



TOWN OF RAYMOND
Planning Board Agenda
October 10, 2024
6:00 p.m. - Raymond High School
Media Center - 45 Harriman Hill

Public Announcement

*If this meeting is canceled or postponed for any reason the information can be found on our website, posted at Town Hall, Facebook Notification, and RCTV. **

1) Pledge of Allegiance

2) Roll Call

3) Public Hearing

- a. **Application #2024-010 197 Lane Rd:** A **Subdivision** application has been submitted by Erik Poulin of Jones & Beach Engineers, Inc. on behalf of Cynthia C. Nye Revocable Trust. The applicant is proposing a 6 lot Conservation Subdivision. A **Special Permit** related to wetland impacts within the development accompanies this application. The property is located at 197 Lane Road and is identified as Raymond Tax Map 19, Lots 3 & 5, within Zone B. (Continued from 5/16/24, 6/13/24, 7/11/24, 8/15/24, 10/03/24)

- b. Fees

4) Work Session

- a. Subdivision Regulations

- b. Warrant Articles

5) Minutes to be Approved

- a. 9/12 Work Session

- b. 9/19

6) Any other business brought before the Board

7) Adjournment (NO LATER THAN 9:00 P.M.)

* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be rescheduled to 10/24/2024



TOWN OF RAYMOND
Planning Board Agenda
October 10, 2024
6:00 p.m. - Raymond High School
Media Center - 45 Harriman Hill

2024 Planning Board Meetings Calendar		
Submittal Deadline for Completed Application & Materials	Meeting Date	Agenda Item(s)
Wednesday, September 18, 2024	Thursday, October 17, 2024	PB-2024-011-PII - Onway Lake Village (Phase 2) - Site Plan (Continued from 6/13/24, 08/01/24) PB-2024-002 Lamprey Waters, LLC - Lot Line Adjustment (Continued from 2/15/24, 3/21/24, 5/2/24 & 7/11/24) PB-2024-001 American Building Solutions/Scott's Roofing - Site Plan (Continued from 2/15/24, 3/21/24, 6/6/24, 08/01/24, 09/19/24)
	Thursday, October 24, 2024	Work Session 6:30-9:00 PM (TBD)
Wednesday, October 9, 2024	Thursday, November 7, 2024	PB-2022-008 Onyx Warehouse - Site Plan w/ CU and SP (Continued from 11/2/23, 12/7/23, 1/18/24, 3/7/24, 4/18/24, 6/20/24, & 08/15/2024) PB-2023-008 Onway Lake Village (Phase 1) - Conservation Subdivision w/ SP (Continued from 1/11/24, 2/22/24, 3/28/24, 7/11/24 & 9/5/24) PB-2024-018 55 Blueberry Hill Road - Lot Line Adjustment (Rescheduled from 10/3/24)
	Thursday, November 14, 2024	PB-2024-013 10 Lane Road/JDV Realty - Site Plan (Continued from 7/18/24, 10/3/24) Work Session 6:30-9:00 PM
Wednesday, October 23, 2024	Thursday, November 21, 2024	PB-2022-009 Jewett Warehouse - Site Plan w/ CU and SP (Continued from 1/4/24, 2/15/24, 3/21/24, 7/11/24, 9/19/24) PB-2024-003 Gemini Valve - Site Plan (Continued from 4/4/24, 6/6/24, 7/18/24, 9/19/24) PB-2024-020 39 Morrison Road -Subdivision and Special permit (Continued from 9/19/24)
Wednesday, November 6, 2024	Thursday, December 5, 2024	PB-2022-010 Onyx Excavation - Excavation Permit (Continued from 10/19/23, 11/30/23, 5/2/24, 6/20/24, & 9/5/24)
	Thursday, December 12, 2024	
Wednesday, November 20, 2024	Thursday, December 19, 2024	

* Note: If you require personal assistance for audio, visual or other special aid, please contact the Selectmen's Office at least 72 hours prior to the meeting. If this meeting is postponed for any reason, it will be rescheduled to 10/24/2024



330144P
October 8, 2024

Mr. James McLeod, Director
Raymond Planning and Development
4 Epping Street
Raymond, New Hampshire 03077

Subject: Subdivision & Special Permit Application - Engineering Review Services
197 Lane Road, Raymond NH
Tax Map 19, Lot 3 & 5
Engineering Review Services

Dear Mr. McLeod:

As requested, we have completed our review of the plans and materials resubmitted for the above referenced project. The submitted materials consist of the following:

- Letter of Transmittal, prepared by Jones & Beach Engineers, Inc., and dated September 23, 2024.
- Response Letter, prepared by Jones & Beach Engineers, Inc., and dated September 20, 2024.
- Conservation Subdivision Plan Set, prepared by Jones & Beach Engineers, Inc., consisting of 12 sheets, dated May 26, 2023 and revised on September 20, 2024.

The following were comments noted during the review.

Subdivision Plan (A1 & A1-1)

1. We are not aware of a provision in the Town of Raymond Zoning Ordinance that allows for the creation of lots with no frontage. Additionally, RSA 674:41 poses restrictions on a town's ability to grant building permits on lots such as those being proposed. Our review of the letter provided between the Applicant and Eversource (PSNH) references a private road. The distinction between a private road and a shared driveway is important in terms of construction/design standards and the legal frontage associated (or not associated) with each classification.

It is our opinion that a driveway does not provide legal frontage for the purposes of issuing a building permit as defined in RSA 674:41. While RSA 674:41 does not prevent the subdivision of land and creation of lots with no frontage, it restricts granting of building permits on such lots. A driveway, shared or not, does not meet the requirements of RSA 674:41 I.(a)–(c). The RSA does allow for building on a private road, with conditions outlined in RSA 674:41 I.(d), but the applicant has distinctly defined the proposed access as a driveway not a private road. We would recommend that the Town consult with their legal counsel for a determination on this issue.

The Applicant stated that a consultation between town staff and design engineer took place, and the Town of Raymond agreed that the shared driveway will be a private road, but constructed to town driveway standards in accordance with Town of Raymond Zoning Ordinance, Section 13.1.22., Definitions of Driveway, and the

new private road will comply with the RSA 674:41 I (a)-(c) and RSA 674:41 I(d) providing frontage for each lot. No response from D&K required. We defer to the Town to determine the proper application of their regulations.

Conservation Subdivision Plan (C2)

2. If wetlands are crossed or infringed upon, a dredge and fill permit shall be required from the State Wetland Board. In addition, wetland mitigation must be provided and shown on the plans as to achieve no net loss within the boundaries of the proposed development area and within the Town of Raymond boundaries.
The Applicant stated that they are preparing a dredge and fill permit for the State Wetland Board and that this application has already been submitted to the Planning Board and Conservation Commission for review. DuBois & King did not receive a copy of the wetland permit, and therefore have not provided a review. We recommend the Wetland permit number be added to the final plan once it has been approved.
The Applicant stated that a Wetland Permit is being pursued, and upon approval, the permit number will be added to the final plan. Acquiring the Wetland Permit will be a condition of approval for the proposed conservation subdivision.
3. State Subdivision approval from NHDES is required for any subdivision of land into two or more lots not served by municipal sewers if one or more of the lots is less than five (5) acres.
The Applicant stated that a State Subdivision permit would be filed following local approval. We recommend the State Subdivision permit number be added to the final plan once it has been approved.
The Applicant stated that a State Subdivision approval from NHDES is being pursued, and upon approval, the permit number will be added to the final plan. Acquiring the NHDES permit will be a condition of approval for the proposed conservation subdivision.
4. We recommend that the Applicant meet with the Fire Department to review the proposed fire protection systems and access, including turning movements.
The Applicant responded that there is an ongoing communication with the Town of Raymond Fire Department to review the proposed fire protection systems, access and turning movements.
The Applicant reviewed and agreed with the Town of Raymond, Fire Department that individual fire suppression sprinkler systems will be installed in lieu of a fire cistern. The September 20, 2024 plans addressed this comment to D&K's satisfaction.
5. All new subdivisions shall be required to be located within one half mile of an adequate pressure hydrant, dry hydrant or cistern, in accordance with Town of Raymond, Subdivision Regulations, Section 5.6.G.1.
The Applicant responded that this requirement is currently under review by the Town of Raymond Fire Department.
The Applicant reviewed and agreed with the Town of Raymond, Fire Department that individual fire suppression sprinkler systems will be installed in lieu of a fire cistern. The September 20, 2024 plans addressed this comment to D&K's satisfaction.

Grading and Drainage Plan (C3)

6. **Repeat Comment.** We recommend that the Applicant annotate/label the proposed culvert in the driveway, including inverts in/out. *The inverts have not been annotated.*
The September 20, 2024 plans addressed this comment to D&K's satisfaction.
7. All proposed electric, telephone and cable lines shall be placed underground, in accordance with Town of Raymond, Subdivision Regulations, Section 5.6.F.4.
In the absence of detailed Driveway Regulations, we believe it is appropriate to apply requirements for streets and roads to a driveway that will be shared by four (4) lots. We defer to the Town to determine the proper application of their regulations.
The Applicant stated that a consultation between town staff and design engineer took place, and the Town of Raymond agreed that the shared driveway will be a private road, but constructed to town driveway standards. Therefore, in the absence of driveway requirements, the Applicant is proposing that above ground power lines be installed. No response from D&K required. We defer to the Town to determine the proper application of their regulations.
8. The design of on-site sewage disposal systems for all subdivisions shall meet the requirements promulgated by NHDES Subsurface Bureau, in accordance with Town of Raymond, Subdivision Regulations, Section 5.6.F.5.
The Applicant responded that proposed 4K areas and test pits are in place for each developable lot and an NHDES Septic approval will be acquired after local approval.
The Applicant stated that approval from NHDES will be acquired following local approval. Acquiring the NHDES permits will be a condition of approval for the proposed conservation subdivision.

Drainage Analysis Report

9. **Repeat Comment.** The area listings show the same area for roofs in the pre- and post-development reports. It appears the proposed homes have not been included in the drainage analysis. Additionally, a 795 foot by 14 foot drive/road equates to approximately 0.25 acres of increased impervious area. The area listings show an increase of only 0.059ac in the post- development report. The narrative does not explain the pre-development paved parking that was modeled, so it is unclear why the entire driveway is not being included in the model. Neither the narrative nor the plans explain where the runoff from the eastern portion of the proposed drive and proposed homes will flow. We recommend the Applicant add an analysis point where the wetlands intersect with the property line to model the increased runoff from the proposed development.
In the absence of detailed Driveway Regulations, we believe it is appropriate to apply requirements for a private road to a driveway that will be shared by four (4) lots and proposed to increase the impervious area on a parcel by over 10,000sf. We defer to the Town to determine the proper application of their regulations. The applicant responded that the discharge from the driveway does not discharge to a municipal drainage system subject to the EPA MS4 Permit, the project does not meet the minimum threshold for applicability per Raymond Subdivision Regulations Section 4.8.B. D&K

disagrees with this interpretation of the Raymond Subdivision Regulations. Regardless of connection to the Town's MS4 area, it is reasonable to be concerned that an increase of impervious area of this magnitude will have an effect on the surrounding area. We defer to the Town to determine the proper application of their regulations, but strongly advise that the model reflect the proposed conditions including the private roadway.

10. **Repeat Comment.** Drainage analyses shall include calculations comparing pre- and post-development stormwater runoff rates (cubic feet/second) and volumes for the 50-year 24-hour storm events in accordance with Town of Raymond, Subdivision Regulations, Section 4.8.C.1.i.

The applicant is following NHDOT "roadway" standards for their analysis. So it is not clear why the Town's roadway standards would not also be followed. Additionally, Town of Raymond, Subdivision Regulations, Section 4.8.C.1.g. specifies "All newly generated stormwater from new development shall be treated on the development site." We are not aware that driveways are exempt from this requirement. Particularly where this driveway significantly (>10,000sf) increases the impervious area on the site, we believe it is appropriate to model the entire subdivision, including the entire driveway.

The applicant responded that the drainage analysis was only used to size the proposed culvert and not to model the entire proposed development and referenced their previous response. D&K disagrees with this interpretation of the Raymond Subdivision Regulations. It is reasonable to be concerned that an increase of impervious area of this magnitude will have an effect on the surrounding area. We defer to the Town to determine the proper application of their regulations, but strongly advise that the model reflect the proposed conditions and include an analysis of the 50-year 24-hour storm event including the private roadway.

11. It appears that the runoff for the 25-year storm for Analysis Point 1 (AP1) in the post-developed condition exceeds the runoff for the pre-developed condition. Measures shall be taken to control the post-development peak rate runoff so that it does not exceed pre-development runoff in accordance with Town of Raymond, Subdivision Regulations, Section 4.8.C.1.i. We recommend that the Applicant review and revise as necessary.

We are not aware that driveways are exempt from this requirement. Particularly where this driveway significantly (>10,000sf) increases the impervious area on the site, we believe it is appropriate to model the entire subdivision, including the entire driveway.

The applicant referenced their previous responses. D&K disagrees with this interpretation of the Raymond Subdivision Regulations. It is reasonable to be concerned that an increase of impervious area of this magnitude will have an effect on the surrounding area. We defer to the Town to determine the proper application of their regulations, but strongly advise that the stormwater design meet the most basic requirements of not increasing post-development runoff rates.

12. We recommend the Applicant provide rip rap sizing calculations for the 25-year storm for review.

Rip-rap calculations (printed 7/31/24) were provided for Rip Rap #1. We recommend calculations be provided for Rip Rap #2 as well.

The Applicant's Response addressed this comment to D&K's satisfaction.

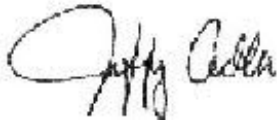
Mr. McLeod, Raymond Planning and Development
October 8, 2024
Page 5 of 5

13. We recommend the deeds for the new lots include language to the effect that all four lots share equal financial obligation in the maintenance and repair of the shared driveway.
The Applicant stated that language would be included in either the individual deeds or HOA documents, whichever is selected, that all four lots share equal financial obligation in the maintenance and repair of the shared driveway.
The Applicant's Response addressed this comment to D&K's satisfaction.

If you have any questions or comments, please do not hesitate to contact us.

Very truly yours,

DuBOIS & KING, Inc.

A handwritten signature in black ink, appearing to read "Jeffrey Adler". The signature is written in a cursive style with a large initial "J".

Jeffrey A. Adler, P.E.
Principal

C. Troy

From: Dee Luszcz <dl.raymondpb@gmail.com>
Sent: Thursday, October 10, 2024 10:07 AM
To: bobmcdonald433@gmail.com; James McLeod
Cc: Kera Clements; C. Troy
Subject: Re: Attached is a draft set of covenants

Will staff please print this email and attached document out for the board meeting tonight?
I have printed mine, so only need 4 copies to be distributed before the meeting starts.

Thanks,
Dee

From: bobmcdonald433@gmail.com <bobmcdonald433@gmail.com>
Sent: Monday, October 7, 2024 4:22 PM
To: 'James McLeod' <communitydevdirector@raymondnh.gov>
Cc: 'Dee Luszcz' <dl.raymondpb@gmail.com>
Subject: RE: Attached is a draft set of covenants

Good afternoon Jim:

I have reviewed the HOV examples and prepared the attached draft for review and further comment.

There are some yellow highlighted areas and questions.

Since this is my 1st CC subdivision on the PB, I wanted to see what consistency there were in HOA's.

I did not spent any review time on formation, voting rights, meeting times, etc, but more important issues regarding the open space and maintenance.

Maybe this could become a templet moving forward as a guide for this and future PB's

Let me know if you have any questions.

Thanks again for sending the three HOA's on Friday.

Regards

Bob

From: James McLeod <communitydevdirector@raymondnh.gov>
Sent: Friday, October 4, 2024 4:29 PM
To: bobmcdonald433@gmail.com; C. Troy <Planningtech@raymondnh.gov>
Cc: Kera Clements <passist@raymondnh.gov>
Subject: RE: HOA docs requested by Bob ** PB Bcc'd **

Thank you! You too!

DECLARATION OF COVENANTS

Now comes Cynthia C. Nye Revocable Trust 112 Lane Rd Candia, New Hampshire County of Rockingham and State of New Hampshire, hereinafter referred to as Declarant, and on behalf of herself and her heirs, executors, administrators and assigns declare the following restrictions, covenants, easements and provisions in regard to the conservation subdivision to be known as XXXXXXXXXXXXXXXX and being described as a tract of land located at 197 Lane Road in the Town of Raymond, County of Rockingham and State of New Hampshire and being shown on a plan of land entitled "A Survey and Plat of a Conservation Subdivision Prepared for Cynthia C. Nye Revocable Trust Situated in the Town of Raymond, NH, prepared by Jones & Beach Engineers, Inc. DATE: XX/XX/XX and recorded in the Rockingham County Registry of Deeds, as Plan #D?????????. These restrictions, covenants, easements and provisions shall bind Declarant and her heirs, executors, administrators and assigns and the owner of each lot in the subdivision.

Question-What is the proper wording once all 4 lots are sold to the Declarant?

1. The purpose of the Land marked as "Open Space Common Land Not to Be Developed "after completion of the proposed improvements depicted on the Plan is to retain the area forever in its undeveloped, scenic and open space condition and to prevent any use of the Open Space Common Land that will significantly impair, or interfere with, its conservation value;
2. To protect the natural habitat of birds, animals, and the vegetation contained in the Open Space Common Land; and
3. It shall be maintained in perpetuity as open space.
4. No structure or improvement of any kind, or any other material size or shape shall be constructed, placed or introduced onto the Open Space Common Land.
5. Upon completion of the proposed improvements depicted on the Plan, no filling or excavation of soil or other alteration of topography or cutting or removal of standing trees shall be allowed, except those that present an imminent threat to person or property and except that trees may be removed in accordance with accepted silva cultural practices as outlined in the publication entitled Good Forestry Practices in the Granite State by the Society for the Protection of NH Forests as well as wetland practices??. No disturbance of other natural features shall be allowed unless activities are commonly necessary to maintain the existing natural environment of the open space.

13. Declarant, her heirs, executors, administrators and assigns shall have the right at any time to proceed at law or in equity against any person violating or attempting to violate any provisions contained herein, to prevent and abate such violations, to compel compliance with the terms hereof, to enter upon the land conveyed herein and remove any buildings, structures, installation improvements or things constructed, erected, installed or maintained in violation of the terms hereof, at the owner's expense and to recover damages or other dues for any violation. Failure to enforce any provision herein contained in any particular instance shall not be deemed a waiver of the right to do so as to any continuing subsequent, or other violation. Declarant and her heirs, executors, administrators and assigns shall be awarded all costs including attorney fees incurred in enforcing any of these provisions.

Question-What is the proper wording once all 4 lots are sold by the Declarant?

14. If the Association fails to adequately maintain the open space land as indicated on the subdivision plan and in any performance agreements, the Raymond Board of Selectmen, after a duly noticed hearing, may assume such responsibility and assess the homeowners the cost of such maintenance.

15. The owners of Tax Map XX Lots XX, XX, XX, XX shall have the sole responsibility for maintaining the driveway servicing and the responsibility for the cost of maintaining the proposed common driveway shown on the above-mentioned plan which cost they shall share equally. Both the Association and the owners have the power to enforce the maintenance responsibilities.

16. All Owners the Association will not be dissolved without the consent of the Planning Board of the Town of Raymond and any specifications deemed necessary by the Planning Board.

17. Invalidation of any one of these covenants by judgment or court order shall in no way affect any other provision which shall remain in full force and effect.

18. The lots may only be used for the purposes of single-family residences and the buildings shall be sited in accordance with the ordinances of the Town of Raymond.

The above conservation restrictions are meant to protect the land as open space as required as part of a conservation Development granted by the Raymond Planning board. This approval, under Article IV, section 4.1000 et seq. of the Raymond Zoning Ordinance, is part of an innovative land use control as authorized By RSA 674:21. As such, these restrictions shall be interpreted to create and Enforceable Development Restriction in accordance with RSA 674:21-a. The purpose of these restrictions is to prevent future development, provide a conservation on the portion of the parcels subject to said conservation restrictions and provide enforcement authority to the Town as provided for in RSA 674:21-a.

Question-Are all these references the most current?

IMPACT FEES

(FOR NEW RESIDENTIAL DEVELOPMENT ONLY)

Type of Structure	School Impact Fee Amount (per square foot)
Single Family Detached	\$2.48
Condo, Townhouse, ADU, New Apartment in Existing Building, Seasonal to Year Round	\$0.92
Two Unit Structure (total square footage)	\$3.87
Multi-Family (3+ unit structure, total square footage)	\$2.13
Manufactured Housing (Own Land)	\$2.48
Manufactured Housing (Park)	\$1.59

If not listed, to be determined by Building Inspector

To be determined

NOTE: Changes to the existing fee schedule are in red.

*Impact fees are under the purview of the Planning Board

SUBDIVISION REGULATIONS

FOR THE
TOWN OF RAYMOND, NH



LAST AMENDED

October 6, 2022

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TOWN OF RAYMOND, NEW HAMPSHIRE SUBDIVISION REGULATIONS

ARTICLE I – TITLE, AUTHORITY AND PURPOSE

1.1 TITLE

These regulations shall hereafter be known and cited as the “Subdivision Regulations of the Town of Raymond, New Hampshire.”

1.2 AUTHORITY

Pursuant to the authority vested in the Raymond Planning Board by the voters of the town of Raymond, and in accordance with the provisions of Chapter 674 of the New Hampshire Revised Statutes Annotated, the Raymond Planning Board does hereby adopt the following Subdivision Regulations governing the review of Subdivisions in the Town of Raymond, New Hampshire. The Town’s former Subdivision Regulations were adopted on March 12, 1983.

1.3 PURPOSE

The purpose of these regulations is to provide for the orderly and harmonious development of the Town of Raymond and its environs, and to protect the public health, safety, convenience and welfare of its residents. Consistent with N.H. RSA 674, these regulations provide for the proper and appropriate subdivision of land so as to avoid danger or injury to health, safety or prosperity by reason of inadequate water supply, improper drainage or other conditions conducive to flooding, inadequate or inconvenient transportation, impediments to ~~fire-fighting~~ firefighting or to the provision of other public services, or undue and excessive expenditure of public funds to provide such services.

These regulations are also adopted to provide for open spaces and green spaces of adequate proportions; to provide for the proper arrangement and coordination of streets relative to other existing or planned streets; to provide for suitably located streets of sufficient width to accommodate existing and projected traffic; to afford adequate light, air and access for firefighting apparatus and equipment to buildings; and to coordinate planning procedures so as to compose a convenient system for the subdivision of land. The regulations provide that the land indicated on plans submitted to the Planning Board shall be of such character that it can be used for building purposes

subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.

Active and Substantial Development: The threshold level of work as determined by the Planning Board, with due regard for the scope and detail of a particular project, which shall constitute a sufficient level of activity being conducted for the purpose of fulfilling paragraph I of N.H. RSA 674:39, Four Year Exemption.

Applicant (Owner or Agent): Means the individual(s) or corporation who own the land, or his or her agent or representative as authorized by a signed statement by the owner, who petitions the Planning Board for the review and approval of the Subdivision Application.

Application: The form and all accompanying documents, fees and exhibits required of an applicant to gain acceptance of the application by the Board.

Approval: Formal recognition by the Planning Board, certified by written endorsement on the Plan, that the final submission meets the requirements of the Subdivision Regulations and has been approved by the Planning Board.

Approval, Conditional: Recognition by the Planning Board that the Subdivision Plat is approved, contingent upon the completion of specific tasks or items required for final approval. Until all the requirements for an approval have been met, a conditional approval does not constitute, nor shall it be construed as approval, either implied or granted of the Subdivision Plat, nor does it bind the Planning Board to approval of the final Subdivision Plat. A conditional approval requires that the subdivision plat come back before the Board in a public meeting for final approval.

Approval, with Conditions: Recognition by the Planning Board that the Subdivision Plat is approved with conditions subsequent that, once resolved, will constitute final approval without returning to the Board. The Board Chairman shall have authority to sign the mylar.

Arterial Road: Any road that is a higher standard than the Rural Collector Road. Any Arterial Road must meet AASHTO standards.

As-Built Plan: A scaled engineering drawing depicting the actual placement of improvements and other elements on the site.

Berm: A mound of soil, either natural or manmade, used to obstruct views, to regulate water flow, to mitigate noise, or for other purposes specific to its intended use.

Best Management Practices (BMP): _____ In the context of stormwater management, a proven or accepted structural, non-structural, or vegetative

the public within 5 business days after the decision is made. If the decision is a denial, the applicant must be given written reasons for the action.

Deed Restriction: A restriction of the use of land set forth in the deed.

Design Review Team: Shall be comprised of those agents of the Planning Board designated to review ~~subdivision~~the site plans prior to the submission to the ~~Planning Board~~planning board and at any time the Planning Board may choose to refer an applicant back to the Design Review Team ~~for additional review. The Design Review Team can also act as the Technical Review Committee.~~

Development: Any construction or land construction or grading activities on real estate other than for agricultural and silvicultural practices.

Development Agreement: An agreement executed by the Planning Board and the applicant that includes the approval or approval with conditions of the subdivision Plan and the improvements to be bonded along with the performance bond.

Disturbed Area: An area where the natural vegetation has been removed exposing the underlying soil or where it has been altered by human activity.

Driveway: A private roadway providing access to a street or highway (Illustrated Book of Development Definitions, Moskowitz and Lundbloom, 1999).

Easement: A grant of one or more of the property rights by the owner to, or for use by, the public, a corporation or another person or entity. Easements may be considered public or private.

A private easement is limited to a specific individual such as the owner of an adjoining parcel. A public easement is one that grants rights to a large group of individuals or to the public in general. Public easements can include drainage, utilities, sidewalk and driveways. A restrictive easement is a condition placed on the land by its owner or by government, that in some way limits its use, usually regarding the types of structures that may be built there or what may be done with the ground itself. Restrictive easements are frequently placed on wetlands to prevent them from being destroyed by development. Conservation easements are often used to permanently protect the conservation values of the land.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Fill: Sand, gravel, earth or other material of any composition whatsoever placed by humans.

Frontage: The total length of all property lines of a premise which abut an existing Class V or better road or a road proposed to be built equal to or better than a Class V ~~road~~Road.

Hazardous Waste: Any refuse, sludge or other waste material or combination thereof in solid, semi-solid, liquid or contained gaseous form which because of its quantity, concentration, or chemical, physical or infectious characteristics may cause or significantly contribute to an increase in mortality or in serious irreversible or incapacitating illness or which may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. Categories of hazardous waste material include but are not limited to explosives, flammables, oxidizers, poisons, irritants and corrosives, as well as hazardous waste material as defined by the Atomic Energy Act of 1954, as amended.

Highly Erodible Soils: Any soil with an erodibility class (K Factor) equal to or greater than 0.43 in any layer, as found in Table 3-1 of the *Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire*.

Impervious Surface: Any material that prevents absorption of stormwater into the ground (Illustrated Book of Development Definitions, Moskowitz and Lundbloom, 1999). Examples of impervious surfaces include but are not limited to roofs, patios, balconies, decks, streets, driveways, parking areas, sidewalks, along with any concrete, stone, brick, asphalt or gravel surface.

Improvements: All work required to construct the proposed development, including but not limited to site grading, landscaping, utility installation (water, sewer, electric, drainage, telephone, etc., and their appurtenances), roadways, parking lots, drives, buildings, fencing, signs, etc. meaning and intending to include all work necessary to construct the development as agreed and as shown on the approved plan or plat, including all on-site and off-site improvements.

Local Roads: All other town-maintained roads.

Locus Map: A map or insert depicting the location of the subject site or subdivision within a larger geographic area, such as the neighborhood, municipality or region, for the purpose of identifying its relative location.

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon

Plat: Map of a specific land area the boundaries of which are defined by a New Hampshire licensed surveyor who has duly surveyed metes and bounds, which is presented to the Planning Board for approval and which, if approved, shall be submitted to the Rockingham County Registry of Deeds for recording.

Pre-application Review: A process in which the preliminary conceptual consultations phase, design review phase and/or the preliminary layout procedures may be used, as defined in RSA 676:4 II.

Private Road: A road that is built to Town of Raymond ~~road~~Road specifications and that remains under private use and ownership and is so recorded in deeds for all abutting lots.

Professionals of Record: The duly designated and legally recognized engineer, licensed surveyor or other credentialed professional representing the applicant or petitioner as may be pertinent to the actual services to be performed in accordance with the provisions of NH RSA 310-A:3 and of NH RSA 310-A:55.

Project Area: The area within the subdivision's boundaries and other affected areas.

Public Hearing: A legally noticed Planning Board meeting scheduled to review a specific application or amendments to ordinances or regulations or other matters and to allow the public an opportunity to talk and participate.

Public Meeting: Any meeting of the Planning Board other than nonpublic sessions under RSA 91-A:3.

Right of Way: Means a strip of land used for or intended to be used for a street, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term for land platting purposes in these regulations shall mean that every right of way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right of way, and is not to be included with the dimensions for areas of such other lots or parcels.

Road Undulations: Raised humps in the paved surface of a street that extend across the travel way for purposes of passively reducing speed.

Seasonal High-Water Table: Means and includes the upper limit of the ground water in a soil which becomes seasonally saturated with water.

Sediment: Solid material, either mineral or organic, that is in suspension or is transported or has been moved from its site of origin by erosion.

~~transferred~~ Transferred is to become an integral part of the owner's parcel to whom it is to be transferred and is deeded as such, and that both the plan and the deeds are recorded provided that the remaining portion of the original parcel meets all current existing Subdivision and Zoning Regulations.

Subdivision, Major: Means any subdivision that does not meet the definition of a Minor Subdivision.

Subdivision, Minor: Means a division of land that creates not more than two ~~(2)~~ (2) additional lots for building development purposes and does not involve the creation of a street. The Planning Board can provide for an expedited review and approval of a Minor Subdivision in accordance with NH RSA 676:4 III. Such expedited review may allow submission and approval at one or more Board meetings, but no application may be approved without full notice to the abutters and holders of conservation, preservation, or agricultural preservation restrictions at some point prior to approval or disapproval (or if the Planning Board determines to hold a public hearing).

Subdivision Performance Agreement: Means an agreement executed by the Raymond Planning Board and the applicant that includes any conditions of approval of the subdivision, improvements to be bonded and identification of any impact fees assessed.

Subdivision, Scattered and Premature: Means a subdivision of land that is:

- 1) Located on a site that is remote from most town facilities and services (i.e., involving danger or injury to health, safety, or prosperity by reason of a lack of water supply, sewage disposal, drainage, transportation, schools, fire protection or other public services which may necessitate the excessive expenditure of public funds for the supply of such services (N. H. RSA 674:36 II (a)) or
- 2) Located at a site that is not at present adequately served by town facilities and services but ~~which~~ may reasonably be expected to be served in the future

Submission: The presentation of a subdivision application to the Planning Board. Submission must take place at a public meeting of the Board, following the proper filing of all applications and required notice to the abutters and general public as required by these regulations and in general under N. H. RSA 676:4, I(d).

Surveyor: Shall mean a New Hampshire Licensed Land Surveyor.

~~**Wetlands:** As defined in the current Wetland Administrative Rules published by the N. H. Department of Environmental Services, Wetlands Board (1996).~~

~~**Wetlands:** As defined per RSA 482-A:2 X. "an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support—, and that under normal circumstances does support—, a prevalence of vegetation typically adapted for life in saturated soil conditions.~~

~~**Wetland Buffer/Set Back:** Means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance function and ecological stability of the wetland.~~

Yield Plan: An analysis showing the maximum number of single-family homes that will be permitted within a Conservation Development. This analysis shall be based on applying a conventional layout plan (in accordance with Town Subdivision Regulations) including lots conforming to the underlying zone dimensional standards, streets needed to access those lots, rights of way, and other pertinent characteristics of the tract. The conventional layout shall reflect a development density and pattern, taking into account the presence of lakes, rivers, streams, wetlands, floodplains, steep slopes, existing easements or encumbrances and, if the property is not served by public sewer, the suitability of soils for private subsurface wastewater disposal, as indicated by the Soil Survey of Rockingham County, New Hampshire.

Zoning Determination: A determination made by either the Code Enforcement Officer as the administrator of the Zoning Ordinance in general, or the Planning Board for zoning sections delegated during their specific adoption, intended to be administered by the Planning Board, which qualifies whether or not a proposed subdivision is in compliance with the current Zoning Ordinance in the form of proposed lot shapes, sizes, characteristics and suitability for the intended purpose and/or its anticipated use.

(A) MINOR SUBDIVISION

1. Zoning Determination
2. Consultation with Planner
3. Survey/Informative Phase
4. Final plan

(B) MAJOR SUBDIVISION

1. Zoning Determination
2. Consultation w/Planner
3. Survey Phase
4. Preliminary Plan/Design Review
5. Final plan

2. Applications shall be submitted on forms approved by the planning office and available at the office and on the Raymond web site.
3. All accompanying data, reports, fees and plans shall comply with the following minimum standards.
 - a. The required application check list shall be completed.
 - b. Any waiver request shall be in writing and attached to the checklist.
 - c. Each application shall have six (~~6~~8) certified copies of the full-size plans for review by the Technical Advisory Committee.
 - d. ~~Ten (10)~~Eight (8) copies of the plan in 11" X 17" size format.
 - e. One (1) copy of the final approved plan in a digital format referenced to NH State Plane feet, NAD 83, in a format compatible with the town's ESRI ArcView GIS system.
 - f. The applicant shall provide ~~three (3)~~eight (8) copies of any engineering or impact reports.
 - g. The applicant shall provide ~~three (3)~~eight (8) sets of printed labels for abutter mailing.
 - ~~h.~~ All required fees including site review fees as noted in Article
 - h IV Section IV of the Raymond Site Review regulations if applicable, shall be submitted with application. (The applicant shall provide an estimate of the disturbed area and shall calculate the required fees.)
 - i. Be sure the correct map and lot number is on application.
 - j. Be sure application is completed correctly and signed and date stamped.

At the time of application, the applicant will be given a date and time for the application to be presented to the ~~Technical Review Committee. The Technical Review Committee~~ Planning Board. The meeting shall be posted as a public meeting pursuant to the provisions of RSA 91-A and notice shall also be given to the abutters.

E. Subdivision Filing Fee

Application for approval of a subdivision shall be accompanied by a fee as calculated using the Subdivision Fee Schedule incorporated as part of these regulations in Appendix A, payable to the Town of Raymond, to offset the implementation of these Subdivision Regulations. An additional charge of \$10.00 per abutter notice shall accompany the application, along with the appropriate deposit for establishment of a Community Development Project and Planning Department Escrow Account for the purpose of

different or more evidence when a waiver request is filed with the subdivision application pursuant to Section 1.4. As with all other aspects of the design review phase, the discussions on areas of noncompliance are non-binding.

~~**Note: It is the strong recommendation of the Raymond Planning Board that applicants begin the process by meeting with the Technical Review Committee.**~~

3.3 APPLICATION PROCEDURE

A. Final Plan

The subdivider, after official notification by the Raymond Planning Board with respect to the preliminary plan and the changes, if any, to be made thereto, shall within six months thereafter file with the Raymond Planning Board four drawings of the final plan and street profiles as described in Article 5.4, provided that if the preliminary plan shows development by phase, the final plan may be one of the phases thento be developed. If the complete subdivision plan cannot be shown on one sheet, then two or more sheets of the same size, with an index and match lines may be submitted. The subdivider shall tender offers of cession in a form certified as satisfactory by Legal Counsel for the town, of all lands included in streets, highways or parks not specifically reserved. Approval of the plat by the Raymond Planning Board shall not constitute an acceptance by the town of the dedication of any street, highway, park, or other public or open spaces. A bond or other Performance Guarantee, if required, also must be filed. A New Hampshire Department of Environmental Services SubdivisionApproval also must be presented.

B. Board Action on Plats

1. No plat shall be approved or disapproved by the Raymond Planning Board without affording a public hearing thereon. Notice shall be given in accordance with RSA 676:4-1(d).
2. At the public hearing, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing.
3. No application may be denied or approved without a public hearing on the application unless the following situations occur:

~~i.~~ —The subdivision consists of a minor lot line adjustment or boundary agreement which does not create a buildable lot. However, notice to the abutters and holders of conservation,

Approval of the plat shall be made by written endorsement of the Chairman, Vice Chairman or Secretary of the Board on the original, reproducible, transparent mylar. Approval of the Board may be conditional upon completion of such improvements as the Raymond Planning Board deems necessary. These conditions will be identified in the Subdivision Performance Agreement executed by the Town of Raymond and the applicant, and will be added to the plat prior to recording. The agreement becomes a part of the registration documents with the Rockingham County Registry of Deeds.

D. Conditional Approval

The Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

1. Minor plan changes, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgment, or
2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the board, or
3. Conditions with regard to the applicant's possession of permits and approval granted by other boards or agencies

All other conditions shall require a hearing and notice as required by NH RSA 676:4 I (i) before approval becomes final. All conditions precedent (those which must be completed before final approval is given) must be completed within 6 months of approval, unless a mutually agreeable extension has been granted by the Planning Board. If the conditions are not met within 6 months of approval, or within any extension period, then the approval shall lapse. Extensions shall be granted only if no amendments have been made to the zoning ordinance or subdivision regulations which would make the plan nonconforming and only if all required permits are still valid.

E. Administrative Fees and Expenses

All expenses incurred by the Town of Raymond in processing an application for final plan approval shall be borne by the applicant. These fees may include those necessary for document review and other

section, such amount in excess of the deposited amount shall be paid to the Treasurer prior to the final acceptance of the improvement and prior to the release of any bond money deposited under these regulations.

G. Subdivision Performance Agreement

As a condition of the Planning Board's approval of a Subdivision, the applicant shall execute a Subdivision Performance Agreement. This document shall outline the understanding of the Board and the applicant as to the terms and conditions of the approval. The Subdivision Performance Agreement shall be prepared for signing within two weeks of the date of the Notice of Decision, with the costs of preparation being borne by the applicant as provided by NH RSA 674:4, I(g).

H. Failure of the Board to Take Action

The Raymond Planning Board shall act to approve, conditionally approve, or disapprove within 65 days after acceptance of an application, subject to extension or waiver as provided in RSA 676:4, I(c)(1).

I. Filing with Registry of Deeds

The Raymond Planning Board shall promptly file said Final plan with the Rockingham County Registry of Deeds within five (5) working days of certification that all conditions of approval have been met. All conditions required at the time of approval shall be listed on the Final plan to be recorded.

J. Deeds

Deeds for all land to be conveyed shall be prepared to agree with and make reference to the approved subdivision plat.

K. Impact Fees and Off-Site Improvements

Impact fees will be assessed pursuant to the Impact Fee Ordinance and the Impact Fee Schedule and Methodology as it may be amended from time to time. Additionally, the Planning Board may, if it determines that specific off-site improvements are required which specifically arise from the proposed development, impose fees for such improvements in an amount which bears a rational nexus to the development and which is consistent with New Hampshire law.

~~and identify the name of all utilities sharing, and poles or conduit located within the street or utility system for which acceptance is sought.~~

O. Change of Design and Improvements

If at any time before or during the construction of required improvements it is demonstrated that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Raymond Planning Board may authorize changes provided these changes are within the spirit and intent of the Board's approval and do not extend to the modification or substantial alteration of the function of any improvements required by the Raymond Planning Board.

After a duly noticed Public Hearing, the Raymond Planning Board shall issue an authorization under this section in writing. Any authorized change shall be included on the official subdivision plat, and notice of the authorized change shall be transmitted to the Rockingham County Register of Deeds.

P. Changes, Erasures and Modifications

No changes, erasures, modifications or revision shall be made in any subdivision plat after approval has been given by the Raymond Planning Board and endorsed in writing on the plat, except as herein provided. In the event that any such plat is recorded without complying with this requirement, the same shall be considered null and void and the Raymond Planning Board shall institute proceedings to have the plan stricken from the records of the Rockingham County Registry of Deeds.

Q. As required by RSA 674:39 every subdivision plat approved by the Planning Board and properly recorded in the registry of deeds (and for site plans, recording if such is ever required by Planning Board, or local regulations) shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by the Town or Planning Board, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of approval; provided that:

~~1.~~ Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 12 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers

(25%) threshold set forth above shall be applied automatically to the proposal as part of these regulations and no further vote of the Planning Board is required to make them a condition of approval.

Failure of the Planning Board to specify by way of these regulations or as a condition of subdivision approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat approved by the Planning Board to the 4-year exemption as described in subsection A above. The Planning Board may, for good cause, extend the 12-month period set forth in subsection A 1.

ARTICLE IV – GENERAL REQUIREMENTS

4.1 COMPLIANCE WITH REGULATIONS

No subdivision of land shall be made, and no land in any subdivision shall be sold or offered for sale or lease, and no street or utility construction shall be started until a plat prepared in accordance with the requirements of these regulations has been approved by the board and other required permits have been issued. The subdivider shall familiarize himself with all state and town regulations relative to health, buildings, road, water regulations and other pertinent data so that he is aware of the obligations and standards expected. The subdivider may avail himself of the assistance of the board before preparation of applications or plans.

4.2 OTHER REGULATORY APPROVALS

The Raymond Planning Board shall require written copies of decisions relative to the proposed subdivision made by, but not limited to:

- N. H. Department of Environmental Services Water Division
- N. H. Department of Environmental Services Wetlands Board

4.3 RESPONSIBILITY FOR REQUIRED IMPROVEMENTS

All costs of required improvements shall be borne by the subdivider.

4.4 CHARACTER OF LAND FOR SUBDIVISION

for building purposes. Lot lines for newly proposed lots shall be perpendicular to the right-of-way. Proposals to subdivide land with inadequate capacity for sanitary sewage disposal may be required to provide additional acreage per lot, over the amount specified in the Zoning Ordinance.

4.5 CONFORMITY

All subdivision plans shall conform to the Zoning Ordinance of the Town of Raymond and to the subdivision regulations herewith prescribed, and they shall be guided in their layout by any comprehensive plans that the Raymond Planning Board may have adopted covering the area involved before receiving final approval.

4.6 CERTIFICATION

The subdivider shall certify before any plat is approved by the Board that all arrangements have been made with the appropriate governmental agencies, private utilities and other agencies, including town departments, to provide and install in the manner customary in the town all usual and necessary utilities and services to each of the lots in the subdivision, unless otherwise exempted by the Raymond Planning Board.

4.7 CONSTRUCTION SITE STORMWATER RUNOFF CONTROL: EROSION AND SEDIMENT CONTROL

A. Introduction and Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil can also cause damage to adjacent properties and impair the function of municipal drainage systems and infrastructure. In addition, clearing and grading during construction cause the loss of native vegetation that support terrestrial and aquatic habitats.

The purpose of this regulation is to safeguard persons, protect property, and prevent damage to infrastructure and the environment in Town of Raymond. This regulation will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in Town of Raymond.

Waterway: A channel that directs surface runoff to a watercourse or to the public storm drain.

C. Site Plan Review Approval

1. A site plan application proposing land-disturbing activity of 3,000 or more square feet requires the approval of an Erosion and Sediment Control Plan.
2. A site plan application proposing land-disturbing activity of 3,000 or more square feet requires the approval of an Erosion and Sediment Control Plan.
 - a Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - b Existing nursery and agricultural operations conducted as a permitted main or accessory use.
3. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
4. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that an engineer or construction site manager shall be on site on all days when construction or grading activity takes place.
5. The applicant will be required to file performance guarantee, letter of credit, or other improvement security in an amount deemed sufficient by the Planning Board to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the Planning Board, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site. If a performance guarantee is required for overall general site construction, sediment and erosion control measures shall be included in the construction cost estimate for the performance guarantee.

D. Erosion and Sediment Control Plan

1. The Erosion and Sediment Control Plan shall include the following:
 - a A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. Note: This map should be at a scale no smaller than 1"=100'

2. Volume 3 Erosion and Sediment Controls During Construction (December 2008 as revised), shall be utilized.
3. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
4. Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Planning Board.
5. Erosion control requirements shall include the following:
 - a Soil stabilization shall be completed within five days of clearing or inactivity in construction.
 - b If seeding or another vegetative erosion control method is used, it shall become established within two weeks or (erosion and sediment control agency) may require the site to be reseeded or a nonvegetative option employed.
 - c Special techniques that meet the design criteria outlined in (erosion and sediment control manual) on steep slopes or in drainage ways shall be used to ensure stabilization.
 - d Soil stockpiles must be stabilized or covered at the end of each workday and maintained at no greater than 1:1 slope.
 - e The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
 - f Techniques shall be employed to prevent the blowing of dust or sediment from the site.
 - g Techniques that divert upland runoff past disturbed slopes shall be employed.
6. Sediment controls requirements shall include
 - a Settling basins, sediment traps, or tanks and perimeter controls.
 - b Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by (erosion and sediment control agency)
 - c Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
7. Waterway, watercourse and wetland protection requirements shall include when applicable:
 - a A temporary stream and/or wetland crossing installed and approved by the NH Department of Environmental Services (NHDES) if a wet watercourse or wetland will be crossed regularly during construction.

accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall

- a Minimize increases in stormwater runoff from any development to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels.
- b Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality.
- c Minimize the total volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic condition to the maximum extent practicable as allowable by site conditions.
- d Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety or cause excessive municipal expenditures.
- e Protect the quality of groundwater resources, surface water bodies and wetlands.

B. Minimum Thresholds for Applicability

1. The Post-Construction Stormwater Management Standards apply to subdivisions that result in creation of a private road or a road intended for adoption as a public road. All stormwater runoff generated from the proposed private or public roadway(s) and any other stormwater runoff contributing to the roadway stormwater management system(s) shall be managed and treated in full compliance with these standards.
2. For subdivisions comprising lots with frontage on existing private or public roadways, roadside drainage and any other stormwater runoff from the new lots discharging to the roadside drainage system must be managed for: stormwater runoff quantity/volume; and water quality treatment if stormwater is discharged to the municipality's drainage system subject to the EPA MS4 permit.
3. The following activities are considered exempt from preparing and submitting a stormwater management plan:
 - a Agricultural and forestry practices located outside wetlands and surface water setbacks and/or buffers.

e shall be located and designed to not drain directly to receiving waters and maintained with good housekeeping measures in accordance with NH DES published guidance. Runoff from snow and salt storage areas shall enter treatment areas as specified above before being discharged to receiving waters or allowed to infiltrate into the groundwater. See NHDES published guidance fact sheets on road salt and water quality, and snow disposal at

<http://des.nh.gov/organization/commissioner/pip/factsheets/wmb/index.htm>

- f Surface runoff shall be directed into appropriate stormwater control measures designed for treatment and/or filtration to the MEP and/or captured and reused onsite.
- g All newly generated stormwater from new development shall be treated on the development site. Runoff shall not be discharged from the development site to municipal drainage systems or privately owned drainage systems (whether enclosed or open drainage) or to surface water bodies and wetlands in rates greater than discharged under existing conditions (developed condition or undeveloped condition). A development plan shall include provisions to retain natural predevelopment watershed areas on the site by using the natural flow patterns.
- h. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 60% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008, as amended (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

2. Submission Requirements for Stormwater Management Report and Plans

- a. The SMP shall include 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 BMP, including BMP GIS coordinates and GIS files; 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 (see Table 1. Stormwater Infrastructure Design Criteria) at each of the outlet locations shall be included.
- b. The SMP shall describe the general approach and strategies implemented, and the facts relied upon, to meet the goals of Section 1.15-3. A and C.: The SMP shall include design plans and/or graphical sketch(es) of all proposed above ground LID practices.
- c. The SMP shall include calculations of the change in impervious area, pollution loading and removal volumes for each best management practice, and GIS files containing the coordinates of all stormwater infrastructure elements (e.g. catch basins, swales, detention/bioretenion areas, piping).
- d. The SMP shall include a description and a proposed Site Plan showing proposed erosion and sediment control measures, limits of disturbance, temporary and permanent soil stabilization measures in accordance with the NHDES Stormwater Manual Volume 3 (most recent version) as well as a construction site inspection plan including phased installation of best management practices and final inspection upon completion of construction.
- e. The SMP shall include a long-term stormwater management BMP inspection and maintenance plan (see Section 1.15-2.E) that describes the responsible parties

- c convey stormwater to allow for maximum groundwater recharge. This shall include, but not be limited to:
- i. Maximizing flow paths from collection points to outflow points.
 - ii. Use of multiple BMPs.
 - iii. Retention of and discharge to fully vegetated areas.
 - iv. Maximizing use of infiltration practices.
 - v. Stormwater System Design Performance Standards.
- d Stormwater system design, performance standards and protection criteria shall be provided as prescribed in Table 1 below. Calculations shall include sizing of all structures and best management practices, including sizing of emergency overflow structures based on assessment of the 100-year 24-hour frequency storm discharge rate.
- e The sizing and design of stormwater management practices shall utilize new precipitation data from the Northeast Region Climate Center (NRCC) or the most recent precipitation atlas published by the National Oceanic and Atmospheric Administration (NOAA) for the sizing and design of all stormwater management practices. See the NRCC website at <http://precip.eas.cornell.edu/>.
- f All stormwater management practices involving bioretention and vegetative cover as a key functional component must have a landscaping plan detailing both the type and quantities of plants and vegetation to be in used in the practice and how and who will manage and maintain this vegetation. The use of native plantings appropriate for site conditions is strongly encouraged for these types of stormwater treatment areas. The landscaping plan must be prepared by a registered landscape architect, soil conservation district office, or another qualified professional.
4. Spill Prevention, Control and Countermeasure (SPCC) Plan. Any existing or otherwise permitted use or activity having regulated substances in amounts greater than five gallons, shall submit to the local official such as Fire Chief or Emergency Response Official a SPCC plan for review and approval. The Plan will include the following elements:

- b. Resurfacing of an existing paved surface (e.g. parking lot, walkway or roadway).
 - c. Pavement excavation and patching that is incidental to the primary project purpose, such as replacement of a collapsed storm drain.
 - d. Landscaping installation and maintenance.
3. Redevelopment applications shall comply with the requirements of Sections C.2 Submission Requirements for Stormwater Management Report and Plans, C.3 General Performance Criteria for Stormwater Management Plans, and C.4 Spill Prevention, Control and Countermeasure (SPCC) Plan.
4. 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 MEP.
5. 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 MEP to provide treatment of runoff generated from at least 60% of the entire developed site area.
6. Runoff from impervious surfaces shall be treated to achieve at least 80% removal of Total Suspended Solids and at least 60% removal of both total nitrogen and total phosphorus using appropriate treatment measures, as specified in the NH Stormwater Manual. Volumes 1 and 2, December 2008, as amended (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

c flooding impacts that would result from not providing on-site management for large storm events.

E. Stormwater Management Plan and Site Inspections

1. The applicant shall provide that all stormwater management and treatment practices have an enforceable operations and maintenance plan and agreement to ensure the system functions as designed. This agreement will include all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater system. The operations and maintenance plan shall specify the parties responsible for the proper maintenance of all stormwater treatment practices. The operations and maintenance shall be provided to the Planning Board as part of the application prior to issuance of any local permits for land disturbance and construction activities.
2. The applicant shall provide legally binding documents for filing with the Registry of Deeds which demonstrate that the obligation for maintenance of stormwater best management practices and infrastructure runs with the land and that the Town has legal access to inspect the property to ensure their proper function or maintain onsite stormwater infrastructure when necessary to address emergency situations or conditions.
3. The property owner shall bear responsibility for the installation, construction, inspection, and maintenance of all stormwater management and erosion control measures required by the provisions of these regulations and as approved by the Planning Board, including emergency repairs completed by the Town.

F. Stormwater Management Plan Recordation

- ~~1.~~ Stormwater management and sediment and erosion control plans shall be incorporated as part of any approved site plan. A Notice of Decision acknowledging the Planning Board approval of these plans shall be recorded at the Registry of Deeds. The Notice of Decision shall be referenced to the property deed (title/book/page number) and apply to all persons that may acquire any property subject to the approved stormwater management and sediment control plans. The Notice of Decision shall reference the

3. right but not the obligation and accepts no responsibility, to repair or maintain stormwater infrastructure if a property is abandoned or becomes vacant.
4. Landowners shall be responsible for submitting a report to the Planning Department or designated agent by September 1 every two years, with the first report due within two years of the receipt of an Occupancy Permit. The report shall be signed and stamped by a qualified professional engineer of the landowner's choice that all stormwater management and erosion control measures are functioning per the approved stormwater management plan. The report shall note if any stormwater infrastructure has needed any repairs other than routine maintenance and the results of those repairs. If the stormwater infrastructure is not functioning per the approved stormwater management plan the landowner shall report on the malfunction in their report and include detail regarding when the infrastructure shall be repaired and functioning as approved.
5. If no report is filed by September 1 in the year the report is due, the Select Board or their designated agent shall have site access to complete routine inspections to ensure compliance with the approved stormwater management and sediment and erosion control plans. Such inspections shall be performed at a time agreed upon with the landowner.

Table 1. Stormwater Infrastructure Design Criteria

Design Criteria	Description
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No privately owned reserved strip, except an open space area, shall be permitted which controls access to any part of the subdivision or to any other parcel of land from any street or from any land dedicated or which may be dedicated to public use.

4.11 PRESERVATION OF EXISTING FEATURES

Existing features which would add value to the subdivision, such as trees, watercourses, falls, brooks, historic spots and similar irreplaceable assets, shall be preserved in the subdivision to the greatest extent possible, as determined by the Board.

Land shall be subdivided and improved in reasonable conformity to existing topography in order to minimize grading, cutting and filling and in order to retain the natural contours, limit storm water runoff and conserve the natural cover and soil.

Variations allowed under this Article shall not apply to the provisions of Article 4, section 4:10 with respect to the "Special Flood Hazard Areas".

ARTICLE V – SUBMISSION REQUIREMENTS

Plan

5.1 GENERAL

The plan shall be prepared by a licensed land surveyor, in conjunction with a professional engineer and/or a licensed landscape architect, at a convenient scale of not more than one inch (1") equal to one hundred feet (100'). The plat may be prepared in ink or pencil and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the Office of the Rockingham County Register of Deeds, but shall be no larger than twenty-two inches by thirty-four inches (22" x 34"). It should be noted that the map prepared for the plan may also be used for the final subdivision plat, and therefore, should be drawn on reproducible Mylar in ink.

5.2 DRAFTING REQUIREMENTS FOR PLAN

- A. Applicant/Agent name and address, including telephone number of applicant; Name and address, including telephone number, of legal owner or owners owning ten percent or more of the property; citation of last instrument conveying title to each parcel or property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference; name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys (i.e., surveyor, engineer, architect, wetland scientist, soils scientist, etc.); any legal descriptions.
- B. Subdivision name, if not within a previously platted subdivision. The proposed name shall not duplicate phonetically the name of any plat previously recorded in the town. Proposed names of any streets shall not duplicate phonetically the name of any existing or platted streets in the town.
- C. Abutting property owner names, addresses, Map and Lot numbers, and Registry of Deeds References (i.e., Volume and Page of recorded instrument of ownership) for all abutters to the proposed subdivision. Three sets of mailing labels, along with a list of names, addresses

- O. reservation, with designation of the purpose thereof and conditions, if any, of the dedication or reservation.
- P. A copy of such private deed restrictions and/or covenants as are intended to cover part or all of the tract, to be submitted on a separate sheet.
- Q. An overlay of the plat showing floodplain boundaries in relation to the Federal Floodplain Management Maps.
- R. An overlay of the soil maps of the Town of Raymond, showing all poorly and very poorly drained soils and all areas of greater than 25% slope and exposed ledge.
- S. Location of all existing wells and septic systems.
- T. All restrictions and stipulations relevant to the plat.
- U. Existing topography of the land to be subdivided shall be shown at contour intervals not exceeding two feet Spot elevations shall be shown where slope is less than 2 %. Contours shall be shown in dashed lines. Topography may be derived from aerial photography or Lidar in non-developable areas. Areas being developed shall be obtained through field survey only.
- V. Soils types and boundaries based upon an on-site survey and soil conservation service data. Soil boundaries shall be shown by dotted lines.
- W. Full legal descriptions of the drainage easements, size easements, right of ways, covenants, reservations and other restrictions shall accompany the plan with notations of each on the plan.
- X. A title block shall be located in the lower right-hand corner of the plat.
- Y. Types and location of bounds and other monumentation, existing and to be set. All street lines shall be delineated by 4" x 4" x 3' granite markers and all others shall be iron pins or drilled holes, as appropriate.
- Y. Z. The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for disapproval of a plan.

5.4 FINAL PLAN

In addition to the information required for a plan (refer to Chapter 5, section 2) and along with other submittal items (refer to Chapter 5, section 3), the following is required:

- A. Adequate space should be available on the plan for the necessary endorsement by the proper authorities. Wording for this shall read, "Approved by the Raymond Planning Board on (date approved by the Raymond Planning Board at a regular Public Hearing). Certified by: Chairman, Vice Chairman or Secretary or member."
- B. The state seal of the surveyor and, if used to prepare the plans, the engineer, soil scientist or wetlands scientist.
- C. The error of closure, to be not less than one in ten thousand (1 in 10,000), shall be entered on the plan along with the method of closure.
- D. Typical street cross section.
- E. All final proposed water courses and drainage ways with the directions of flow indicated.
- F. All dimensions required in Articles 5.2(l) to 5.2(o), to the nearest one/one hundredth ($1/100^{\text{th}}$) foot. All dimensions in Article 5.2 (i) and (k) to the nearest one tenth ($1/10^{\text{th}}$) foot. Average widths for water course and drainage ways. Dimensions of ponds and standing water are not necessary. Bearings of all property lines must be shown to the nearest one second of arc.
- G. Street right of way lines shall show the length of each tangent segment to the nearest one one-hundredth ($1/100^{\text{th}}$) of a foot and the bearing along it to the nearest one second of an arc. Also, the length, central angle, (delta) radius, and length of tangent of each curved segment.
- H. Location and type of all permanent monuments.
- I. Names of proposed streets.
- J. Reference to the deed number of the property owners, as: "Land owned by _____ and described by deed recorded in Volume number _____, Page number _____, at the Rockingham County Registry of Deeds, Brentwood, New Hampshire. Recorded on _____."

- F. Benchmarks comprising pertinent points of known elevation, tied into the USGS system datum, as well as 3 points on the State Plane Coordinates system, shall be shown on all plan sheets.

5.6 DESIGN OF STREETS AND ROADS

A. Road Layout

A. : Streets shall be laid out to provide for a reasonable flow of traffic including anticipated future growth and use.

1. Arrangement of streets will allow for connection to existing subdivisions and will allow for connection to future subdivisions. Linearly connecting streets should bear the same name.
2. Streets shall be logically related and in harmony to the existing topography so as to reduce disturbance to slopes and wetlands.
3. Blocks shall not be greater than 1,000 feet in length nor less than 200 feet in length. Streets entering from opposite sides of a street should be located directly across from one another or, otherwise, offset by a minimum of 150 feet.
4. Cul-de-sacs shall be required on all dead ends and shall conform to the requirements of Sub Section 5.
5. Each lot shall be provided with two independent access routes from the Raymond Fire Station and/or otherwise shall not be located more than 1,000 feet from a point with two such access routes. Both access routes shall be located entirely over state and/or Raymond town roads.
6. A turn-around for school buses and snow plows will be provided at each town line crossing. Said turn-around shall meet the requirements for a temporary cul-de-sac.
7. Local rural and urban streets shall be designed to encourage passive speed control.
8. Regardless of street ownership (public or private) all roadways shall meet the

Methods of design shall conform to the specifications of the American Association of State Highway and Transportation Officials (AASHTO).

1. Bridges and other structures shall be designed and detailed according to current standards of the AASHTO and the New Hampshire Department of Transportation (NHDOT). Bridges shall be designed for a state certified loading of 99,000 pounds gross weight and for AASHTO HS-20 loading, shall pass a 50-year flood design to meet flood conditions without water touching the bridge deck supports or creating backwater outside the property of the developer, and shall be a minimum width of 24 feet curb to curb and 28 feet rail to rail to provide room for pedestrians a pedestrian walkway 4 feet wide.
2. Fill slopes will be no steeper than 4:1, but may be as steep as 2:1 if guardrails are provided. Ledge shall slope away from the roadway at a minimum of 12:1 slope and shall be entirely located outside the right of way.
3. Special trees, stone walls, historical artifacts and other points of interest shall be identified during the design process, shall be shown on the preliminary plans, and shall be brought to the attention of the Raymond Planning Board. All such objects shall be left in place if more than 8 feet from the edge of pavement.
4. Pavement shall be centered in the right of way.
- ~~5.~~ Streets shall intersect at an angle of 90° or at any angle contrary to 5. major traffic flow as determined by the Raymond Planning Board.
6. Highway finish grades shall be a minimum of four feet (4') above annual high water and any underlying ledge or bedrock.
7. Drainage for the entire subdivision shall be designed by a Registered Professional Engineer. Complete drainage plans and calculations shall be submitted to the Planning Board. Copies of applications for all permits such as for Dredge and Fill, Corps of Engineers and EPA also shall be submitted.
8. Functional Classification of Roads
 - a Arterial Roads – major roads which carry substantial traffic volumes and are designed to provide access to distant parts of the town or state.

Right of Ways (ROW) shall be established in accordance with the following regulations:

1. Minimum right of way widths for each functional classification of road are given in the design matrix.
2. Right of Way for permanent cul-de-sacs shall have a minimum radius of 75 feet.
3. Property lines at street intersections shall be joined on the plat by a fillet which provides the same minimum distance from edge of pavement apron which is provided by the right of way for that classification of road.
4. Permanent maintenance easements for cross culverts shall be provided.
5. Temporary construction easements for slopes will be shown on the plan.
6. Right of ways for future roads shall include adequate easements for necessary slope and drainage work. Profiles and cross sections shall be submitted showing the proposed construction details.
7. All areas disturbed during construction within or adjacent to a right of way shall receive a final surface treatment of either loam and seeding or asphalt pavement, whichever is more applicable.

D. The following geometric design standards shall apply to all road designs, whether public or private.

1. Grades of streets shall not exceed 8.0%. At intersections, the grade on the minor street shall not exceed 2.0% within 75 feet of the edge of pavement of intersecting roads.
2. For all changes in grade, vertical curves shall be provided according to the design matrix. All K values shall be shown on construction drawings.

Right of Way Design Matrix*

Criteria	Public Roads				
	Collector - Rural	Collector - Urban	Local Rural	Local Urban	Private Road
Average Daily Traffic Volume (ADT)	750 to 2,000	750 to 2,000	<750	<750	<750
Design Speed	30 MPH	25 MPH	25 MPH	25 MPH	15 MPH
Minimum ROW Width	50'	50'	50'	50'	n/a
Minimum Pavement Width	24'	24'	22'	22'	20'
Minimum Shoulder Width each side	4'	none (curbed)	4'	none (curbed)	2'
Minimum Horizontal Curve Radius	250'	200'	200'	200'	110'
K-value / Crest	30	20	20	20	10
K-value / Sag	35	30	30	30	20
Minimum Tangent Length	100'	75'	75'	75'	50'
Stopping Sight Distance	200'	155'	155'	155'	125'
Curbing Requirement	No	Yes	No	Yes	No
Sidewalk Requirement	No	Yes	No	Yes	Yes **
Closed Drainage Requirement	No	Yes	No	Yes	No

Information for 25MPH/20MPH was gathered from AASHTO "A Policy on Geometric Design of Highways and Streets" 2011 6th Edition

Minimum Horizontal Curve Radius from Table 3-13b (Minimum Radii for Low-Speed Urban Streets)

K-value/Crest, K-value/Sag & Stopping Sight Distance from Tables 3-34 and 3-36 (Design Controls for Crest and Sag Vertical Curves)

For Rural Collectors, use AASHTO Green Book

For Urban Collectors, use *Designing Walkable Urban Thoroughfares -- A Context Sensitive Approach*

* Any waiver request must meet minimum AASHTO standards

** Sidewalks are required on private streets serving 20 units or more

** Sidewalks are required on private streets serving 20 units or more

3. The subdivider shall install laterals from all utilities in the street right of way to 5 feet inside the property line of each proposed building lot within the subdivision.
4. Electric lines, telephone lines, cable television distribution lines, and alarm systems shall be placed underground, including services to street lights. The subdivider shall coordinate subdivision design with the utility companies to ensure adequate and suitable area for underground installations. This design shall be on the final plan before final approval by the Raymond Planning Board.
5. The design of on-site sewage disposal systems for all subdivisions shall meet the requirements promulgated by the N. H. Department of Environmental Services Subsurface Systems Bureau. The design of off-site sewer disposal facilities will meet the requirements promulgated by the Town of Raymond Sewer Commission, when established.
6. The design of all water distribution and fire suppression facilities shall be in accordance with Town of Raymond Water Department regulations, AWWA and NFPA standards.
7. All utilities shall be protected by and installed within permanent easements to be transferred to the town if said utility is located within private land. Minimum easement width shall be 25 feet.

G. Fire Protection and Emergency Access

The applicant shall meet with the authorized representative of the Fire Department to review fire protection and suppression improvements such as fire alarm/sprinkler systems, pressure hydrants, dry hydrants, and cisterns, and to review site access and/or any other improvements that shall be required for approval.

1. All new subdivisions shall be required to be located within one half mile of an adequate pressure hydrant, dry hydrant, or cistern.

- 1 Hydrants will be placed at the beginning and end of every development and will be placed at distances not exceeding 1,000 feet of roadway in a residential development, or every 500 feet in industrial/commercial parks.
- 2 Hydrants will pass a flow test of 1,000 GPM at 20 psi residual in residential areas (to be witnessed by the Fire Department).
- 3 Hydrants in industrial and commercial parks will be flow tested, two at a time, each to provide 1,000 GPM at 20 psi residual (to be witnessed by the Fire Department).
- 4 Hydrant gates, pipes and aperture will be as described in the Raymond Water Department "Guideline Specification for Design and Construction of Water Mains."
- 5 If necessary, the applicant shall be required to make system improvements necessary to comply with Items 2 and 3 above, at his or her own expense.

f Emergency Access

The Fire Chief shall require a key box for any new, non- residential, multi-family, commercial, or industrial construction in any property protected by an automatic alarm system or where access to or within openings, or where immediate access is necessary for life saving or ~~fire fighting~~firefighting purposes. The key box shall be of a type approved by the Fire Chief and is to be installed in an approved location. Key box installations shall be in accordance with Fire Department instructions for same.

H. Landscaping

All Subdivisions shall be adequately and suitably landscaped. It is the intent of this regulation to encourage the planting and/or replanting of both hard- and soft-wood trees in an effort to provide continued and adequate shade, animal habitat, sound attenuation, air filtration, radiation protection and sight aesthetics. The following shall be considered the minimal landscaping effort acceptable to address this requirement.

8 the Planning Board determines that the open slopes detract from the wooded character of the community, trees of no less than 6 feet in height shall be planted 20 feet on center or as otherwise directed.

I. Streetlights

At the discretion of the Planning Board, a street light shall be installed at each intersection in order to adequately light same.

1. Street lights shall be single fixture units providing sufficient light to adequately illuminate the intersection in conformance with the Site Plan Outdoor Lighting Design Standards.
2. Sodium Vapor lamps shall not be used or acceptable.
3. Light posts shall be located a minimum of eight feet from the edge of pavement, but in no case shall light poles be located in ditch lines.

ARTICLE VI – SUBDIVISION AGREEMENT AND PERFORMANCE GUARANTEE

As part of the granting of an approval, the Raymond Planning Board shall require the applicant to execute a Subdivision Agreement. The Agreement shall be prepared by the Planning Board within two weeks of the date of the Notice of Decision. The Agreement must be executed within 45 days and prior to the start of any work. The Raymond Planning Board shall require a Subdivision Performance Bond be posted before the Code Enforcement Officer issues any building permits. However, under no circumstances shall any improvements be made to the site prior to signing a Subdivision Performance Agreement and establishment by the applicant of an Inspection Escrow Account with the Public Works Director.

The cost of improvements required, which will be used to determine the amount of the Performance Bond, may be established by either of the following two methods:

- The applicant may provide cost estimates for the construction of streets, monuments, hydrants, or water facilities for the subdivision, based upon standard cost preparation guides such as prepared by R. S. Means Company, Inc. or Equipment Guide Book Company, or based upon the

an amount approved by the Planning Board, which amount shall not be less than five percent (5%) of the site improvement bond estimate. Interest earned from said escrow account, along with 10% of the final inspection costs, shall be retained by the Town to cover administrative costs.

C. Inspection of Improvements

At least fifteen (15) days prior to the start of construction of any subdivision improvements, the applicant shall pay to the Town the inspection fee required by the Raymond Planning Board, and shall notify other authorized agent, in writing, of the time when construction is proposed to begin. The Town's designated inspection agent shall then cause inspections to be made to assure that all standards, specifications and requirements are met during the construction of required improvements and utilities.

D. Proper Installation of Improvements

If, prior to expiration of any Performance Bond or final inspections performed pursuant to Section B above, the Town's inspection agent finds that any of the required improvements have not been constructed in accordance with approved plans and specifications filed by the applicant, or in accordance with any conditions of the Planning Board's approval, it shall be reported to the Board of Selectmen and to the Raymond Planning Board. The Board of Selectmen then shall notify the applicant and take necessary steps to preserve the Town's rights under the bond or the Subdivision Performance Agreement.

E. Failure to Complete Improvement/Abandonment of Project

When ~~a~~ Performance ~~Bond~~ has been ~~posted~~ and ~~required~~ improvements have not been constructed or installed in accordance with the approved plan, the Board of Selectmen may thereupon declare the applicant to be in default and utilize all legal and equitable remedies, including use of bond proceeds, to complete the project.

F. Release or Reduction of Performance Bond

The Board of Selectmen and Planning Board will not accept dedication of required improvements, nor will a release or reduction of a Performance Bond be ordered, until the Town's authorized inspection agent has submitted a certificate stating that all required improvements have been satisfactorily completed. Prior to such certification, the applicant's engineer or surveyor will certify to the Town's agent, through submittal of detailed, as-built survey plans

development, home or building may be occupied or used unless a Certificate of Occupancy has been issued by the Building Inspector. The Development or Phase of Development must be certified to be substantially complete in order to receive Certificates of Occupancy for the buildings therein.

ABUTTERS - \$10.00 PER NOTICE

For each lot over 23, use the Base Rate multiplied by 4.75 added to the Variable Rate multiplied by the number of new lots. **(BR x 4.75) + (VR x Z)**
{Z is the # of new lots}

Escrow Deposits for Legal/Engineering Review <i>Minor Subdivision (if applicable, TBD by TRC): Fee</i>	\$850
<i>Major Subdivision up to 8 Lots:</i>	\$1,250
<i>9 to 13 lots:</i>	\$1,850
<i>14 to 18 lots:</i>	\$2,250
<i>19 to 23 Lots:</i>	\$2,500
<i>23 to 30 Lots:</i>	\$2,750
<i>Over 30 Lots: To be determined by Town Engineer/Legal Counsel</i>	TBD

Once a balance is reduced to 50% of the original deposit, the applicant shall replenish it to 100% of the amount initially required by this schedule.

Changes to Planning & Zoning Laws in 2024: *A Guide for Municipalities*



New Hampshire Department of
**BUSINESS AND
ECONOMIC AFFAIRS**

*A Joint Advisory of the New Hampshire Municipal Association and the Office of Planning and Development at the New Hampshire
Department of Business and Economic Affairs*

September 2024

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During the 2024 session, the legislature enacted a number of pieces of legislation that affect local planning and zoning processes and regulations. This guide serves as a summary of the effect of those changes.

Summary of Changes Pursuant to SB 437

SB 437 substantially alters municipal adoption of additional local amendments or regulations to the state building code. Under prior law, municipalities could adopt additional amendments to the state building code, provided that such regulations were no less stringent than the requirements of the state building code and the state fire code.

SB 437 amends this authority by continuing to allow municipal adoption of additional amendments to the state building code, which now must not be inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent edition of the state building code adopted under RSA 155-A, or the state fire code adopted under RSA 153, and must relate to one article or section of the code. In other words, it is not permissible under new law to adopt, at the local level, an entirely new code.¹ It is, however, permissible to adopt amendments that are targeted to one article or section of the new code.

As under prior law, locally adopted building code amendments must continue to be submitted to the state building code review board for review and confirmation prior to adoption, no later than 90 days before final adoption in cities and no later than 10 days after the conclusion of the final public hearing in towns. **SB 437** limits the board's review to confirmation that the local amendment complies with RSA 674:51 or RSA 47:22, and a verification with the state fire marshal that there is no conflict with the fire code.

¹ For example, a municipality may not adopt the 2024 International Building Code in its entirety in place of the 2021 International Building Code, as amended by the state building code review board and adopted by the Legislature.

There is also a requirement contained in **SB 437** for municipalities to resubmit local amendments to the state building code and codes adopted prior to July 1, 2024 and their procedural history of adoption per RSA 155-A:10 to the state building code review board for review and confirmation that the local amendments are not less stringent than or inconsistent with the most recent edition of the state building code. HB 1059, which updates the definition of the state building code to include more recent versions of certain international codes and amendments approved by the building code review board, became law on July 1, 2024.

There is a similar requirement in **SB 437** for municipalities to resubmit local amendments to the state fire code adopted prior to July 1, 2024 and the procedural history of adoption per RSA 155-A:10 to the state fire marshal for review and confirmation that the local amendments are not less restrictive than or in conflict with the most recent edition of the state fire code and are based on sound engineering practices. SB 599, which updates the definition of the state fire code to include more recent versions of certain codes and amendments approved by the state board of fire control, became law on August 13, 2024.

These definitional updates by their nature require municipalities to decide whether to readopt local amendments to the state building code and state fire code as the prior adoption now references codes which have changed by legislative action. **These changes went into effect July 1, 2024.**

Summary of Changes Pursuant to HB 1202

HB 1202 includes two provisions. The first provision requires that the Department of Transportation issue driveway permits within 60 days of receiving an application for any existing or proposed residential use of land, including multifamily development that is not classified as a major driveway under the department's policy relating to driveways and access to the state highway system.

The second provision requires that the planning board or its delegate act on driveway permits issued by the Department of Transportation within 65 days of receipt of notification that the Department of Transportation issued the driveway permit.² **These changes go into effect October 22, 2024.**

Summary of Changes Pursuant to HB 1221

HB 1221 includes solid waste landfills in the definition of development of regional impact for the purpose of applications coming before the local land use board. If a solid waste landfill is proposed, any municipality which regulates solid waste landfills in its zoning ordinance, site plan review regulations, or subdivision regulations and requires application to the planning board for local approval of the landfill would be required to provide notice that such application is a development of regional impact to all municipalities located within New Hampshire that are: (a) within the watershed defined by the 8-digit Hydrologic Units from the National Hydrography Dataset 2011 where such landfill is located, and (b) if outside the watershed, located within 10 miles of the boundaries of the proposed landfill. **These changes went into effect September 17, 2024.**

² Generally, after the Department of Transportation issues a state driveway permit, no further action is necessary on the part of the planning board or its delegate.

Summary of Changes Pursuant to HB 1359

HB 1359 defines the phrase “directly across the street or stream” as used in the definition of “abutter” in RSA 672:3 for purposes of receiving testimony as well as notification. This change is intended to overturn the Supreme Court decision in *Seabrook Onestop, Inc. v. Town of Seabrook*, No. 2020-0251 (N.H. Sep. 16, 2021) which determined that under the then-existing definition of “abutter,” any property that is “diagonally across the street” was not an “abutter.”

The new definition includes adjacent properties as “determined by lines drawn perpendicular from all pairs of corner boundaries along the street or stream of the applicant to pairs of projected points on any property boundary across the street or stream that intersect these perpendicular lines. This includes any property that lies along the street or stream between each pair of projected points, or is within 50 feet of any projected point.”

Additionally, **HB 1359** narrows who may appeal to the board of adjustment concerning any matter within the board’s powers pursuant to RSA 674:33 and 676:5 to the applicant, an abutter as defined by RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. **HB 1359** also narrows who may apply for a rehearing of a zoning board of adjustment order or decision, or any decision of the local legislative body or a board of appeals in regard to its zoning, pursuant to RSA 677:2 to the selectmen, any party to the action or proceedings, or an abutter as defined by RSA 672:3. Existing law allowed “any person aggrieved” to appeal or ask for a rehearing. **These changes went into effect September 1, 2024.**

Summary of Changes Pursuant to HB 1361

HB 1361 is a rewrite of the existing manufactured home subdivision statute, RSA 674:32 to clarify the archaic language previously used throughout. Additionally, **HB 1361** requires that municipalities, regardless of whether they permit construction of new manufactured housing parks, allow reasonable and realistic opportunities for the expansion of manufactured housing parks that existed within their geographic boundaries as of July 1, 2024. **These changes went into effect July 19, 2024.**

Summary of Changes Pursuant to HB 1371

HB 1371 grants municipalities the ability to include a waste reduction section in their master plans which outlines a municipality’s solid waste reduction plan, including ways to reduce solid waste disposal, such as increasing reuse, recycling, composting, and/or hazardous and electronic waste management. Under the master plan statute, RSA 674:2, master plans must include a vision and land use section and may include other, statutorily enumerated sections.³ **HB 1371** adds “waste reduction” to the list of *may* include sections. **These changes go into effect September 24, 2024.**

³ Although legally, master plans may only include those sections listed under RSA 674:2, there is no enforcement mechanism and it is often the case that municipal master plans include provisions in addition to those allowed by statute.

Summary of Changes Pursuant to HB 1400

HB 1400 contains the most substantive changes to land use law and combines provisions originally contained within several bills filed this session. The following changes were added:

RSA 79-E: Community Revitalization Tax Relief Incentive

RSA 79-E was updated to allow the local legislative body of a municipality to establish tax relief for the owners of a building or structure currently being used for office use, in whole or in part, if such use is converted to residential use, in whole or in part.⁴ The governing body of a municipality is responsible for designating the boundaries of the office conversion zone within the municipality where this tax relief shall apply. A municipality may also establish criteria for the public benefits, goals, and measures that will determine the eligibility of qualifying structures for tax relief located within a designated office conversion zone. Office use is defined as buildings or structures used or intended for use in whole or in part for the practice of a profession, the carrying on of a business or occupation or the conduct of a non-profit organization or government entity. Office use also includes co-working spaces. **These changes went into effect July 1, 2024, and are repealed January 1, 2035.**

Local Option to Authorize Governing Body to Make Zoning Changes Expanded

A new provision, RSA 674:18-a, provides a local option for local governments with zoning authority vested in their legislative body (*i.e.* non-charter towns, village districts with independent zoning authority, and counties in which there are located unincorporated places) to vote to allow their governing bodies to adopt amendments to the local zoning ordinances and the local zoning map. Under prior law, only cities and charter towns had the authority to decide whether to grant this authority to the governing body. Local governments who seek to adopt this local option should “place the question on the warrant of a special or annual meeting, by the governing body or by petition pursuant to RSA 39:3, or otherwise by acting upon the question of adoption [of this delegation of authority to amend the zoning ordinance and zoning map to the governing body] in accordance with its normal procedures for passage of ordinances.”

If the local legislative body votes to delegate this authority, a majority vote of the governing body during any time of the year, after at least one full public hearing pursuant to RSA 675:7, would be sufficient to amend the local zoning ordinances and map. **These changes went into effect July 1, 2024.**

Local Regulation of Parking Requirements

HB 1400 contains two separate provisions related to local regulation of parking requirements for residential uses. The first authorizes the local legislative body of a city,

⁴ An amendment to the definition of “qualifying structure” under RSA 79-E:2 suggests that conversion from industrial, or commercial use to residential use *also* qualify for tax relief, but no language authorizing local adoption of such conversions were included in new RSA 79-E:4-d. As such, this tax relief is limited to office conversions.

town, or county in which there are located unincorporated towns or unorganized places to regulate “accessory parking for vehicles,”⁵ subject to certain limitations:

- The local regulations cannot require more than 1.5 residential parking spaces per unit for studio and one-bedroom units under 1,000 square feet that meet the requirements for workforce housing under RSA 674:58 IV.
- The local regulations cannot require more than 1.5 residential parking spaces per unit for multi-family developments of 10 units or more.

The second provision requires that, if a proposed residential use proposes to meet the on-site parking requirements prescribed by a local ordinance or regulation with an “alternative parking solution” due to economic considerations,⁶ the planning board shall be required to consider the “alternative parking solution.” The phrase “alternative parking solution” is defined by the statute to mean, “a proposal by an applicant to meet the parking demand created by a proposed residential use as a substitute for meeting the on-site parking requirements.” In other words, once the anticipated parking demand is determined, if the applicant can propose a solution to meeting that demand – other than by meeting the locally adopted on-site parking requirements – then the planning board must consider that alternative.

This second provision is not limited to a specific type of residential use, such as multi-family developments, nor does it require anything more than that the applicant meet the anticipated demand for the proposed residential use. For example, if an applicant proposes a large residential development and can demonstrate that the anticipated demand is lower than the locally adopted regulation, then the planning board must use the anticipated demand as the starting point for how many parking spaces will be required, not the locally adopted regulation. As such, it is possible that a multi-family development of 10 units or more could see an anticipated demand of fewer than 1.5 residential parking spaces per unit, e.g. 1.3 spaces, and that 1.3 spaces would be the start of the inquiry for how to meet the demand, not the locally adopted regulation nor the prior statutory provision of a maximum requirement of 1.5 spaces.

Importantly, this second parking provision states that, “[i]f the applicant can demonstrate that the alternative parking solution will meet the parking demand created by the proposed residential use, a planning board shall be required to approve the alternative parking solution proposed by the applicant.” To continue the example above, if the applicant can demonstrate that the parking demand is 1.3 spaces and the proposed solution meets that demand, then the planning board must approve that solution.⁷

The second provision also states, “if a planning board during the review process of a subdivision plat, site plan, or other land use application for the proposed residential use

⁵ “Accessory parking for vehicles” is not defined, but, presumably, means a use customarily incidental and subordinate to the principal use and located on the same lot with this principal use.

⁶ The phrase “economic considerations” is not defined, but, presumably, means additional cost to meet the local on-site parking requirements as compared to the alternative parking solution.

⁷ Nothing in the new law addresses non-residential uses or mixed-uses.

doesn't agree with the applicant's determination that the alternative parking solution will meet the parking demand created by the proposed residential use, the planning board can request third-party review under RSA 676:4-b, I." This provision goes on to say, "the planning board shall not be required to approve the alternative parking solution if the results of the third-party review under RSA 676:4-b, I, conclude that the proposed alternative parking solution will not meet the parking demand created by the proposed residential use." This provision also clarifies that, "planning boards shall have the authority under RSA 674:16-a to approve residential uses with alternative parking solutions which may be inconsistent with the requirements of their zoning ordinance."

While municipalities which regulate residential parking should update their local regulations to reflect the new statutory minimums listed above, they should also be aware that applicants that challenge the assumed, anticipated demand contained within both the local regulation and the statute, will be evaluated under a different standard based on anticipated demand, not locally or statutorily prescribed minimums.

The first parking provision does not go into effect until January 1, 2025, but the second parking provision went into effect July 1, 2024.

Summary of Changes Pursuant to HB 1567

HB 1567 alters RSA 672:1, V-a, the home-based childcare statute, and adds additional language to RSA 674:16. This replaces the existing requirement⁸ of allowing six full-time preschool aged children and three part-time school aged children at a home-based day care with a requirement that such care is allowed as an accessory use to any primary residential use by right or by conditional use permit if all requirements for such programs adopted in rules of the department of health and human services (He-C 4002) are met. The new section in RSA 674:16, VI also states, "Family or group family childcare...shall not be subject to local site plan review in any zone where a primary residential use is permitted." If a municipality chooses to regulate a home-based childcare via conditional use permit it should pay careful attention to make sure that the conditional use permit requirements don't reference the site plan review requirements or mimic the intent of site plan review. This law doesn't affect the authority of local health inspectors, fire inspectors, and code enforcement officers to regulate and inspect family or group family childcares to ensure compliance with health and safety requirements in the He-C 4002 rules. **These changes go into effect September 24, 2024.**

Time to Get Started

Please understand that this article is only an overview of the changes to these laws. Many of the issues outlined here will require careful review of existing local ordinances and regulations, and municipalities are strongly encouraged to consult with their legal counsel or professional planning staff as they consider how to comply with these new laws. NHMA's legal staff and OPD staff also is available to answer questions about the law, although we do not have the resources to assist with reviewing and drafting ordinances or local regulations.

⁸ Under prior RSA 672:1, V-a, the phrase "should not be discouraged or eliminated" in the statute meant that in effect the care of up to six full-time preschool children and three part-time school age children in the home of a childcare provider, should not be prohibited in any zoning district. However, this language was located in the zoning ordinance purpose statute, and was therefore not actively enforced.


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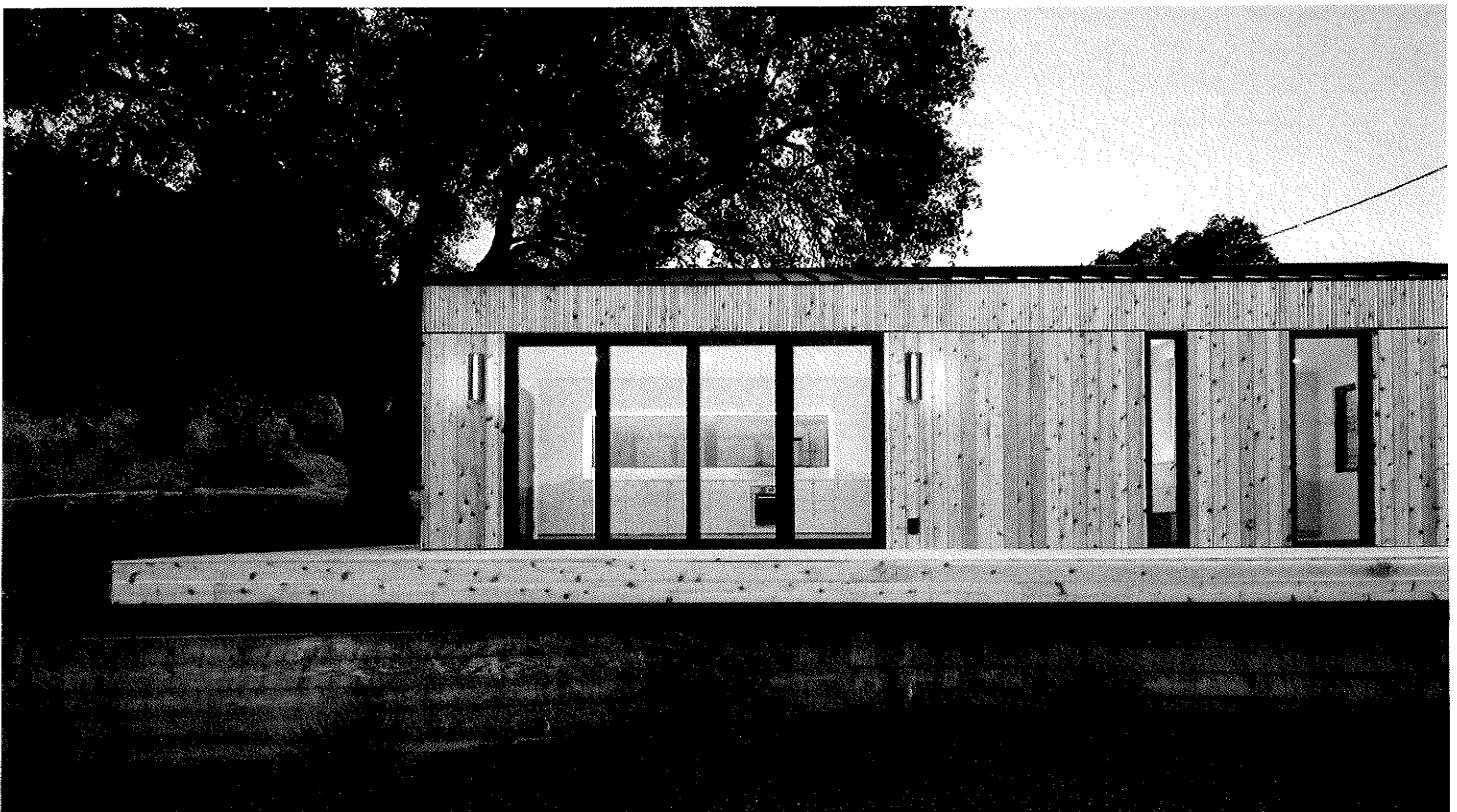
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PLANNING MAGAZINE

New ADU Tools May Unlock Affordable Housing in Your Backyard

From California to Arkansas, ready-made design plans can reduce time and costs during the permitting process.

[TOOLS \(/PLANNING/SECTION/TOOLS/\)](#) HOUSING



The Adobu Dwell House model is a 540-square-foot, one-bedroom, one-bathroom, prefabricated home that is one of the preapproved plans available from the new California ADU Plans Gallery. Photo courtesy of Community Planning Collaborative.

Sept. 26, 2024


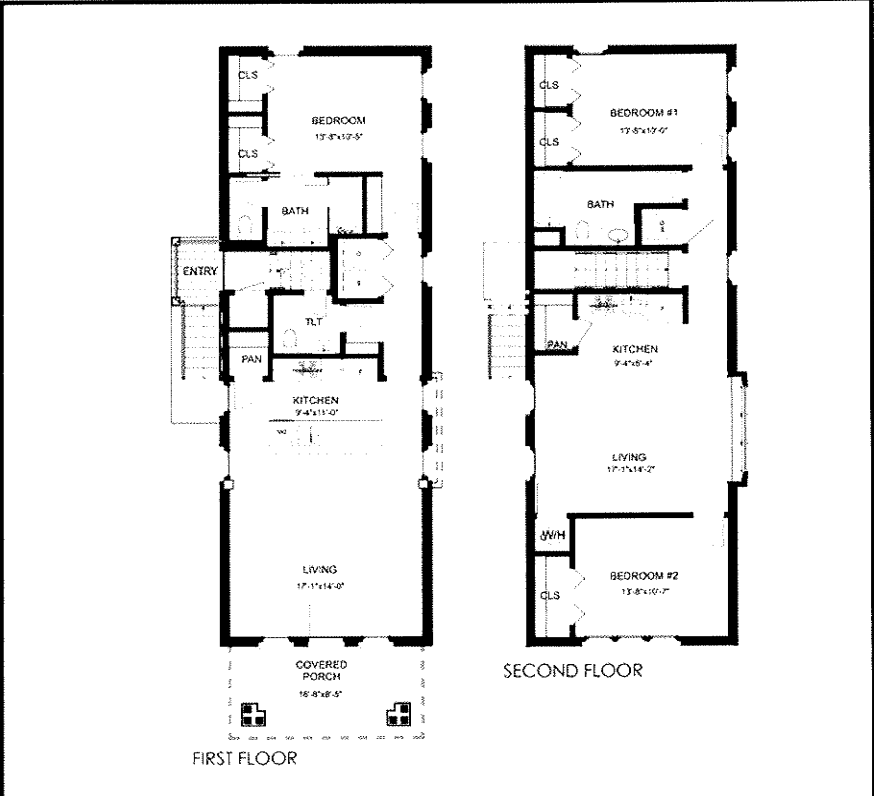
By JON DEPAOLIS

Americans' appetite for more affordable housing is leading a boom for accessory dwelling units (ADUs). In California, that type of housing has doubled since 2020 (https://dof.ca.gov/wp-content/uploads/sites/352/Forecasting/Demographics/Documents/E-1_2024_Press_Release.pdf), according to state estimates. A state law going into effect in 2025 also will require communities to come up with processes for preapproving ADU plans.

As the demand has increased, so has the need for turnkey designs to help local governments and your everyday Average Joe join the party. The California ADU Plans Gallery (<https://ca.aduaccelerator.org/gallery>), created by the Community Planning Collaborative (CPC), was released in August. The web application tool gives users a way to search through both prefabricated and traditional site-built designs. The website also has a demo available for local governments planning to launch a custom tool in the future.

"The California ADU Plans Gallery gives local governments a place to demonstrate what's possible for their communities while providing a publicly accessible database of prefabricated plans approved for use statewide," said David Driskell, principal at CPC, in a press release about the launch. "Digital tools like the ADU Plans Gallery help local governments assist their residents through the challenging ADU process and expand housing supply in their existing neighborhoods."

But California isn't the only place where this type of program is making headlines. The Permit-Ready Building Design Program (<https://www.fayetteville-ar.gov/4294/Permit-Ready-Building-Design-Program>) in Fayetteville, Arkansas, puts turnkey architectural designs for residential construction into the hands of residents wanting to build in the community's downtown and Walker Park neighborhoods. The program — which was approved earlier this year and is about to launch — is one of the case studies in the Housing Supply Accelerator Playbook ([/publications/document/9289884/](https://publications/document/9289884/)).

	
<p style="text-align: center;">The George</p> <p>Duplex Design Option Flex House</p> <p>Footprint: 22' 1" x 59' 6" Units: 2 Beds/Baths: 1/1.5 & 2/1 Square Footage: 932 & 944</p>	

One of the preapproved architectural designs curated by Pattern Zones Co. for Fayetteville, Arkansas. Making it easier to build ADUs is helping the city add gentle density. Original design by MBL Planning.



The city hopes the program will help save residents time and money while also providing new, affordable housing for a growing population, which at the last census was nearly 100,000 people. Applicants will be able to choose from 30 designs, ranging from single family to townhomes and duplexes. All of them were preapproved by the city's Development Services Department.

The Permit-Ready Building Design Program has received positive feedback from the community, with a lot of the excitement stemming from how nice the designs are, says Britin Bostick, AICP, Fayetteville's long-range planning and special projects manager. "One of the most attractive things about the variety of buildings we are offering is that we have duplexes that look like regular houses, and that gives us a couple of options," Bostick says.

He notes that ADUs are allowed by right citywide in Fayetteville and can be up to 1,200 square feet total, attached or detached. Therefore, a duplex that has one unit below the 1,200-square-foot threshold would be allowed in single-family-zoning districts. "We've had a lot of excitement about that and small cottage designs," Bostick says. "The interest — and support — have been incredible."

Bostick says there is already a waitlist of residents wanting to take advantage of the program once it launches. "One of the benefits of this project and hopefully similar future projects is showing options for attractive housing that adds gentle density to neighborhoods where there is a lot of available land," he says.

Unlock ADU Housing Solutions

 Explore ways to increase homes, property values, and promote sustainability with ADUs in this [KnowledgeBase Collection \(/knowledgebase/accessorydwellings/\)](/knowledgebase/accessorydwellings/).


"One of the important deliverables was an analysis of the project area to see how much opportunity exists to add housing because of large lots and zoning entitlements. This gives owners more options, can make space for more renters, and — in a context of high land values — gives us options that are more focused on the existing scale of the neighborhood than just demolishing existing homes and building back much larger structures."

A guide to increasing housing

The Housing Supply Accelerator, a partnership of the American Planning Association and the National League of Cities, explores both the key drivers of the housing shortage and strategies to increase housing availability. In May, it introduced the [Housing Supply Accelerator Playbook \(/publications/document/9289884/\)](/publications/document/9289884/) as a road map for navigating challenges while increasing housing development. It highlights ideas being applied in real places, like Fayetteville.

The case study was included as part of the *Housing Supply Accelerator Playbook's* 13 strategies to support construction and development — in particular, Strategy No. 4: Evaluate, improve and streamline the city's development process, including establishing performance measures and accountability processes related to review timelines.

Jon DePaolis is APA's senior editor.

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May 23, 2024

TOOLS