air quality, soils, vegetation, mineral deposits, water, wildlife, and wildlife habitat.
2. Impact: Applicants shall address each natural resource and describe how the resource will be maintained, protected, or impacted during the development.
3. Mitigation: Where natural resources will be significantly affected or eliminated by the development, applicants may propose a mitigation plan to restore or replace the natural resource. If the Board feels a significant impact exists, the Board may require a mitigation plan.

9.8.2. In developing the plan, the applicant shall review the following sections of these regulations:

1. Section 8.4 General Standards: Character of Land.
2. Section 8.6 General Standards: Protection of Environmental Quality.
3. Section 8.8 General Standards: Preservation of Natural Features.
4. Section 8.9 General Standards: Landscaping and Tree Planting.
5. Section 9.6.2 – Green Space: Natural Features.

## 9.9. Wetlands

9.9.1. Wetland Boundary Markers: The Board may require a portion or all of the wetland boundaries, as identified according to the Zoning Ordinance, to be marked with an identifiable permanent marking system.

9.9.2. Wetland Setbacks: Wetland setbacks are established to protect a naturally vegetated upland area, or ‘buffer’ around wetlands. The vegetation in this buffer area naturally reduces the amount of nutrients and sediment that flows into wetlands thereby affording them greater protection. Buffer widths vary based on wetland significance and or their sensitivity to excess nutrients and sedimentation infiltration. It should be noted that the Planning Board recognizes the need to filter runoff from parking is more critical than rooftops of structures due to the pollutant loads from parking and road areas.

Wetlands categories and setbacks:

<b>Wetland Category</b>	<b>No cut / No Disturbance Setback (1)</b>	<b>Parking Setback (2) Waste Water Systems Structural Setback</b>
<b>Prime Wetland</b>	100' no cut/no disturb	125'
<b>Exemplary Wetlands</b>	50' no cut/no disturb buffer	75'
<b>Vernal Pool</b> (V.P. >= 200 sf)	75' no cut/ no disturb buffer	100'
<b>Wetlands with Very Poorly Drained (VPD) Soils</b>	50' no cut/ no disturb buffer	75'
<b>Wetlands with Poorly Drained</b>	40' no cut/ no disturb buffer	75'

<b>Inland Streams</b> (incl. intermittent)	25' no cut/ no disturb buffer	75' (1)
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- (1) Additional setbacks apply if within the Exeter Shoreland Protection District Ordinance.
- (2) For “Open Space Development” the Planning Board may allow the reduction of parking setbacks to that of the associated structural setbacks.

The “no cut-no disturbance buffer” shall be preserved as a natural buffer. Alteration of the buffer may be permitted only to the extent necessitated by a permitted use within the Zoning Ordinance Chapter 9 Articles: Wetland Conservation District Permitted Uses or Conditional Uses sections or the Exeter Shoreland Protection District Permitted Uses or Conditional Uses

**9.9.3** Wetland Waiver Guidelines: In accordance with Section 13, a request for waiver(s) from the setbacks defined in 9.9.2 shall be submitted in writing by the applicant along with the application for Board review. In addition to the finding addressed under Section 13-1 General, the Board should consider the following if relief is requested:

1. The relative “value” of the wetland, including its ecological sensitivity, as well as its function within the greater hydrologic landscape shall be compared to the proposed impact.
2. A wetland scientist has conducted a “function and values” study of the wetlands and deemed that the wetlands under consideration will not be negatively impacted by the development.
3. The Applicant has demonstrated that the use cannot be reasonably carried out on a portion or portions of the lot which are outside of the buffer.
4. The applicant has made a substantial effort to minimize the impacts to the buffer.
5. Consideration of waivers requested for constructed drainage facilities within the no-disturbance buffer should be determined by all of the following:
  - a) Assurance that the drainage facility has the most current water quality features that would provide measured reductions in potential pollutants typical to the proposed development,



- b) That a reasonable effort has been made to keep the disturbance to a minimum,
  - c) Not more than 50% of the drainage structures are within the required buffer.
6. Recommendations from Exeter’s Conservation Commission should be reviewed and considered.
7. The applicant has prepared a mitigation proposal, including revegetating any disturbed area within the buffer to mimic preconstruction conditions or better. The applicant may also propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland.

## **Paving and Surfaces**

### **9.10. Bridges**

Bridges must be built according to State of New Hampshire Department of Transportation specifications. All bridge plans must be approved by State engineers prior to construction.

### **9.11. Driveways**

All permits for driveways and other access points onto a State highway shall be obtained from NH Department of Transportation prior to final approval of the development. Any permits required for driveways onto Town or private streets shall be obtained from the Exeter Department of Public Works.

### **9.12. Off-Street Loading** (Pertains to Site Plans Only)

9.12.1. Space Requirements: For the uses listed below, the following off-street loading space requirements will apply:

- 1. Retail and Service Establishments
  - a) One space for the first 4,000-square-feet
  - b) One space for each addition 10,000-square-feet
- 2. Wholesale and Manufacturing
  - a) One space for the first 5,000 – 15,000-square-feet
  - b) One space for each additional 10,000-square-feet
  - c) One space for each 20,000-square-feet or portion thereof over 45,000-square-feet



9.12.2. Size Requirements: The first loading berth required in each instance shall not be less than 12-feet in width, 50-feet in length and 14-feet in height and may occupy all or any part of a required yard, excepting required driveways, setbacks, and transition yards (see Article 5.5.2 Transition Yard Requirements of the Zoning Ordinance). However, up to 50% of any additionally required berths may be less than 50-feet in length provided that in no case shall any berth be less than 20-feet in length.

**9.13. Parking Areas** (Pertains to Site Plans Only)

9.13.1. The number of required parking spaces shall conform to Article 5.6.4 Off-Street Parking Schedule as outlined in the Exeter Zoning Ordinance.

9.13.2. The number and design of handicap parking spaces shall conform to the New Hampshire Architectural Barrier Free Design Code, as prepared by the Governor's Commission for the Handicapped, and/or Title II and Title III of the federal Americans With Disabilities Act. In the event of a conflict between the provisions or standards of the codes noted above, the more restrictive provision or standard shall apply.

9.13.3. Parking areas shall be paved if public use is intended; however, the Board may waive paving in an effort to reduce surface water runoff which cannot be conveniently disposed of, and to ensure groundwater recharge.

9.13.4. Parking areas shall be located in such a manner so as not unduly harm the owners or occupants of neighboring parcels.

9.13.5. Parking spaces shall be arranged so that cars will not back into public streets.

9.13.6. Aisle widths shall conform to the following minimum dimensions:

<u>Parking Angle</u>	<u>Minimum Aisle Width</u>
➤ 45-degrees	16-feet
➤ 60 -degrees	20-feet
➤ 90-degrees	22-feet

- 9.13.7. Parking areas must be constructed to the following specifications. Regarding the construction standards outlined below for parking areas, the Board may consider waiving these standards and approving an alternative based upon the review and recommendation of the Exeter Department of Public Works.
1. Loam and/or yielding material must be removed to a depth of no less than 21-inches below final grade. Areas that are muck must be removed or stripped from the parking area to a depth of no less than 36-inches below finish grade and replaced with gravel.
  2. A bank run gravel sub-base of 12-inches must be applied and compacted, followed by 6-inch base of crushed gravel, which is then compacted and rolled true to grade lines with a roller.
  3. A 3-inch binder course and a 1-inch wearing surface of bituminous concrete and pavement must be installed with a self-propelled mechanical spreader and rolled by tandem roller.
  4. The minimum grade for parking areas shall be 0.5% and the maximum grade shall be 5%.
  5. See Section 9.7 Landscaping and Screening of these regulations for requirements pertaining to parking areas.

#### **9.14. Roadways, Access Points, and Fire Lanes**

Traffic access to the development from Town streets shall ensure the safety of vehicles and pedestrians. The design and construction standards for roadways and points of access are as follows:

- 9.14.1. The Board shall approve of the design for a proposed access/egress point onto the public way. Said point shall provide an adequate sight distance, grade, width and curb.
- 9.14.2. All permits for driveways and other access points onto a State highway shall be obtained from the NH Department of Transportation prior to final approval of the development plan. Any permits required for driveways onto local streets shall be obtained from the Exeter Department of Public Works.
- 9.14.3. In all cases, the number of access points to a given street shall be held to a minimum, preferably one point of access in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices when necessary.

- 9.14.4. The Board may require improvement of existing access/egress point(s) in order to provide safe traffic flow onto abutting streets, should increased traffic be generated by the proposed development.
- 9.14.5. Off-site improvements may be required, such as increasing pavement width or adding deceleration lanes, curbing, or signaling devices.
- 9.14.6. Traffic circulation, pedestrian access, parking and loading facilities, and emergency access shall be designed and located in a manner that ensures maximum safety on-site.
- 9.14.7. Driveways shall be located in such a manner as not to unduly harm the owners or occupants of neighboring parcels.
- 9.14.8. Private roads serving non-residential and multi-family developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership.
- 9.14.9. All proposed roadways, access points, fire lanes, and ancillary improvements for non-residential and multi-family developments shall be constructed in accordance with the Standard

Specifications for Construction of Public Utilities in Exeter, New Hampshire, except that roadways and fire lanes shall be 24-feet in width. The Board may waive the above-referenced standards based upon the review and recommendation of the Exeter Department of Public Works.

## **9.15. Sidewalks**

The Board may require the installation of sidewalks between the main entrances of business, industries, multi-family housing developments, and parking areas in order to insure safe pedestrian travel. The Board may also require sidewalks from the street line to the principal building or along street frontages if there is a reasonable expectation that pedestrian shoppers or employees will be traveling to and/or from the site. The applicant shall be required to install sidewalks, 5-feet in width, on one side of each newly created street. Sidewalks shall be at least 6 inches above grade and be protected by curbing. Sidewalk designs shall include means for handicapped access. Detail design and

construction standards for sidewalks can be found in the Public Works Specifications.

### **9.16. Snow and Salt Storage**

Provisions shall be made for snow storage on all sites during the winter months. Snow storage areas shall be located in accordance with NHDES guidance<sup>1</sup> such that no direct untreated discharges to receiving waters are possible from the storage site. Consideration shall be given to locating the snow storage where melting will not create a hazard when refreezing occurs. Additionally, runoff from snow storage areas shall be directed to stormwater treatment areas to infiltrate into groundwater.

Where salt storage is proposed on commercial and industrial development sites, salt storage areas shall be covered and loading/off-loading areas shall be designed and maintained in accordance with NHDES guidance<sup>2</sup>. Runoff from salt storage areas shall be directed to stormwater treatment areas to infiltrate into groundwater.

### **9.17. Streets**

9.17.1. Access: Reserve strips controlling access to streets shall not be permitted. The subdividing of land shall be such as to provide each lot with satisfactory access to an existing public street or highway by means of either public street or way or permanent easement.

9.17.2. Dead-End Streets and Cul-De-Sacs:

- Except where near-future connections are planned, approved, and bonded, dead-end streets shall not exceed 1,200-feet in length.
- The length of a dead-end street or cul-de-sac shall be measured from the middle of the last two-street intersection that allows for two-way through access to the furthest point of the turn-around.
- In addition, dead-end streets will not be allowed without an asphalt paved turn-around minimum radius of 59-feet from center to outside edge of the roadway.

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<sup>1</sup> NHDES. (2015). Snow Disposal Guidelines. Environmental Fact Sheet, WMB-3.  
<https://www.des.nh.gov/organization/commissioner/pip/factsheets/wmb/documents/wmb-3.pdf>

<sup>2</sup> NHDES (2011) Storage and Management of Deicing Materials, Environmental Fact Sheet, WD-DWGB-22-30.  
<https://www.des.nh.gov/organization/commissioner/pip/factsheets/dwgb/documents/dwgb-22-30.pdf>

- The perimeter of cul-de-sacs shall have sloped granite curbing.
- Cul-de-sacs shall be landscaped in the middle. For specifications, please review the Public Works Specifications.
- Turn-arounds are also required at Town boundaries for snowplows and school buses.
- Unless restricted by soil conditions, topography, or other site conditions, all turn-arounds for dead-end streets shall provide enough frontage for at least one legal-size lot.

9.17.3. Future Subdivision: Where the plan submitted covers only a part of the subdivider's entire tract or landholdings, a sketch of the prospective future street system of the unsubmitted part shall be furnished to the Board and the street system of the part submitted shall be considered in light of the adjustments and connections with the street system of the part not yet submitted.

9.17.4. Platting of Streets: Insofar as the Master Plan or the Official Zoning Map does not indicate the size, location, direction, and extent of a street, and subject to the regulations hereinafter specified regarding definite minimum widths, the arrangement of streets in a subdivision shall provide for the continuation of the principal street existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets, but no less than a 50-foot right-of-way. Where, in the opinion of the Board, topographical conditions make such continuance or conformity impractical, the Board may permit dean-end streets as described herein.

9.17.5. Public Ways and Private Rights-of-Way: For a description of the Town's policy regarding the acceptance of proposed streets within a subdivision and other private roadways, please review Selectmen's Policy 01-21.

Each newly created lot shall be provided with its own driveway access to a public street unless otherwise approved by the Board. The Board shall not approve the creation of private rightsof-way to a lot, in part or in whole, within a proposed subdivision. The Board may allow an exception to this requirement if, due to the original parcel's natural characteristics, a hardship would be imposed and then, only one lot shall be

served by said right-of-way. The portion of the lot impacted by the right-of-way or easement cannot be considered as part of the required lot size. No private right-of-way shall be less than 50-feet in width and may be required to be more if deemed appropriate by the Board.

9.17.6. Street Names: Streets that join or are in alignment with streets of abutting or neighboring properties shall bear the same name. No proposed street name shall duplicate or have phonetic resemblance to existing street names within the Town. A letter from the Fire Chief approving the proposed street name(s) shall be submitted to the Board.

9.17.7. Street Name Signs: At all intersections, street signs shall be provided and installed by the developer in conformity with the specifications of the Exeter Department of Public Works.

9.17.8. Street Address Numbers: Street address numbers shall be assigned as part of the Technical Review Committee process for each newly created lot.

9.17.9. Other Design Standards: The document, Standard Specifications for Construction of Public Utilities in Exeter, New Hampshire, contains detailed design and construction standards and requirements for the following:

1. Curbing
2. Cul-de-sacs
3. Road Dimensions
4. Curb Radius Intersections
5. Intersection Angles
6. Sight Distance
7. Street Drainage
8. Road Construction
9. Utilities

#### 9.17.10 Roadway Parameters

- A. An access road that serves one or two lots will be considered a driveway.
- B. An access road used to serve three or more units is considered a road (or street).

C. Road/Street Width Specifications

<i>Number of lots served</i>	Width of Road	ROW required
3-4	16-18 foot paved road*	50 ft
5-9 lots	20-22 foot paved road*	50 ft
10 lots or more	24 foot paved road**	50 ft

\* A range is provided as each case will be determined with consideration to roadway length, slope, curvature and character of the area. Road width does not include requirements for gravel shoulders or sidewalk.

\*\*An allowance for slight reduction from 24 ft. may be negotiated if the design, topography, road length and other considerations warrant such a reduction. This does not include gravel shoulder or sidewalk requirements.

- D. All private and public roads must allow for emergency vehicle access and include a turn-around for emergency vehicles serving 3 or more units.
- E. The shorter the road and the shorter the driveways, the more likely there will be parking along the roadway. Therefore, the Planning Board may require new roads to be posted as “No Parking” if road or driveway, width and/or length may result in an overcrowding within the proposed subdivision.
- F. All roads built less than 24 feet in width, unless otherwise deemed appropriate by the Town of Exeter’s Public Works Department or Board of Selectmen will be considered private roads inperpetuity. Restrictions regarding the private status, maintenance and snow removal of such roads, including agreements between private parties shall be included in the deeds of the affected lots.

**Services and Utilities**

**9.18. Easements**

All easements shall be laid out on the site or subdivision plan and referenced in each affected deed, granting to the Town rights of access and maintenance. The following additional provisions shall apply:

- 9.18.1. Utilities: Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-ofway, the development plan shall show the boundaries of the



proposed permanent easements over or under private property. Such easements shall not be less than 25-feet in width and shall have satisfactory access to existing or proposed public rights-of-way.

- 9.18.2. Drainage: Where a proposed development is traversed by a watercourse or drainage way, the Board may require a storm water easement or drainage right-of-way of at least 25-feet in width.

### **9.19. Fire Protection**

Fire alarms and fire hydrants shall be provided as specified by the Exeter Fire Department. These items shall be shown on the development plan and installed by the applicant.

### **9.20. Outdoor Lighting**

- 9.20.1. Purpose: The purposes of this regulation is to avoid negative impacts resulting from excessive outdoor lighting, light trespass on adjacent properties, or safety concerns resulting from glare. This regulation is further intended to preserve Exeter's rural character and dark night sky, to minimize the impact of artificial lighting on wildlife, and to conserve energy and natural resources.

- 9.20.2. Applicability of Lighting Standards: The Planning Board may require lighting in any new development, or any change to or addition of new lighting fixtures to an existing site, based on the Board's evaluation of the submitted plan. This section applies to non-residential uses and any structure with 3 or more residential units.

- 9.20.3. Plan Requirements: For review of lighting designs the following information must be provided on a separate sheet submitted as part of the plan:

1. A visual photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan;
2. Photometric data, such as that furnished by manufacturers, showing the angle of cut off or light emissions;
3. Plans indicating a description and location on the premises, of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to pictures and drawings supplied by manufacturers



4. Proposed lighting schedule that includes style, housing and bulb action, when units are on and off, and what will remain on, if any after 10:00 pm.

9.20.4. General Lighting Requirements:

1. All new outdoor lighting for non-residential structures or residential structures with three or more units is required to have full-cutoff shielding (including wallpack fixtures), and the design of the fixture shall be approved by the Planning Board.
2. The new installation of up-lighting, by any method, is prohibited; however, the limited use of upward landscape lighting on a case-by-case basis may be approved provided the lighting does not spill onto neighboring properties or public ways
3. Lighting should be designed to provide the minimum illumination standards by the Illuminating Engineering Society of North America (IESNA) and shall follow the recommended practices for controlling light pollution of the International Dark Sky Association.
4. Lights shall be turned off or reduced in intensity at 10 p.m. or a reasonable hour as determined by the Planning Board. A note on the plan shall specify the hours of operation for any proposed lighting.
5. Emergency and Security lighting may be permitted on a case by case basis.

9.20.5. Prohibitions: The following types of lighting are prohibited:

1. Mercury Vapor Lamps or Fixtures. The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.
2. Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal plane is prohibited.
3. Searchlights. The operation of searchlights is not permitted.
4. Neon. Neon lighting on buildings or signs is prohibited, unless the sign is located inside a building. It is permissible for a neon sign to be visible through or placed in a building's window.
5. Security Lighting. Security lighting shall be limited in such as fashion so as to not direct light onto neighboring property.

Continual lighting must be shielded so as to not produce glare or light trespass onto neighboring property.

## 9.21. Sewage Disposal

- 9.21.1. Municipal Sewage Disposal: All development proposals shall provide municipal sewage disposal when available or required by the Board. Installation of sewer lines and facilities are subject to the approval of the Exeter Department of Public Works. Detailed design and construction standards for the installation of sewer lines can be found in the Public Works Specifications. The Board shall reserve the right to inspect, or have its designated agent inspect the installation of all sewer lines.
- 9.21.2. Sewage Disposal: When a private sewage disposal system is proposed, a professional engineer licensed in New Hampshire shall design the system. Each system shall be designed to handle the expected wastewater flow for present and future development within the development. The Board reserves the right to have its designated agent inspect the installation of all sewage disposal systems in accordance with the State's installation standards (Env-Ws 1000).
- 9.21.3. On-Site Sewage Disposal Systems: Per RSA §485-A: 29, no site plan or subdivision will be approved where the site or the creation of a lot does not meet the minimum standards imposed by the Water Supply and Pollution Control Division of the NH Department of Environmental Services. Regarding the installation of on-site sewage disposal systems, the following design standards shall apply:
1. Per administrative rules of the Water Supply and Pollution Control Division (Env-Ws 1003.01-d), subsurface sewage disposal systems under 2,500 gallons/day shall be designed by a septic system designer, licensed in the State of New Hampshire, or a professional engineer. A professional engineer practicing in New Hampshire shall design sewage disposal systems over 2,500 gallons/day. Systems are to be constructed in accordance with the most recent edition of the Subdivision and Individual Sewage Disposal System Design Rules as published by the NH Water Supply and Pollution

Control Division of the Department of Environmental Services.

2. The Town of Exeter, in an effort to improve water quality, makes the following more stringent requirements:
  - a) 2-feet rather than 6-inches of natural permeable soil is required above the seasonal high water table.
  - b) 3-feet of natural soil is required above bedrock or any impervious substratum.
  - c) Any land area having a natural slope of 20% or greater shall not be used for wastewater disposal.
3. In addition to the natural permeable soil requirement, fill material may be added when needed to raise the bottom of the leaching area above seasonal high groundwater table or impervious substratum. The fill material shall be a medium to coarse textured sand (0.5 to 1.0 mm) with a Uniformity Coefficient (as determined by a sieve analysis) greater than "four".
4. Each site proposed for non-residential or multi-family development or each proposed individual lot shall have at least two test pits, separated by at least 50-feet. The test pits shall establish the existence of a contiguous area of 4,000square-feet suitable as a receiving layer for a leaching system. The area must be able to accommodate a replacement leaching field equal in area to the original. This area shall be shown on the plan. The Board requires that all test pits and percolation test data be verified by its designated agent.
5. Each site proposed for non-residential or multi-family development or individual lot shall accommodate its own sewage. For cluster developments, all sewage shall be disposed within the boundaries of the cluster development, unless connected to the municipal sewer system.
6. Septic systems shall be located outside of the well radius required by the NH Department of Environmental Services.

9.21.4. Hydrogeologic Study:

1. A hydrogeologic study may be required for all projects that:
  - a) Have one or more septic systems designed for a total on-site sewage loading of 2,500 gallons per day or more, and
  - b) Subdivisions of four or more lots that are located within the Town's Aquifer Protection District.

2. For subdivisions of three lots or less, the Board will determine on a case-by-case basis the need for a hydrogeologic study. Particularly sensitive sites may include areas that have septic systems in close proximity to wells, or may contain excessively drained soils or steep slopes.
3. A hydrogeologic study shall at a minimum provide the following:
  - a) A hydrogeologic mapping of local groundwater flow;
  - b) Existing background water quality;
  - c) The location of abutter water supply wells and septic systems;
  - d) The location and capacity of the proposed septic system(s); and
  - e) Estimates of the transport of contaminants from the septic system(s) and of constituent concentrations (i.e. nitrates) at the property boundary and at abutter's water supplies.
4. The proposed septic system(s) shall not create groundwater degradation beyond the limits of the property line in excess of EPA water quality criteria for domestic supplies, as amended. Degradation that does occur shall be minimal and shall not result in significant changes in local well water quality. Systems that violate these tenets shall be rejected.
5. The hydrogeologic studies shall be performed by registered or certified hydrologists, hydrogeologists, or other qualified professionals. All water testing is to be performed at EPA approved laboratories.

#### **9.22. Solid Waste Disposal Facilities** (Pertains to Site Plans Only)

All outdoor solid waste disposal facilities shall be located on a raised 6inch concrete pad enclosed by appropriate screening to prevent the scattering of trash.

#### **9.23. Utilities**

The applicant shall install all electric, telephone and other utility distribution lines per underground specifications of the public utilities companies involved, and there shall be provided by the developer such easements as are required for underground utilities, including those required for transformer pads.

#### **9.24. Water Services**

##### 9.24.1. Municipal Water:

1. All non-residential and multi-family developments and subdivisions shall provide municipal water service when available or required by the Board. Installation of water mains and facilities are subject to the approval of the Exeter Department of Public Works. The number and location of all fire hydrants shall be determined by the Fire Department.
2. Detailed design and construction standards for the installation of water mains can be found in the Public Works Specifications. The Board shall reserve the right to inspect, or have its designated agent inspect the installation of all water mains. The Exeter Department of Public Works' Water Division shall install all water mains and services on existing Town roads from the existing main line to the property line. The applicant will be responsible for the installation cost.

9.24.2. Public Water: All non-residential and multi-family developments or subdivisions shall provide public water service (as defined by RSA §485:1-XV) when available or required by the Board. When a public water system is proposed, the system shall be designed by a qualified engineer. Each system shall be designed to handle the expected flows (domestic and fire) for present and future development within the development. The Board reserves the right to have its designated agent inspect the installation of all public water systems in accordance with the State's installation standards (Env-Ws 1000).

9.24.3. On-Site Water Supply: The provision of on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the NH Department of Environmental Services. It shall be the responsibility of the applicant to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of both individual on-site water supply and sewage disposal systems.

## **Surveying**

### **9.25. Monuments and Benchmarks**

9.25.1. Monuments: Granite bounds shall be set on one sideline at all points of curvature and points of tangency. Such bounds shall also be set at the intersection of sidelines of existing or proposed streets. The size of said bounds shall be 4-inches by 4-inches by

30-inches (4" x 4" x 30"), with a three-eighths inch (3/8") drill hole in the center. The developer shall excavate a hole sufficiently

large enough to properly place the bounds securely in the ground. Iron pipes are to be furnished at all property line corners and angles, the size of said pipes shall be ½-inch by 30-inches (1/2" x 30"). Said pipes shall be driven into the ground at accurate locations, leaving 2-inches exposed. All newly installed iron pins shall include a surveyor's "cap" in an effort to facilitate their location in the field. The locations of all bounds and pipes shall be shown on the subdivision plan. The applicant's surveyor shall certify in writing that the bounds and pipes have been installed according to the submitted plan. The form entitled "Certificate of Monumentation Installation Form" shall serve as the surveyor's certification. Copies of said form can be obtained from the Planning Department at the Exeter Town Offices.

- 9.25.2. Benchmarks: As part of the subdivision plan a permanent reinforced granite marker may be required by the Board, and if so required, it shall be placed at the edge of each road boundary at their terminus of the subdivision as reference for all locations and elevations and every 2,500-feet within the subdivision or at other locations specified by the Exeter Department of Public Works. For all subdivisions involving more than twenty acres, all benchmarks shall be tied to the "State Plane Coordinate System".

**9.26. Property Boundaries, Bearings and Distances** (Pertains to Subdivisions Only)

For subdivisions that do not involve the construction of a roadway, and for lot line adjustments, all property bounds must be set and firmly established before the Board will give final approval to the plan.

## **SECTION 10. EPPING ROAD CORRIDOR (Overlay District - Pertains to Site Plans Only)**

### **10.1. Additional Standards and Site Plan Requirements**

All site development within the Epping Road Corridor shall comply with the following additional standards and site design requirements.

### **10.2. Conformance to Other Regulations**

All non-residential development proposed within the Epping Road Corridor shall comply with these regulations, the Town's Zoning Ordinance (specifically Article 6.8 Epping Road Strip Management Ordinance, C-3 District), the Town's Master Plan (specifically the Epping Road Corridor Section), and other applicable Town by-laws, ordinances, regulations, and statutes of the local, State, and federal governments.

### **10.3. Access**

Regarding site access, the following additional standards and site design requirements shall apply:

- 10.3.1. The design and location of access and egress points within the Epping Road Corridor shall be specified by the Board. Insofar as possible, access points shall be located directly opposite each other. Site plans shall be reviewed to ultimately limit access points to the greatest possible extent. This goal shall be achieved through the use of single access points for parcels with extensive frontage, and joint use of access points by parcels with relatively small amounts of frontage.
- 10.3.2. Every property will be given reasonable access to the public way. The Board may require locating drives adjacent to abutting property lines that may be used as a future access point by both properties.
- 10.3.3. Each parcel shall have but one point of access to Epping Road unless it has more than 1,200-feet of frontage, in which case one point of access is permitted for each 600-feet of frontage. The Board may require the provision of service roads for new commercial/industrial development.

#### **10.4. Parking**

To the greatest extent possible, parking areas shall be located to the rear and side of buildings. Where parking is provided along Epping Road, it shall be appropriately screened by landscaping and/or berms.

#### **10.5. Utilities**

All utilities shall be provided underground, including telephone and electric.

#### **10.6. Landscaping**

Landscaping for non-residential development proposals shall conform to Section 9.7 Landscaping and Screening of these regulations. The front yard landscaping requirements, as set forth in Article 6.8.2 Epping Road Strip Management Ordinance, C-3 Districts, Minimum Front Yard, Use Thereof of the Zoning Ordinance, shall be included as part of the landscaping requirement.



## SECTION 11. OPEN SPACE AND MULTI-FAMILY DEVELOPMENT - ADDITIONAL REQUIREMENTS

An application for an open space and/or multi-family development shall conform to these regulations and the following additional requirements:

### 11.1. Review

The Board shall review single-family open space and multi-family development plans based upon the design standards listed below, as well as conformance with Article 7 OPEN SPACE DEVELOPMENT of the Zoning Ordinance.

### 11.2. Development Specifications (Open Space)

An open space development proposal shall adequately provide for the following:

- 11.2.1. Adequate provision must be made for light, air, access and privacy in the arrangement of the buildings to each other. Each dwelling unit shall have a minimum of one exterior exposure. Laundry facilities, including washing machines and clothes dryers, may be required on the premises for use by all occupants of the premises.
- 11.2.2. Proposed collector and through streets serving other than development traffic will require setbacks complying with external boundaries of the development as set forth in Article 7.5 Single Family Open Space Development of the Zoning Ordinance.
- 11.2.3. Protection of the residential environment from soil, water, air, noise and light pollution and other forms of pollution/nuisances.
- 11.2.4. Landscaping plans should include the preservation of existing landscaping features as well as additional natural screening between surrounding developments, public ways, and parking areas. Screening shall be provided in a transition area between residential and non-residential uses.
- 11.2.5. Utilization of topography, slope, sun, and weather orientation in overall layout and design of the development.
- 11.2.6. Open space and common areas shall be designed and located so as to provide for active and/or passive recreational uses. Reasonable effort must be made to locate common open

space adjacent to protected open space in adjoining property or properties to the satisfaction of the Planning Board. At least 75% of designated common open space shall be contiguous to other protected open space where applicable.

11.2.7. Attached dwelling units shall each be provided with a private space, for example, a patio, balcony, deck, or enclosed yard.

11.2.8. Perimeter Buffer Strip: A required vegetated buffer strip of 100-foot width in the RU or R1 districts and 50-foot width in all other allowed districts shall be provided between any proposed lots, septic system, or service road and the perimeter lot line of the tract. The buffer strip shall be comprised of natural or planted vegetation. The first 50-feet in width for RU and R1 districts and 25-feet in width for other allowed districts measured from the external abutting property line shall be left natural and not to be disturbed by construction activities with the exception of access roads into the subdivision. Primary access and secondary access roads, utilities and services shall be allowed to cross the buffer zone. The Board may approve a partial or total waiver to the buffer strip if the configuration or location of the parcel, with consideration of abutting properties, warrants flexibility to the proposed open space.

### **11.3. Multi-Family Development (Non-Open Space)**

In reviewing a proposed site plan for one or more multi-family structures, the Planning Board and the Board of Adjustment will be guided by Article 7 OPEN SPACE DEVELOPMENT of the Zoning Ordinance, these regulations, and the following additional requirements.

#### 11.3.1. Site Plan Specifications

1. Distance Between Buildings: Article 4.3 Schedule II: Density and Dimensional Regulations – Residential of the Zoning Ordinance shall be applied.
2. Distance Between Building and Driveway:
  - a) No parking lot shall be closer than 25-feet to the front of any building, or 10-feet to the side or rear of any building.
  - b) In the case of an enclosed garage or carport provided as an extension of the main structure, distance requirements for driveways providing access to these accommodations shall not apply.

- c) All driveway and parking areas shall be developed in accordance with these regulations and shall contain facilities for night illuminations.
- 3. Landscaping: The proposed site must be properly landscaped in order to further enhance the natural qualities of the land. Where adjacent land uses dictate, the Board may require proper screening and buffer zones.
- 4. Recreational Space: The site shall provide an area or areas devoted to the joint recreational use of the residents thereof. Such recreation space shall consist of not less than 400square-feet of space per dwelling unit. The Board may require the provision of active and/or passive recreation uses, as it deems appropriate.

#### **11.4. Conversions and Other Multi-Family Dwellings**

- 11.4.1. Parking: The number of parking spaces shall comply with the requirements of the Exeter Zoning Ordinance. The Board may require that parking area development avoid the necessity of cars backing into a street and not encroach upon a required front yard, side yard, and rear yard.
- 11.4.2. Landscaping: The proposed site must be properly landscaped in order to further enhance the natural qualities of the land. Where adjacent land uses dictate, the Board may require proper screening and buffer zones.

## **SECTION 12. ASSURANCES FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS**

### **12.1. General**

- 12.1.1. Under no circumstances shall any site work (including any disturbance of soil or tree removal) commence or any building permits be issued until all precedent conditions of the approval have been met, the plan is signed by the Chairman of the Planning Board, a preconstruction meeting has taken place with the Town of Exeter, all inspection escrows have been established, and all required performance sureties have been posted.
- 12.1.2. Off-site Improvements: Prior to the commencement of any site work, the property owner shall post a performance surety to guarantee the completion of the off-site improvements or any improvements intended to be offered to the Town for acceptance.
- 12.1.3. On-site Improvements: Prior to any site work, the property owner shall be required to submit an erosion control and site restoration bond in an amount and form determined by the Town Engineer. The property owner shall submit an erosion control and site restoration scheme and calculations to the Town Engineer for review prior to establishing the bond. If the proposal is to create a condominium form of ownership, then the property owner shall be required to post a performance surety to cover the estimated cost of constructing and installing all required site improvements including, but not limited to: asbuilts, street work, drainage facilities, parking and/or loading facilities, landscaping, water mains and all associated infrastructure, sewer lines or septic system(s) and all associated infrastructure, and other utilities.
- 12.1.4. All performance sureties shall be in the form of an Irrevocable Letter of Credit as shown in Exhibit A or a cash bond. Individuals or companies providing these Letters of Credit shall be registered with the New Hampshire Department of State and considered members in good standing. These sureties shall be in an amount not less than 100% of the cost of construction which shall be determined by an engineer's estimate of value submitted by the applicant and subject to the review and

approval of the Town Engineer. In the event that the Town Engineer and applicant cannot agree on the estimated cost of construction, the matter will return to the Planning Board for a determination.

12.1.5. In circumstances that prevent landscaping or other required improvements to be completed (due to weather conditions or other unique circumstances), The Code Enforcement Officer may issue a Certificate of Occupancy (C/O) prior to the completion of these improvements, if agreed upon by the Town Planner, and when a cash bond (in an amount agreeable to the Town but not less than 110% of the cost to complete the improvements), accompanied by a written agreement to complete the improvements, is supplied to the Town. The improvements shall be completed within nine (9) months from the issuance of the C/O, or the Town shall utilize the bond to contract out the work to complete the improvements in accordance with the approved Plan. No other improvements shall be permitted to bond for their completion for purposes of receiving a C/O and all these other improvements must be satisfactorily completed prior to the issuance of a C/O unless otherwise approved by the Planning Board (or their designee) as a plan amendment request as outlined in Section 14.

12.1.6. Wetlands and Riparian Buffer Areas and limits of cut: Any no cut/no disturbance zones of all wetland and riparian buffers and/or the limits of proposed land clearing indicated on the plans shall be clearly delineated in the field using flagging tape or similar approved methods prior to any site work with writing on them that identifies the area as a “no cut zone” or “limit of tree cut”. All these flags shall be maintained throughout construction of the project until a permanent C/O has been issued.

## **12.2. Release of Performance Guarantees**

12.2.1. Upon inspection of a partial completion of required improvements the Board or its agent may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by a qualified contractor’s bid estimate approved by the Town, plus a retainage of 20% of the original performance guarantee amount

which shall be kept until all required improvements have been inspected and approved by the Town. If costs for completing the required improvements exceed the amount of the performance guarantee held by the Town, additional funds shall be required in order to insure completion before the development proceeds any further. The retainage shall be held until the completion of all required improvements have been inspected and approved by the Town and a permanent C/O has been issued.

- 12.2.2. The performance guarantee (or balance thereof) shall not be released until the Board or its agent has certified completion of all required improvements in accordance with the approved plan, and Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, and all easements and/or covenants and/or other encumbrances being proposed on the land. All costs associated with Town Counsel review of documents shall be borne by the applicant.

### **12.3. Maintenance Guarantees**

- 12.3.1. For public improvements within the Town right-of-way, or for roads intended to be turned over to the Town for acceptance, the performance guarantee shall not be released until a maintenance guarantee is in place. The maintenance guarantee shall cover the maintenance of public roads and other improvements for a period of two (2) years from the date of street acceptance by the Board of Selectmen, in an amount not to exceed 15% of the improvement costs. If repair or unusual maintenance is needed or additional improvements are required then such costs as are necessary shall be drawn against said guarantee. For a description of the Town's procedure for posting a maintenance guarantee, please review Selectmen's Policy 92-06.

### **12.4. Inspections**

- 12.4.1 Inspection Service Fee and Cost
1. All applicants shall be required to deposit an inspection fee escrow(s) with the Town prior to any site work. This fee, which shall be determined by the Town, shall cover all costs incurred by the Town and the cost of the Town's designated agent who shall monitor and inspect improvements for

compliance with the approved plans and required engineering standards.

2. The Town may contract with a consultant for inspection services. The applicant shall be responsible for all costs of all inspections and associated work performed by the consultant on behalf of the Town.
3. If it is determined that any of the required improvements have not been constructed in accordance with the Town's construction standards and specifications or approved plans, the applicant shall be responsible for reconstruction and re-inspection of the improvements.
4. Escrow accounts shall be periodically reviewed by the Town Engineer to assure that sufficient funds are available to cover all inspection costs and additional escrow shall be provided as needed.
5. Upon acceptance of the project and submission of the required as-built plan, any unused escrow shall be returned to the applicant. The project shall be considered accepted once the Town determines that all improvements have been constructed in accordance with the plans and Town specifications and standards and a permanent Certificate of Occupancy has been issued.

12.4.2 Arrangement for Inspections: At least fifteen days prior to commencing any site work, the applicant shall notify the Town Engineer in writing of the time he/she proposes to commence construction. The Town Engineer will arrange a preconstruction meeting prior to the start of construction. The escrow amount(s) needed for the project shall be supplied to the applicant in writing at the preconstruction meeting and the escrow(s) shall be established prior to any site work.

12.4.3. Proper Installation of Improvements: If the Town or the Town's agent determines that any of the improvements have not been constructed in accordance with the approved plans and specifications or any condition of Planning Board approval, the Town Engineer shall notify the Finance Director who shall notify the applicant, and if necessary, the bonding company or escrow agent and take all necessary steps to preserve the Town's rights under the bond or agreement. No Certificate of Occupancy shall be issued by the Code Enforcement Officer if the applicant is in default on a previously approved Subdivision or Site Plan



regardless of whether or not the current applicant was involved in the prior approvals.

#### 12.4.4. Failure to Complete Improvements or Abandon Project

1. When a performance surety has been posted and required off-site improvements have not been installed or completed in accordance with the terms of said performance, the project may be declared in default and the Town shall make a determination on calling the surety to complete all outstanding improvements.
2. When an applicant fails to complete all required on-site improvements as shown on the approved plans and the Building Permit has expired, the Planning Board shall proceed with the Revocation process in accordance with NHRSA 676:4-a, as amended.

### 12.5 As-Built Plans

12.5.1. At the completion of a project or completion of an approved phase (whichever occurs first), the applicant shall submit a detailed as-built plan to the Town Engineer. The applicant shall deliver a paper Portable Document Format (PDF) copy and one electronic copy of the as-built plan to the Town Engineer for review and approval. Once the Town Engineer determines that the submitted plans are acceptable, the applicant shall supply two paper copies and one electronic version of the plan in accordance with the following:

1. It shall be in a ~~dwg.~~ **.dwg** or ~~dxf.~~ **.dxf** file format;
2. It shall be in NAD 1983 State Plane New Hampshire FIPS 2800 Feet coordinates;
3. Horizontal control points shall have an adjusted accuracy of 1:10,000 (Third Order, Class I);
4. The layer naming convention shall be provided; and,
5. All lines representing property lines shall consist of continuous line work snapped to endpoints. Stonewall representations, unless created using a line type will not be accepted.
6. **The coordinates of all stormwater infrastructure elements (e.g. catch basins, pipes, swales, detention/bioretention areas) shall be provided in .dwg or GIS file format; and,**



7. Calculations of the change in impervious area, pollution loading and removal volumes for each stormwater best management practice (BMP) shall be provided.

12.5.2. For subdivisions that include the construction of a new street, submission of as-built plans is required before a street is formally accepted by the Town. Please refer to Selectmen's Policy 97-21 for the appropriate procedure to be followed for the acceptance of subdivision roads by the Town.

## **SECTION 13. ADMINISTRATION AND ENFORCEMENT**

- 13.1. **AMENDMENTS:** For the purpose of providing for the public health, safety, and general welfare, the Planning Board may, from time to time, amend, change, alter, add or rescind the provisions imposed by these regulations in accordance with NH RSA 675:6, as the same may be subsequently amended.
- 13.2. **CONDITIONS:** Regulation of development of land and the attachment of reasonable conditions to land development is an exercise of valid police power delegated by the State to this municipality. The developer has the duty of compliance with reasonable conditions laid down by the Planning Board for design, dedication, improvement, and restrictive use of land so as to conform to the physical and economical development of the municipality and to the safety and general welfare of the future owners of the development and of the community at large.
- 13.3. **SAVINGS PROVISION:** These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the Town under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Town except as shall be expressly provided for in these regulations.
- 13.4. **INTERPRETATION:** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 13.5. **CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS:**
- 13.5.1. **Public Provisions –** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or any

other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

13.5.2. Private Provisions – These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive, impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Board in approving a development or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

13.6. SEPARABILITY: If any part or provision of these regulations and application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Town hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

13.7. WAIVERS: The Planning Board shall not approve any waivers from these regulations unless it shall make the following findings based upon the evidence presented to it in each specific case:

13.7.1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property;

13.7.2. The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;

13.7.3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

13.7.4. The granting of the waiver will not be contrary to the spirit and intent of the regulations; and,

13.7.5. The waiver will not, in any manner, vary the provisions of the Zoning Ordinance or Master Plan.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

All requests for waivers shall be submitted in writing by the applicant at the time when the application is filed for consideration. The petition shall fully state the grounds for the waiver and all the facts relied upon by the applicant.

## 13.8. BOARD ACTION

13.8.1. Within time frames established in NH RSA 676:4, as the same may be subsequently amended, the Planning Board shall approve, conditionally approve, or disapprove the application. The reasons for a disapproval of a plan shall be stated in the record of the Board. Approval of the plan shall be endorsed on the plan by the Chairman of the Board. The time to act may be extended in accordance with NH RSA 676:4.f, as the same may be subsequently amended.

13.8.2. The Board may require that a Site Plan or Subdivision Plat or portion thereof be reviewed by a consulting engineer or other professional consultant and/or a legal consultant to ensure compliance with all applicable local, State, and Federal regulations, construction standards and building codes. The consultant shall provide the Board with a written report of the technical review of the proposal. The cost of such consultant shall be paid by the applicant.

13.8.3. All approvals shall be valid for a period of one year from the date of the meeting the Board votes to approve the application, unless the Board, at their discretion, chooses to extend the number of days required to fulfill precedent conditions. All precedent conditions must be met within this 180-day time period (or within the extended time as specified by the Board at the time of approval) or the approval shall be null and void. In the case where extenuating circumstances prevent the fulfillment of the precedent conditions within the applicable time period, the applicant may request an extension (in writing with justification and accompanied by the appropriate fee) from the Board no later than 14 days prior to expiration. The Planning Board shall vote at their next regular scheduled meeting on whether or not to grant the extension.

13.8.4. Once active and substantial development has been achieved, approved Plans shall be protected from future changes in regulations and ordinances in accordance with NH RSA 674:39, as the same may be subsequently amended, and all provisions shall apply to approved Plans as if these provisions were fully incorporated herein. For the purpose of these regulations, “active and substantial development” shall be defined as follows:

1. Construction of and/or installation of basic infrastructure to support the development (including all of the following: roadways, pedestrian access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and,
2. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; completion of drainage improvements means that these facilities shall be fully operational; and,
3. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
4. Items 13.8.1, 13.8.2 and 13.8.3 above shall be reviewed and approved by the Town.
5. Movement of earth, excavation, or logging of a site without the completion of items 13.8.1, 13.8.2 and 13.8.3 above, shall not be considered “active and substantial development”. Plans approved in phases shall be subject to this definition for the phase currently being developed.

### 13.9 ENFORCEMENT; FAILURE TO COMPLY WITH ORDER; VIOLATIONS AND PENALTY; APPEALS

- 13.9.1. General – These regulations shall be enforced under the authority of NH RSA 676, as the same may be subsequently amended, and such other authorities as may be available.
- 13.9.2. Penalties – Any person who fails to comply with or violates any section of these regulations shall be fined in accordance with NH RSA 676.
- 13.9.3. Civil Enforcement – Appropriate actions may be taken by law or in equity to prevent any violation of these regulations in order to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, or to prevent illegal occupation of a structure or premises. These remedies shall be in addition to the penalties described above.
- 13.9.4. Revocation of Approval – Plans approved by the Board may be revoked, in whole or in part, in accordance with NH RSA 676:4-a, as the same may be subsequently amended.
- 13.9.5. Appeals – In accordance with the terms of RSA §677:15, any person(s) aggrieved by any decision of the Board concerning a site plan review or subdivision application may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within 30-days after the Board's final decision regarding the site plan review or subdivision application in question.



## **SECTION 14. MODIFICATIONS TO AN APPROVED PLAN**

If at any time before or during construction of the improvements required pursuant to a Plan review approval, the applicant demonstrates to the satisfaction of the Town Planner and the Town Engineer, that unforeseen conditions make it necessary or preferable to modify the design of the requirements/improvements, the Town Planner, and the Town Engineer, may authorize such modifications provided that the modifications shall be limited to the following:

- 14.1 Changes in the dimensions or locations of any buildings or structure which do not require changes in parking, loading, access or public utilities, provided that the changes do not necessitate permits or approvals from any Federal, State or local entity. Relocating any structure that encroaches further into any regulated buffer shall not be considered a minor change.
- 14.2 Changes in the dimensions or locations of parking lots which do not result in an increase in the number of parking spaces provided and which do not result in the encroachment into any approved landscaped area.
- 14.3 Minor changes in the locations, dimensions, and materials of proposed water, sanitary sewage and drainage systems, provided that the changes do not necessitate permits or approvals from any Federal, State or local entity. Redesign of an approved drainage scheme shall not be considered a minor change.
- 14.4 Changes in the locations and types of proposed outdoor lighting and landscaping, provided that the integrity of the approved Plan is maintained.

At the discretion of the Town Planner, any request of a modification to a Plan which is not in clear conformance with the guidelines set out above shall be referred to the Planning Board for review and action, pursuant to Section 6 of this chapter.

Any request for review and approval of a modification to an approved Plan shall be accompanied by a fee of an amount to be determined in accordance with the Town of Exeter Planning Department Planning and Zoning Fee Schedule.



## SECTION 15. VALIDITY

### 15.1. Interpretation

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

### 15.2. Conflicting Provisions

Where any section of these regulations conflicts with another, or with any other local regulation or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under these regulations is less restrictive than a federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute. Where any section of these regulations references other manuals or documents for design guidance and standards, the latest version of such documents shall be used, unless specifically noted.

### 15.3. Saving Clause

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

## **SECTION 16.EFFECTIVE DATE**

These regulations and amendments shall take effect upon their passage.