

SECTION 7: Submission Requirements

The following material shall be submitted for the appropriate phase of the process. If an applicant believes that any of the required information is not needed for the review of his or her application, the applicant may request, in writing, that the Planning Board waive the requirement. If the Director of Planning and Development determines that any of the submission requirements are not applicable to an application, the applicant must still formally request a waiver from the Planning Board.

The applicant shall provide eighteen (18) copies of the application if the application is exempt from the Conservation Subdivision ordinance. The applicant shall provide five (5) copies of the appropriate plan of the parcel(s) at a scale of not more than fifty (50) feet to the inch plus thirteen (13) legible, reduced size copies (11"X17"). If the application is not exempt from the Conservation Subdivision ordinance, or needs a conditional use permit per 175-61 of the Wetland Conservation Overlay District or 175-72 of the Shoreland Protection Overlay District, then the applicant shall provide twenty-seven (27) copies of the application. The applicant shall provide seven (7) copies of the appropriate plan of the parcel(s) at a scale of not more than fifty (50) feet to the inch plus twenty (20) legible, reduced size copies (11"X17"). All copies of the application should be three-hole punched to allow for the filing of the application in a three-ring binder.

7.01 Phase 1 - Preliminary Conceptual Consultation Submission

The Preliminary Conceptual Consultation phase is intended to provide the applicant, the Planning Board, and the staff with a better understanding of the site and the opportunities and constraints imposed on its use by both the natural and built environment. It is anticipated that this analysis will result in a subdivision plan that reflects the conditions of the site; those areas most suitable for conservation and open space will be preserved, those areas most suitable for the proposed use will be utilized, while those that are not suitable for development or that present significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that the applicant submit basic information about the site, an analysis of that information, and a sketch plan in the form of an overlay sheet.

The submission must contain, at a minimum, the following information unless a waiver has been granted pursuant to Section 5.02 A. 3):

- A. A completed request form (Attachment 2) including the following:
 - 1. The names, addresses, and phone numbers of the record owner(s) and the applicant,
 - 2. The names and addresses of all consultants working on the project,
 - 3. A list of the names and addresses of all the abutters, as shown in town records not more than five (5) days before the day of filing; and a list of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property and abutting parcels, and
 - 4. Evidence of right, title, or interest in the property.

- B. A Site Context or Locus Map drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
1. Existing subdivisions in the proximity of the proposed subdivision.
 2. Locations and names of existing streets.
 3. Boundaries and designations of zoning districts.
 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the formal application will cover only a portion of the owner's entire contiguous holding.
- C. An accurate scale Site Inventory Plan of the parcel at a scale of not more than fifty (50) feet to the inch showing as a minimum:
1. The proposed name of the development, north arrow (True Meridian), date, and scale.
 2. The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.
 3. Existing restrictions or easements on the site (if none, so state).
 4. The topography of the site at an appropriate contour interval depending on the nature of the use and character of the site as determined by the Director of Planning and Community Development.
 5. The *major* natural features of the site and within five hundred (500) feet of the site, including wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, scenic views or areas, significant geological features, prime agricultural soils, unfragmented forest blocks, resources identified by the New Hampshire Natural Heritage Bureau or other important natural features. Wetlands on the site shall be identified and delineated by a New Hampshire Certified Wetlands Scientist and shall be certified by the person performing the delineation. Information on adjacent properties may be from published sources.
 6. The soils on the site through a high intensity soil survey (HISS). The Planning Board may allow the submission of a medium intensity soils survey if it determines that a HISS is not required to determine that the proposed density of development conforms to the zoning requirements or to evaluate the appropriate use of the property.
 7. Vegetative cover conditions on the property according to general cover type.
 8. Watershed and sub-watershed boundaries.
 9. Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, fences, trails, graveyards, and cemeteries (if none, so state).
 10. Locations of all culturally, historically or archaeologically significant buildings, features, or sites .
 11. The location and size of existing utilities or improvements servicing the

- site (if none, so state).
12. Any potential sources of fire protection water supply within one half mile of the site including public water mains, existing fire ponds, or possible sources of water supply.
- D. A Site Analysis Map at the same scale as the inventory plans (see C. above) highlighting the opportunities and constraints of the site in a bubble diagram or annotated format. This plan should enable the Planning Board to determine: which portions of the site are unsuitable for development or use (Primary Conservation Areas); which areas of the site have potential conservation or open space value (Secondary Conservation Areas) that should be addressed in the subdivision plan; which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available; which areas of the site may be subject to off-site conflicts or concerns (noise, lighting, traffic, etc.); and which areas are well suited for the proposed use.
- E. A Site Analysis Narrative describing the existing conditions of the site, the constraints and opportunities created by the site, the open space conservation potential of the site, and the proposed development. The narrative must include a calculation of the "Usable Area" of the site based upon a High Intensity Soil Survey in accordance with Section 175- 55 of the Zoning Ordinance and the maximum number of units that can be included in the subdivision based upon this calculation and the dimensional requirements of the zone. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including wetland delineations, traffic studies, market studies, or other information that will help the Board understand the project.
- F. A Sketch Plan, drawn at the same scale as the site analysis plan, and in a form that allows it to be overlain on the site analysis plan, showing the general concept for land conservation and development, the location of identified Primary and Secondary Conservation Areas, and the conceptual layout of lots and roads in accordance with the four step design process set forth in Section 9.08.

7.02 Phase 2 - Preliminary Design Review Submission

The Preliminary Design Review phase is designed to allow the applicant, Board, and staff the opportunity to review the proposed layout of the subdivision and to identify any issues or concerns with the layout before final engineering design is completed and the formal application is submitted. The submission requirements therefore focus on the overall utilization of the site and the layout of the subdivision rather than engineering details.

The submission must contain, at a minimum, the following information unless a waiver has

been granted pursuant to Section 5.02 B. 3):

- A. A completed request form (Attachment 2) including the following:
 - 1. The names, addresses, and phone numbers of the record owner(s) and the applicant,
 - 2. The names and addresses of all consultants working on the project,
 - 3. A list of the names and addresses of all the abutters, as shown in town records not more than five (5) days before the day of filing; and a list of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property and abutting parcels,
 - 4. Evidence of right, title, or interest in the property, and
 - 5. Copies of the most recently recorded deed for the parcel and of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
- B. The Site Context or Locus Map submitted in Phase 1 or a Site Context or Locus Map meeting the requirements of Section 7.01 B.
- C. An updated Site Analysis Map meeting the requirements of Section 7.01 D. reflecting any new or updated information developed since the inventory and analysis phase together with an updated calculation of the Usable Area and maximum number of units that may be developed on the site.
- D. A Conceptual Subdivision Plan, based upon the updated calculation of the Usable Area and related maximum density, and supporting documentation showing:
 - 1. The proposed name of the subdivision and the assessor's map and lot numbers.
 - 2. The names and addresses of the record owner(s), applicant, all consultants who prepared the plan, and adjoining property owners.
 - 3. The date the plan was prepared, north point, and graphic map scale.
 - 4. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
 - 5. The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.
 - 6. The location of all soil tests pits as may be required under these regulations or the provisions of the zoning ordinance including all failed test sites or pits as well as those approved. All approved sites shall be clearly distinguished from unapproved sites.
 - 7. The *approximate* location and dimensions of proposed common open space, playgrounds, public areas, and parcels of land proposed to be dedicated or reserved for public use.
 - 8. The *approximate* location of existing and proposed lot lines, easements, and rights-of-way.

9. The *approximate* location, alignment, width, and tentative names of all existing and proposed streets and street rights-of-way, including all street extensions or spurs that are reasonably necessary to provide adequate street connections and facilities to adjoining development or undeveloped areas.
 10. Typical street cross-section drawing(s) for all proposed streets including details relating to thickness, crowning, and construction materials.
 11. The *approximate* location of proposed swales, retention ponds, drainage easements, and other stormwater management facilities.
 12. Where public sewer service is to be provided, the conceptual layout of proposed sewage systems, including but not limited to, the tentative locations of sewer mains and pump stations.
 13. Where public water service is to be provided, the conceptual layout of proposed water distribution facilities including water mains, fire hydrants, storage tanks, and, where appropriate, wells or other water sources.
 14. The exact locations of existing utility easements and *approximate* locations of proposed utility easements.
 15. Where installation of the improvements is proposed to be done in phases, a delineation of the proposed sections within the Conceptual Subdivision Plan and a schedule of deadlines within which applications for formal approval of each section are intended to be filed.
 16. An estimate of the amount and type of vehicular traffic that will be generated by the project.
- E. Documentation of the four-step design process for determining the layout of proposed conservation lands, house sites, streets, and lot lines, as described in Section 9.08.
- F. A Resource Impact and Conservation Plan meeting the following requirements:
1. The Resource Impact and Conservation Plan shall categorize the impacts of the proposed activities and physical alterations on those resources shown on the Site Analysis Map. All proposed improvements, including, but not necessarily limited to grading, filling, streets, buildings, utilities, and stormwater detention facilities, as proposed in the Conceptual Subdivision Plan and related documents, shall be taken into account in preparing the Resource Impact and Conservation Plan. This plan shall clearly demonstrate that the Conceptual Subdivision Plan will minimize site disturbance and the impacts on identified resources to the greatest extent practicable.
 2. The Plan shall identify the potential impacts of the proposed development on identified resources, how the subdivision is being designed to minimize the impacts, and the activities that will be undertaken to mitigate any potential adverse impacts. The plan shall address the potential impacts on the following:

- (a) primary impact areas (i.e., areas directly impacted by the proposed subdivision),
- (b) secondary impact areas (i.e., areas in proximity to primary areas that may be impacted), and
- (c) designated protected areas including proposed common open space.

G. A Preliminary Common Open Space Ownership and Stewardship Plan that includes, but shall not necessarily be limited to, the following if the subdivision contains any proposed common open space:

1. A description of all common open space and any other lands and facilities proposed to be owned by the Town, or a conservation organization, or a home owners association, or that will be permanently protected by conservation easements. This description shall include a map indicating the approximate location of these lands and facilities.
2. A description of proposed ownership arrangements for the parcels identified in 1.
3. A description of the proposed conservation restrictions that will permanently protect these parcels.
4. A description of proposed arrangements for the long-term stewardship of the common open space including management objectives and techniques for each parcel or area together with an indication of who will have the primary and secondary responsibilities for this.

H. The Board may request additional information be submitted as part of the Phase 2 review or as part of the formal application where it finds it necessary in order to determine whether the Conceptual Subdivision Plan is likely to result in a final plan that meets the requirements of these regulations. This may include, but is not limited to, the following:

1. An hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology.
2. A projection of the amount and type of vehicular traffic to be generated on an average annual daily basis and during peak hours. The trip generation rates used shall be taken from the most recent edition of *Trip Generation Manual*, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates to the Planning Board that these sources better reflect local conditions.
3. A traffic impact analysis prepared by a Registered Professional Engineer with experience in traffic engineering. The analysis shall evaluate traffic impacts based upon typically daily peak hour traffic and any special traffic conditions identified by the Planning Board. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions to the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the

site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

7.03 Phase 3 - Formal Application Submission

A Formal Application shall be filed with the Planning Board or its designated agent at least twenty-one (21) calendar days prior to a regularly scheduled meeting of the Board. A Formal Application shall be submitted using the form available from the Planning Office (Attachment 1), and shall be accompanied by:

A. A letter of intent detailing the proposal;

B. A list of the names and addresses of all the abutters, as shown in town records not more than five (5) days before the day of filing; and a list of all holders of conservation, preservation, or agricultural preservation restrictions on the subject property and abutting parcels;

C. Any additional documents, as requested by the Planning Office;

D. A plat which shall be prepared by a land surveyor, using a scale of 1 inch equals 100 feet or larger (i.e., 1 inch equals 50 feet, 1 inch equals 20 feet, etc.) and shall include:

- 1) proposed subdivision name or identifying title;
- 2) name and address of the applicant and the owner (if different from the applicant);
- 3) names of owners of abutting properties;
- 4) North Arrow (True Meridian);
- 5) locus plan showing general location of the total tract within the Town;
- 6) name, address, license number, telephone and seal of the surveyor;
- 7) boundary survey including bearings, distances, and the location of permanent markers;
- 8) location of property lines, including entire undivided lot, lot areas, and frontage on public right-of-way; each lot shall be numbered according to the tax map numbering system;
- 9) deed restrictions;
- 10) open space to be preserved;
- 11) existing and proposed streets with class, names, and right-of-way widths;
- 12) evidence that an application has been submitted for State subdivision approval, if applicable; and
- 13) an approval block meeting the specifications of the Town.

E. The current deed, purchase and sale agreement, and copies of all easements, deed restrictions, rights-of-ways, or other encumbrances currently affecting the

property together with explicit authorization by the owner(s) for the applicant to submit the application if the owner(s) is (are) not the applicant.

F. A Final Common Open Space Ownership and Stewardship Plan that includes but is not limited to the following if the subdivision contains any proposed common open space:

- 1) The boundaries, acreage, and proposed ownership of all proposed common open space and any other land that is proposed to be owned by the Town or other entity.
- 2) Provisions for the management of the common open space detailing the entities responsible for maintaining various elements of the property and describing management objectives and techniques for each parcel or part of the property.
- 3) Copies of proposed deeds, conservation easements, and other legal documents relating to the ownership and stewardship of the common open space.
- 4) Evidence that a municipal organization or an independent party will be designated to assure compliance with all conservation restrictions and that the designated party is willing to assume this responsibility including provisions for the creation and funding of a Stewardship Account to defray the cost of such oversight.
- 5) If ownership of any of the common open space will rest with a homeowners association, community association, or similar group, the following documents and evidence shall be provided:
 - a. A description of all lands and facilities to be owned by the homeowners or community association. This description shall include a map of the proposal indicating the precise location of those lands and facilities.
 - b. Provisions setting forth the powers, duties, and responsibilities of the association, including the services to be provided.
 - c. A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the association. The Declaration shall be a legal document that also provides for automatic association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the association, including voting, elections, and meetings. Furthermore, it shall give power to the association to own and maintain the common property and to make and enforce rules.
 - d. Provisions prescribing the process by which association decisions are reached and setting forth the authority to act.
 - e. Provisions requiring each owner within the subdivision or land development to become a member of the association including statements establishing cross covenants or contractual terms

binding each owner to all other owners for mutual benefit and enforcement.

- f. Requirements for all owners to provide a pro rata share of the cost of the operations of the association.
- g. A process of collection and enforcement to obtain funds from owners who fail to comply.
- h. A process for transition of control of the association from the developer to the unit owners.
- i. Provisions describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- j. Provisions for the dissolution of the association, in the event the association should become non-viable, including provisions for the disposition of any common open space or other land and facilities owned by the association.

G. The Board may request additional information be submitted as part of the formal application where it finds it necessary in order to determine whether the Subdivision Plan meets the requirements of these regulations. This may include, but is not limited to, the following:

- 1. An hydrogeologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology.
- 2. A projection of the amount and type of vehicular traffic to be generated on an average annual daily basis and during peak hours. The trip generation rates used shall be taken from most recent edition of *Trip Generation Manual*, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
- 3. A traffic impact analysis prepared by a Registered Professional Engineer with experience in traffic engineering. The analysis shall evaluate traffic impacts based upon typically daily peak hour traffic and any special traffic conditions identified by the Planning Board. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions to the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.

H. The Applicant shall submit a completed Energy Considerations Checklist. Except for those items on the checklist with which compliance is required by specific regulation, such as the standards under Chapter 38 of the Town of Durham Code of Ordinances, the applicant is encouraged (but not required) to satisfy the objectives contained in the checklist. Prior to Planning Board subdivision approval, the checklist must be submitted and the applicant must meet with a representative of the Durham Energy Committee and the Building

Inspector. Thus, the checklist is required prior to approval, not acceptance of the application. (Added May 13, 2015.)

7.04 Ground Control (both on the site and on the plat)

Prior to the submission of the formal application, ground control shall be installed at the site. The ground control shall consist of numbered flags, stakes, walls, trees, or other easily identifiable points on the property. These points shall be well distributed throughout the site at a density of not less than four points per lot and identified by number on the plat. The purpose of this requirement is to provide easy identification for all parties required or interested in examining the site.

7.05 Construction Plan

A Construction Plan shall be submitted when it is necessary to detail the following information in conjunction with the subdivision application.

- A. location and profiles of existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply (including location of proposed wells, if applicable), disposal of sewage, and surface drainage;
- B. location of existing wells and septic systems, both on and off-site, within 100 feet of any designated leach field on any proposed lot;
- C. existing and proposed easements, right-of-ways, buildings, water courses, ponds, standing water, rock ledges, stone walls and other essential site features;
- D. existing and proposed topographic contour boundaries at 2-foot intervals or less (i.e., 1-foot contour intervals);
- E. location of ground water, and percolation tests and test results;
- F. soil mapping types/slopes and boundaries including location of soil tests and test results;
- G. existing buildings and other structures to remain;
- H. final road profiles and cross-sections;
- I. State highway/municipal access permit, as applicable; and
- J. Name, address, license number, telephone, and seal of all professional surveyors, engineers, wetlands scientists, soil scientists, and septic designers who participated in the development of the construction plan.

7.06 Verification of Soils Data

A High Intensity Soils Survey submitted as part of a pre-application submission or an application shall be prepared by a New Hampshire Certified Soil Scientist and shall be verified

by one of the following methods prior to its consideration by the Planning Board in the review of the project:

- A. Written evidence provided by the applicant that the Strafford County Conservation District or its designee has reviewed the soils data and mapping and agrees that it accurately represents the soil conditions on the site, or
- B. Written evidence that the Town's independent certified soil scientist has reviewed the soils data and mapping and agrees that it accurately represents the soil conditions on the site.

If the applicant desires to use the Town's independent certified soil scientist to verify the soils data, the applicant or his representative shall contact the Director of Planning and Community Development prior to conducting any on-site soils investigations or mapping to arrange for this review. The Director shall arrange for the independent soil scientist. The Town's soil scientist shall be provided with the opportunity to observe the field work and any test holes that are used to prepare the soil survey or mapping.

The applicant shall be responsible for the cost of the review. The applicant shall deposit an amount equal to 125% of the Town's estimated costs for the review by the Town's soil scientist or the review by the conservation district with the Planning and Community Development Department prior to commencing any field work or mapping. Any unused portion of the deposit shall be refunded to the applicant within thirty (30) days of the submission of the mapping to the Planning Board.