

From: Bill Klubben, Director
Community Development

Subject: Planning Board Agenda of 3/25/10 - Notice of Public Hearing
on proposed amendments to the **Site Plan Review
Regulations and Subdivision Regulations**

Date: March 11, 2010

The below notice should be posted as soon as practical. If you have any questions, please call me at 225-3008. Thank you.

NOTICE OF PUBLIC HEARINGS

Planning Board
Town of Bow

Public hearings will be held at 7:00 PM on Thursday, March 25, 2010 at the Bow Municipal Building, 10 Grandview Road. The purpose of the hearings is to consider amendments to the **Site Plan Review Regulations and Subdivision Regulations**. Proposed amendments to be considered on March 25th include:

Site Plan Review Regulations

- * 5.02 E & M; 8.02 L, M, W, & AA; and 13 -- Update citations that reference federal and state agencies, manuals, and statutes
- * 5.02 O – Remove citation of expired Growth Management Ordinance

Subdivision Regulations

- * 3.02 H; 3.03 A; 4.05 D2; 6.03 M, N, & Q; 6.04 F & G; 7.05 A, A2, A9, & B; 8.03 F; and 13 – Update citations of federal and state agencies, manuals, and statutes
- * 3.03 A and 6.04 D & E – Remove citation of NH Licensed Land Surveyor
- * 4.05 D 5 – Correct citation of registry of deeds
- * Appendix B – Clarify typical sections for shoulder pavement and add geotextile fabric

Copies of the proposed revisions are available for review at the Municipal Building.

Section 5 - General Requirements:

- 5.01 Responsibility: It is the responsibility of each Applicant to read and follow these Regulations. If an Applicant does not fully understand the Regulations, it is his or her responsibility to seek the advice and counsel of Town Officials, agents, or other qualified persons.
- 5.02 All Site Plans: This Section sets forth certain general requirements that apply to all Site Plans.
- E. Unsuitable Land: Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood or other hazard shall not be platted for occupancy, nor for other use which would tend to increase the danger to health, life or property or aggravate the flood hazard. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not be developed. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal systems shall not be developed unless connected to a common sewer system. No land described above and no land designated as Flood Zone or shown to be bog, marsh, swamp area, area of high water table, or designated as wetlands as set forth in the Town of Bow Zoning Ordinance Article 10, or any similar situation, or area necessary for the protection of aquifers which may serve as future sources of drinking water for the Town, or with slopes in excess of thirty-three percent (33%), or ledge which is exposed or lying within four (4) feet of the soil surface, or which is subject to an easement or a right-of-way in favor of the Town, County, State, Federal Government, or any third party shall be developed. Any land covered by any soils listed by the ~~New Hampshire Water Supply and Pollution Control Commission~~ "Merrimack and Belknap Counties Soils Survey", USDA Natural Resources Conservation Service as ~~Groups 5 and 6~~ poorly drained or very poorly drained, shall likewise not be developed. In the event that property proposed for Site Plan Review Approval contains any land, soils or natural features described in this Subsection, the Applicant shall, at the discretion of the Board, submit as part of the Application the report and associated plan of a certified soil scientist as defined in RSA 310-A:76 who has performed a High Intensity Soil Survey of the property.
- M. Erosion Plan: All Applications shall include a "Soils Erosion and Sediment Control Plan", conforming to the recommendations and specifications of the ~~United States Department of Agriculture, Soil~~

Conservation Service [NHDES NH Stormwater Manual, December 2008 or later update](#). Said plan shall address slopes, embankments, ditches, drainage ways, and the effect of the Development on water bodies and all disturbed areas. These plans shall be stamped by a New Hampshire Registered Professional Engineer.

- O. Phasing Plan: A written phasing plan shall accompany Applications for large scale Developments as determined by the Board. The plan shall specify the development time table for each phase of the Development. The plan shall include approximate dates for road and other public improvement construction for building/development commencement, and for building occupancy. In cases where specific impacts have been identified, the Board may require that the development of a large scale project proceed at a rate which will allow the Applicant and the Town a reasonable length of time in which to plan and prepare for impacts and to take steps to mitigate adverse impacts. All residential site plan applications shall include a written phasing plan ~~which complies with the Town of Bow Growth Management Ordinance.~~

Section 8 - Application Requirements: Exhibits and Data

The following items are required before a Site Plan Review will be initiated by the Board. Plans, reports, documents, and other materials submitted to the Planning Board to fulfill the requirements of the Site Plan Review Regulations shall be free of any restrictions on reproduction. Proximate to any copyright symbols, reservations of rights, or statements of ownership, shall be an affirmative statement which expressly agrees to reproduction.

- 8.01 Application for Site Plan Review and checklist completely filled out.
- 8.02 All Site Plans shall be drawn at no less than one inch equals one-hundred feet (1" = 100') and shall have the following information.
 - L. Existing soils delineation based on the "[Merrimack and Belknap Counties Soils Survey, Merrimack County, New Hampshire](#)" ([Soils Maps, Version 4, 2007 or later edition](#)) [USDA Natural Resources Conservation Service available at Web Soil Survey](#) and a legend which explains the map symbols, describes the ~~Water Supply and Pollution Control Division~~ [NRCS](#) soils groups [with drainage class](#), and describes the properties of the soils regarding septic leach fields, basement/foundations, building construction, and road construction.
 - M. All existing wetlands and associated buffer areas as defined in the Town of Bow Zoning Ordinance Article 10.01 with certification of Wetland Scientist ~~or NH Certified Soil Scientist~~. Very poorly

drained soils, bogs, vernal pools, stream, and the high water mark of water bodies shall be labeled.

- W. When individual sewage disposal systems are proposed, the plans for such systems ~~must~~ **shall** be approved by the appropriate Local, ~~County,~~ or State agency. When a public sewage disposal system is not available, the developer shall have percolation tests made and submit the results with the plan. The location of the septic system as proposed or, if applicable, as approved by the ~~Division of Water Supply and Pollution Control~~ **NHDES Subsurface Systems Bureau** shall be depicted on the Site Plan.

- AA. Final State of New Hampshire approvals, when appropriate, from the Department of Transportation (RSA ~~249~~ **236:13**), the ~~Special Board on Dredging and Filling (RSA 149 and RSA 482:41e-i)~~ **NHDES Wetlands Bureau (RSA 482-A and RSA 483-B)**, and the ~~NHDES Water Division~~ **NHDES Alteration of Terrain Bureau (RSA 449-E** **485-A:17)** shall be received as a condition to final approval.

Section 13 - Appeals:

Pursuant to RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning a Site Plan ~~or building permit~~ may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the ~~filing of the decision in the office of~~ **date upon which** the Planning Board **voted to approve or disapprove the Site Plan.**

Section 3.00 - General Requirements:

3.01 Subdivider's Responsibility: It is the responsibility of each Subdivider or Applicant to read and follow these Regulations. If a Subdivider or Applicant does not fully understand the Regulations, it is his or her responsibility to seek the advice and counsel of Town officials, agents, or other qualified persons.

3.02 All Subdivisions: This Section sets forth certain general requirements that apply to all Subdivisions in the Town of Bow.

H. Unsuitable Land: Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood or other hazard shall not be platted for residential occupancy, nor for other use which would tend to increase the danger to health, life or property or aggravate the flood hazard. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not be subdivided. Land with unsuitable soil or inadequate capacity for individual sanitary sewerage disposal systems shall not be subdivided unless connected to a common sewer system. No land described above and no land designated as Flood Zone or shown to be bog, marsh, swamp area, area of high water table, or designated as wetlands as set forth in the Town of Bow Zoning Ordinance Article 10.01, or any similar situation, or area necessary for the protection of aquifers which may serve as future sources of drinking water for the Town, or with slopes in excess of thirty-three percent (33%), or ledge which is exposed or lying within four (4) feet of the soil surface, or which is subject to an easement or a right-of-way in favor of the Town, County, State, Federal Government, or any third party shall be counted toward the required minimum lot size, but shall be allowed to be added to lots if the public welfare and safety is protected. Any land covered by any soils listed by the ~~New Hampshire Water Supply and Pollution Control Commission~~ "Merrimack and Belknap Counties Soils Survey", USDA Natural Resources Conservation Service as Groups 5 and 6 poorly drained or very poorly drained, shall likewise not be counted towards the minimum lot sizes. In the event that a Subdivision contains any land, soils or natural features described in this Subsection, the Applicant shall, at the discretion of the Board, submit as part of his Application the report and associated plan of the subdivision of a certified soil scientist as defined in RSA 310-A:76 who has performed a High Intensity Soil Survey of the Subdivision.

3.03 Major Subdivisions: The following general requirements apply only to Major Subdivisions:

A. Erosion Plan: All Applications shall include a "Soils Erosion and Sediment

Control Plan", conforming to the recommendations and specifications of the ~~United States Department of Agriculture, Soil Conservation Service~~ **NHDES NH Stormwater Manual, December 2008 or later update**. Said plan shall address slopes, embankments, ditches, drainage ways, and the effect of the Subdivision on water bodies and all disturbed areas. These plans shall be stamped by a New Hampshire Registered Professional Engineer ~~or a New Hampshire Registered Land Surveyor~~.

Section 4.00 - Procedure:

4.05 Final Application:

D. Action on Final Application: {Below changes adopted 2-4-10}

- {KEEP} 1. Subject to the provisions of Section 4.03H, the Board shall act to approve, conditionally approve, or disapprove any Final Application which has been timely filed and complies with these Regulations and with the approval of the Preliminary Plat within ~~ninety (90)~~ **sixty-five (65)** days after the Board voted to accept the Preliminary Application. The Applicant may waive this time period and consent to such extensions as may be mutually agreeable.

- {UNDO} 2. The Board may apply to the Board of Selectmen for an extension, not to exceed an additional ~~ninety (90)~~ **sixty-five (65)** days, to act on the Final Application. The Applicant may also waive this time period and consent to such extensions as may be mutually agreeable.

- 5. Upon approval, the Chairman shall sign and date the Final Plat as approved. Approved plats and any documents affecting covenants, deed restrictions, etc., with the exception of road and other construction plans, shall be recorded with the Merrimack County Registry of Deeds. "As-built" plans for roads and all other public improvements shall be ~~recorded~~ **filed** with the ~~Merrimack County Registry of Deeds~~ **Planning Board** after approval of the Engineer and acceptance by the Planning Board. All conditions of approval as imposed by the Planning Board shall appear on the face of the final plat to be recorded. Recording of the plats and associated documents shall be the applicant's responsibility. A digital copy compatible with the Town Tax Map and three paper copies of the recorded plat and one copy of associated documents certified by the Merrimack County Registrar of Deeds shall be submitted to the Town prior to issuance of building permits or start of any construction activity, including but not limited to site clearing and grading activities, and within ten (10) days following the recording of the plat.

Section 6.00 - Plat Details:

Plans, reports, documents, and other materials submitted to the Planning Board to fulfill the requirements of the Subdivision Regulations shall be free of any restrictions on reproduction. Proximate to any copyright symbols, reservations of rights, or statements of ownership, shall be an affirmative statement which expressly agrees to reproduction.

6.03 Preliminary Plat:

The Preliminary Plat shall be prepared to a scale of not less than one inch equals one hundred feet (1" = 100') or at greater detail as directed by the Board to indicate clearly the existing and proposed features of the site. Said plat shall be prepared on twenty-two by thirty-four inch (22" X 34") standard sheets measured from cutting edges. If one sheet is not of sufficient size to contain the entire area for the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with reference on each sheet to the adjoining sheets. The Preliminary Plat shall show or be accompanied by the following:

- M. Existing soils delineation based on the ~~"Soils Survey, Merrimack County, New Hampshire"~~ **"Merrimack and Belknap Counties Soils Survey"** (Soils Maps, Version 4, 2007 or later edition) **USDA Natural Resources Conservation Service available at Web Soil Survey** and a legend which explains the map symbols, describes the ~~Water Supply and Pollution Control Division~~ **NRCS** soils groups **with drainage class**, and describes the properties of the soils regarding septic leach fields, basement/foundations, building construction, and road construction.

Soil types will typically range as follows:

- Group 1 - well-drained to excessively well-drained with rapid permeability
- Group 2 - well-drained with moderate permeability
- Group 3 - moderately well-drained and well-drained with hardpan
- Group 4 - somewhat poorly drained; bedrock relatively close to the surface
- Group 5 - poorly drained
- Group 6 - floodplain or very poorly drained

Examples of soil types which fall within these categories are: {not shown to save space}

- N. All areas of wetlands and associated buffer areas as defined in the Town of Bow Zoning Ordinance Section 10.01 B. 2. with certification of Wetland Scientist or ~~NH Certified Soil Scientist~~. Very poorly drained soils, bogs, vernal pools, streams, and the high water mark of water bodies shall be labeled.
- Q. When individual sewage disposal systems are proposed, the plans for such systems must be approved by the appropriate ~~Local, County,~~ or

State agency. When a public sewage disposal system is not available, the Subdivider shall have percolation tests made and submit the results with the preliminary plat. Before the preliminary application is approved the location of the septic system as proposed or, if applicable, as approved by the ~~Division of Water Supply and Pollution Control~~ **NHDES Subsurface Systems Bureau** shall be depicted on each lot.

6.04 Final Plat:

In addition to all items listed in Section 6.03, the Final Plat shall be accompanied by the following:

- A. Locus Map at a scale of one inch equals one thousand feet (1"=1,000') and suitable for use in updating the Town Tax Map showing all proposed lots and streets and all existing lots and streets within one thousand feet (1,000') of the proposed subdivision. ~~A map of the subdivision drawn on mylar at a scale of one inch equals two hundred feet (1"=200') suitable for use in updating the Town Tax Map.~~
- D. Cross-sections and profiles of streets, including proposed locations for underground utilities (cross-sections at fifty (50) feet intervals plotted at one inch equals ten feet (1"=10') horizontal and vertical). Cross sections shall be provided at stream crossings, showing proposed drainage and channel treatments. Profiles shall be shown for all proposed driveways where slopes exceed eight percent (8%) unless the drive is shown on the cross sections. Profiles plotted with the same horizontal scale as the plans and a horizontal to vertical scale ratio of five to one (5:1) respectively. All data based on a field survey. These plans shall bear the seal and certification of a Registered New Hampshire Professional Engineer ~~or a New Hampshire Land Surveyor.~~
- E. Profiles of sewers, storm drains, culverts, catch basins, headwalls, and all other drainage facilities, as well as sanitary sewers, water, gas and underground electric layouts showing feasible connections to existing or proposed utility systems shall be required to accompany the final plat. These plans shall bear the seal and certification of a Registered New Hampshire Professional Engineer ~~or a New Hampshire Land Surveyor.~~
- F. Certification of approval of the subdivision by the NH Department of Environmental Services, ~~Division of Water Supply and Pollution Control~~ **Subsurface Systems Bureau**, or appropriate successor agency, accompanied by a duplicate copy of all data submitted to them and any stipulations related to the approval.
- G. Final State of New Hampshire approvals when appropriate from the Department of Transportation (RSA 249 **236:13**), the ~~Wetlands Board~~ **NHDES Wetlands Bureau** (RSA 482-A **and RSA 483-B**), and the ~~Division of Water Supply and Pollution Control~~ **NHDES Alteration of Terrain**

~~Bureau~~ (RSA ~~149-E~~ 485-A:17) shall be filed before Final Approval is granted.

Section 7.00 - Required Improvements:

Unless superceded or otherwise specified herein, all materials and construction methods used for Streets and Drainage shall meet NH Department of Transportation *STANDARD SPECIFICATIONS for ROAD AND BRIDGE CONSTRUCTION*.

7.05 Water and Sewer Facilities

- A. Common systems: Such systems proposed by a Subdivider shall be of sufficient capacity to serve the Subdivision and shall be designed and constructed for incorporation into the future town or precinct systems. All such facilities shall meet the requirements of and be approved by, the ~~Water Supply Engineering~~ **NHDES Drinking Water and Groundwater** Bureau of the ~~Water Division of NH Department of Environmental Services (NHDES)~~, local and county health and public works agencies, and/or other public body having jurisdiction, and shall be accepted by the Engineer.
1. Site plans to include:
 - a. Five (5) foot contour intervals.
 - b. Well site with two hundred (200) foot protective radius. No subsurface disposal system permitted in this area.
 - c. All lots numbered.
 - d. Distribution system with water line sizes, pipe material, buried depth of piping, all valving and hydrant locations.
 - e. Indicate type of establishment; manufactured housing park, apartment buildings, etc.
 2. Complete quality analysis for the well water as conducted by the ~~State Water Testing~~ **NHDES Laboratory Services Bureau or other certified laboratory** within the past six (6) months.
 3. Continuous forty-eight (48) hour yield test log of the well showing water level and rate of pumping at one hour intervals.
 4. Schematic drawing of pumphouse piping.
 5. Detailed elevation of pumphouse facilities.
 6. Detailed elevations of well design.

7. Storage facilities to be provided.
 8. Characteristic curve for all pumps-well and booster.
 9. The proposed water systems must meet all the requirements of the ~~Water Supply Engineering~~ **NHDES Drinking Water and Groundwater** Bureau (NHDES) at the date plans are presented to and accepted by the Town of Bow Planning Board.
 10. Show that new and replacement water and sewer systems including on site and common systems be located, designed and constructed to minimize infiltration and avoid impairment when locations fall within five hundred (500) feet of a Flood Zone.
- B. Individual Service: Individual wells and subsurface disposal facilities shall in all respects comply with all applicable local, ~~county~~ and/or state requirements including those of the ~~State Water Supply and Pollution Commission~~ **NHDES Subsurface Systems Bureau**. In areas not currently served by common sewer systems, it shall be the responsibility of the Subdivider to provide adequate information to the installation and operation of an individual sewerage disposal system (septic tank and drain field). The Subdivider shall be required to provide the necessary equipment and labor for the making of these tests, required by local, county, and/or state authorities having jurisdiction.
1. Show that new and replacement water and sewer systems including on site and common systems be located, designed and constructed to minimize infiltration and avoid impairment when locations fall within five hundred (500) feet of a Flood Zone.

Section 8.00 - Design Standards:

The Subdivision plat shall conform to the design standards set forth herein to encourage good development patterns within the Town. Whether either or both an official map or comprehensive plan has or have been adopted, the Subdivision shall conform thereto with respect to streets, public open spaces and drainage ways.

8.03 Lots:

- F. Any land designated as Flood Zone or shown to be bog, marsh, swamp area, area of high water table or any similar situation, shall not be counted toward the required minimum lot size, but shall be allowed to be added to lots if the Public Welfare and safety is protected. Any soils considered by the ~~N.H. Water Supply and Pollution Control Commission~~ **USDA Natural Resources Conservation Service** as being ~~Groups 5 and 6~~ **poorly drained or very poorly drained**, in addition to the above conditions, shall not be counted towards the minimum lot sizes.

Section 9.00 -Inspections and Performance Guarantee:

9.02 Performance Guarantee:

- F. Default: If the required improvements and repairs to public improvements have not been installed and completed in accordance with the requirements of these Regulations or if any latent defects in such improvements or repairs appearing within a period of ~~one (1)~~ **two (2)** years after approval thereof by the Engineer have not been corrected as required herein above, then and in that event any cash deposit or savings bank deposit may be used to complete the improvements or correct the latent defects, and in the event the Performance Guarantee is in the form of a performance bond, Letter of Credit, cash escrow or other suretyship, the Town shall be entitled to exercise its rights under the appropriate documents to require the surety or issuer of the Letter of Credit to provide the Town with sufficient funds to complete such work.

Section 13.00 - Appeals:

Pursuant to RSA 677:15, any persons aggrieved by any decision of the Planning Board concerning a Plat or Subdivision ~~or building permit~~ may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the ~~filing of the decision in the office of~~ **date upon which** the Planning Board **voted to approve or disapprove the Subdivision.**

APPENDIX B; TYPICAL SECTIONS FOR ROADS

GENERAL NOTES

A. Surface Treatment

Hot bituminous concrete pavement - 3" minimum (4" for Arterial, Collector, and Industrial Streets)

NH Standards for Road and Bridge Construction

1) Base Course - 2" (after compaction) Type "B" (2 ½" for Arterial, Collector, and Industrial Streets)

2) Wearing Course - 1" (after compaction) Type "E" (1 ½" for Arterial, Collector, and Industrial Streets)

3) Paved Shoulders on Arterial, Collector, and Industrial Streets:

Base Course - 2 ½" (after compaction) Type "B"

Wearing Course - 1" (after compaction) Type "E"

B. In Fill Areas

Original ground to be "stripped and grubbed" and properly shaped

All non-acceptable materials ie. stumps, branches, leaves, roots, muck, clay, etc., shall be removed prior to placing fill or structural section (gravel) layers

A minimum of twelve inches (12") below the bottom of the bank run gravel grade shall be compacted sand meeting the requirements of the a NHDOT Standard Specification 304.1. **A geotextile fabric may be substituted for the 12" sand layer in accordance with section 7.01 A.**

In "Cut" Areas

Subgrade to be shaped and graded prior to the placing of gravel

A minimum of twelve inches (12") below the bottom of the bank run gravel grade shall be compacted sand meeting the requirements of the a NHDOT Standard Specification 304.1. **A geotextile fabric may be substituted for the 12" sand layer in accordance with section 7.01 A.**

- C.
 - 1) Superelevate roadways on curves, as directed. Maximum superelevation rate shall be 6%.
 - 2) Ditches or gutters shall be paved where required
 - 3) All drainage pipes to have minimum 2' cover. Pipes constructed under the traveled way shall have a minimum cover of 4 feet, unless otherwise authorized.
 - 4) All drainage to be constructed as shown on plans or as directed by the Engineer

- D. Where required by the Town Engineer or Road Agent, the ditches shall be lined in the following manners:
 - 1) "Hot top" at a depth of 2" after compaction (minimum)
 - 2) Stones - NH Standard Class "C" placed so that the pattern is "stone to stone" in a neat and controlled manner