

SECTION 3: Definitions

Abutter: any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For purposes of receiving testimony only, and not for purpose of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the Town of a Planning Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

Acceptance: the determination by formal vote of the Planning Board that the application is complete according to the Board’s regulations and that the Board will begin formal consideration of the application.**Applicant:** all owners of record of the land to be subdivided, including any subsequent owner(s) of record making any subdivision of such land or any part thereof, or the duly authorized agent(s) of such owner(s).

Approval: recognition by formal vote of the Planning Board, certified by written endorsement of the Chair of the Planning Board on the plat, that the plat meets the requirements of the Durham Zoning Ordinance, Subdivision Regulations, and other municipal ordinances and regulations.

Best Management Practices (BMP): methods and means that have been determined to be the most effective, practical approaches of preventing or reducing pollution and detrimental impacts from stormwater runoff.

Board: the Planning Board of Durham, New Hampshire.

Boundary Line Adjustment: the exchange of abutting land between two or more lots which does not increase the number of lots.

Buffer: a vegetated area or zone separating a development from a sensitive resource or neighboring property in which proposed development is restricted or prohibited.

Building Envelope: an area designated on each lot of a subdivision plan as the area where a building may be constructed.

Building Footprint: the actual outline of a building as shown to scale on a subdivision plan.

Certified Soil Scientist: a person who by reason of special knowledge and experience is qualified to practice soil science and has been duly certified by the New Hampshire Board of Natural Scientists under RSA 310-A:75.

Certified Wetlands Scientist: a person who is certified by the New Hampshire Board of Natural Scientists under RSA 310-A:75 to delineate wetlands boundaries and prepare wetlands maps.

Common Open Space: land within or related to a subdivision that is set aside to conserve natural resource, scenic, cultural, historic, or archeological values, provide active or passive recreation, or accommodate support facilities related to the subdivision, and that is restricted from significant development or intensive use except for approved recreational or support facilities and protected in perpetuity in a substantially undeveloped state through legally binding fee ownership or conservation easements.

Completed Application: the application form and supporting documents, as specified in these regulations, that contains all the information the Planning Board needs to review a subdivision proposal and make an informed decision. All fees and administrative expenses, as indicated in these regulations, must be included. For the submission requirements, see Sections 7, 9, and 10 and Checklist (Attachment 1).

Conceptual Subdivision Plan: a preliminary plan showing the major features of the site and the general layout of the conservation areas, lots and roads together with the preliminary layout and design of the infrastructure.

Conditions of Approval: a written list of specific conditions which the applicant shall meet as part of the project's approval.

Condominium: a building or group of buildings in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional undivided basis. Condominiums shall be considered a subdivision and reviewed accordingly.

Conservation Easement: a nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural, cultural, or historic resources; or maintaining air or water quality and including preservation easements for historic or cultural resources.

Conservation Land: land owned by a public body, land trust, conservation organization, or other group for the purpose of the protection of natural resources or scenic, cultural, historic or archeological values, the provision of open space, and/or for passive recreational use and which is permanently restricted from development or intensive use and protected in perpetuity in a substantially undeveloped state by legally binding arrangements.

Conservation Subdivision: a subdivision meeting the requirements of Section 175-107 of the Zoning Ordinance in which a substantial portion of the site is set aside as permanent, common open space.

Construction Drawings: the maps, drawings, or plans and profiles necessary to detail the construction of all utilities necessitated by a proposed subdivision, including, but not limited to: streets, sewer, water, storm drainage, electrical and telephone.

Development: any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

Disconnected Impervious Cover: the sum of the proposed areas of impervious cover and pavement that receive runoff and, by means of implementing BMPs and LID strategies, is designed to capture and filtrate the precipitation from a 1-inch 24-hour rain event.

Disturbance: any activity that significantly alters the characteristics of the terrain in such a manner as to impede or alter the hydrology or natural runoff pattern, or creates an unnatural runoff.

Effective Impervious Area (EIA): the total impervious surface areas less the area of disconnected impervious cover.

Engineer: a person who engages in the practice of Civil Engineering and is licensed by the State of New Hampshire under RSA 310-A:11.

Findings of Fact: a written list of facts concerning a particular application, with respect to the proposed subdivision and its compliance with the ordinances and regulations of the Town.

Hydrologic Soil Group (HSG): a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from "A" soils, with high permeability and little runoff production, to "D" soils, which have low permeability rates and produce much more runoff.

Impervious Surface: a material with low permeability that impedes the natural infiltration of moisture into the ground so that the majority of the precipitation that falls on the surface runs off or is not absorbed into the ground. Common impervious surfaces include, but are not limited to, roofs, concrete or bituminous paving such as sidewalks, patios, driveways, roads, parking spaces or lots, and storage areas, compacted gravel including drives and parking areas, oiled or compacted earthen materials, stone, concrete or composite pavers, wood, and swimming pools.

Informational Conference: a required meeting between a potential applicant and the Director of Planning and Community Development to review the Town's regulations and requirements and the nature of the possible application before any submissions are made or applications filed.

Licensed Land Surveyor: a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.

Low Impact Development (LID): site planning and design strategies intended to maintain or replicate predevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout the site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Examples of LID strategies are pervious pavement, rain gardens, green roofs, bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the runoff source.

Maximum Extent Practicable (MEP): to show that a proposed development has met a standard to the maximum extent practicable, the applicant must demonstrate the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

Minor Subdivision: a subdivision that creates three or fewer lots or dwelling units.

Modified Procedures: a procedure by which the Planning Board, when considering a Boundary Line Adjustment, may both accept and act on an application at the same meeting without a site visit, without requiring the applicant to post a performance bond, and without a public hearing (RSA-676:4).

Native plants: plants that are indigenous to the region, adapted to the local soil and rainfall conditions, and require minimal supplemental watering, fertilizer, and pesticide application.

Pavement: areas of a site that are covered with pervious and/or impervious asphalt and concrete.

Plat: the map or drawing on which the plan of subdivision is presented to the Durham Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Strafford County for recording.

Porous Media: material with open connected pore spaces that allows water to percolate through it such as granular soils, gravel, crushed stone, pervious pavements, and woven and non-woven geosynthetics.

Preapplication Review: the two steps, Phase 1 - Preliminary Conceptual Consultation and Phase 2 - Preliminary Design Review, that an applicant must follow prior to filing a Phase 3 - Formal Application as permitted in RSA 676:4.

Primary Conservation Area: the portion of a site that is unsuitable for development and/or intensive use including the areas that are required to be deducted from the “Usable Area” of the site in accordance with the Zoning Ordinance. Any portion of a site that cannot be used in determining the allowable density based upon the provisions of the Wetlands Conservation Overlay District, Shoreland Protection Overlay District, Flood Hazard Overlay District or Aquifer Protection Overlay District shall be part of the Primary Conservation Area.

Public Hearing: a publicly advertised item on the Planning Board agenda at which public comment on a specific application is heard.

Public Meeting: an open meeting of the Planning Board during which public hearings are held, applications are presented, informal discussions are conducted with interested citizens who request such, and the administrative business of the Planning Board is accomplished.

Redevelopment: any man-made change to previously improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, and drilling operations.

Regular Meeting: a session of the Board held on regularly scheduled day(s) each month.

Resource Impact and Conservation Plan: an assessment of the impact of the proposed subdivision on the identified resources on the site and the actions that will be taken to minimize and mitigate these impacts.

Riparian: referring to anything connected or immediately adjacent to the shoreline or bank of a stream, river, pond, lake, bay, estuary or other similar body of water.

Riparian buffer: the naturally vegetated shoreline, floodplain or upland forest adjacent to a surface water body. Riparian buffers provide stormwater control flood storage and habitat values. Wherever possible, riparian buffers should be sized to include the 100-year floodplain as well as steep banks and freshwater wetlands.

Runoff: stormwater that does not infiltrate into the ground and flows toward a below-ground or surface discharge location.

Secondary Conservation Area: the portion of a site that has open space, recreational, natural resource, scenic, cultural, historic, or archeological value, or that should remain undeveloped to protect groundwater and should be considered for inclusion within the common open space of a conservation subdivision but is not within the Primary Conservation Area.

Site: a lot, tract or parcel of land on which a development is located that includes but is not limited to the proposed area of disturbance and development activities.

Site Inventory and Analysis: the Site Inventory Map, Site Analysis Map, and Site Analysis Narrative and supporting data describing the site proposed to be subdivided and analyzing the opportunities and constraints for open space preservation, subdivision, and development. The inventory and analysis are typically submitted for preliminary review prior to submitting a formal application for subdivision approval.

Sketch Plan: a plan showing the general concept for land conservation and development, Primary and Secondary Conservation areas, and the conceptual layout of lots and roads in a proposed subdivision.

Soil Survey, Medium Intensity: the Natural Resources Conservation Service's County Soil Survey Map, or other soil map prepared and certified by a New Hampshire Certified Soil Scientist that meets similar mapping standards.

Soil Survey, High Intensity: a soils map and related materials prepared and certified by a New Hampshire Certified Soil Scientist in accordance with the most recent standards for high intensity soils surveys and/or mapping published by the Society of Soil Scientists of Northern New England.

Stewardship Account: an account established and funded by the applicant to assure that funds are available to pay for the monitoring of conservation restrictions on common open space on a perpetual basis.

Stewardship Fund: an account established and managed by the Town of Durham into which payments made by applicants to pay for the monitoring of conservation restrictions held by the Town on common open space are deposited.

Stormwater: water that originates from precipitation events and accumulates on land.

Stormwater Management Plan: a written plan describing the proposed methods and measures to be implemented to prevent or minimize water quality and quantity impacts from stormwater associated with a development or redevelopment project both during and after construction. It identifies selected BMPs, LID source controls, and treatment practices to address those potential impacts, and contains the engineering design plans, specifications, and calculations of the management and treatment practices, and maintenance requirements for proper performance of the proposed practices.

Subdivision: the division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. Subdivision includes re-subdivision and, when appropriate, relates to the process of subdividing or to the land or territory subdivided.

The division of a parcel of land, held in common and subsequently divided into parts among the several owners, shall be deemed a subdivision under these regulations.

The granting of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters, and supporting apparatus, including any unstaffed structure which is less than 200 square feet, shall not be construed as a subdivision under these regulations, and shall not be deemed to create any new division of land for any other purpose.

Water Quality Treatment: the capture of sediment, nutrients, metals and hydrocarbons suspended in stormwater runoff from impervious surfaces before being conveyed to a storm sewer network or to another water quality treatment system. In most cases where no other local water body impairments exist, adequate treatment refers to documenting the treatment systems ability to remove 80% of the total suspended solids (TSS) on an annual basis. Where water quality impairments do exist adequate treatment refers to a system's ability to meet maximum load allocations or not further impair the receiving water.

Water Quality Volume (WQv): the storage volume needed to capture and treat the runoff from the 1-inch 24-hour rainstorm for a specific contributing area. WQv shall be calculated using the following equation: $WQv = (P)(R_v)(A)$, where: $P = 0.083$ ft, R_v = the unitless runoff coefficient, $R_v = 0.05 + 0.9(I)$, where I = the percent impervious surface draining to the discharge point, in decimal form, and A = total site area in square feet draining to the discharge point.

Workshop: an informal session of the Board, either as an agenda item during a regular meeting or as a separately scheduled meeting. Such sessions are held to discuss subdivision applications, administrative matters, draft changes to ordinances and regulations, provide preliminary conceptual consultation and design review consultation, and to consider other matters such as the Town Master Plan. No votes are taken and no final decisions are made.