

2010 Revisions to Site and Subdivision Regulations

4.3.6 All development, change, expansion of use, or increase in use intensity of non-residential uses and multiple dwelling units (structure containing more than two dwellings) shall be subject to these regulations whether or not such development or change or expansion of use includes a subdivision or re-subdivision of the site.

5.33 Subdivision

As set forth in RSA §672:14, subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, or building development. The term includes re-subdivision, and when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.

8.9 Landscaping and Tree Planting

Insofar as possible, the development plan shall preserve existing woodlands and suitable individual trees. If not possible to retain such, additional suitable plantings shall be included on the development plan. In accordance with the NH Department of Agriculture, Markets and Food regulation Agr-3800, plantings may not contain any prohibited species, including their cultivars and varieties. For redevelopment, salvage of existing landscaping and replanting prohibited species are also prohibited. In addition, the Board may require buffer strips between developments and adjacent land uses as deemed necessary.

9.9.2 Wetland Setbacks

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

Wetlands categories and setbacks:

Wetland Category	No cut / No Disturbance Setback (1)	Parking Setback (2) Waste Water Systems Structural Setback
Prime Wetland	100' no cut/no disturb	125'
Exemplary Wetlands	50' no cut/no disturb buffer	75'
Vernal Pool (V.P. >= 200 sf)	75' no cut/ no disturb buffer	100'
Wetlands with Very Poorly Drained (VPD) Soils	50' no cut/ no disturb buffer	75'
Wetlands with Poorly Drained	40' no cut/ no disturb buffer	75'
Inland Streams (incl. intermittent)	25' no cut/ no disturb buffer	75' (1)

(1) Additional setbacks apply if within the Exeter Shoreland Protection District Ordinance.

(2) For "Open Space Development" the Planning Board may allow the reduction of parking setbacks to that of the associated structural setbacks.

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

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

1. The relative "value" of the wetland, including its ecological sensitivity, as well as its function within the greater hydrologic landscape shall be compared to the proposed impact.
2. A wetland scientist has conducted a "function and values" study of the wetlands and deemed that the wetlands under consideration will not be negatively impacted by the development.
3. The Applicant has demonstrated that the use cannot be reasonably carried out on a portion or portions of the lot which are outside of the buffer.

4. The applicant has made a substantial effort to minimize the impacts to the buffer.
5. Consideration of waivers requested for constructed drainage facilities within the no-disturbance buffer should be determined by all of the following:
 - a) Assurance that the drainage facility has the most current water quality features that would provide measured reductions in potential pollutants typical to the proposed development,
 - b) That a reasonable effort has been made to keep the disturbance to a minimum,
 - c) Not more than 50% of the drainage structures are within the required buffer.
6. Recommendations from Exeter’s Conservation Commission should be reviewed and considered.
7. The applicant has prepared a mitigation proposal, including revegetating any disturbed area within the buffer to mimic preconstruction conditions or better. The applicant may also propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland.

9.17 Streets (remove reference that this section pertains to subdivisions only)

9.17.10 Roadway Parameters (new section)

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

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

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

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

- D. All private and public roads must allow for emergency vehicle access and include a turn-around for emergency vehicles serving 3 or more units.
- E. The shorter the road and the shorter the driveways, the more likely there will be parking along the roadway. Therefore, the Planning Board may require new roads to be posted as “No Parking” if road or driveway, width and/or length may result in an over-crowding within the proposed subdivision.

- F. All roads built less than 24 feet in width, unless otherwise deemed appropriate by the Town of Exeter's Public Works Department or Board of Selectmen will be considered private roads in-perpetuity. Restrictions regarding the private status, maintenance and snow removal of such roads, including agreements between private parties shall be included in the deeds of the affected lots.

9.20 Outdoor Lighting

- 9.20.1. Purpose: The purposes of this regulation is to avoid negative impacts resulting from excessive outdoor lighting, light trespass on adjacent properties, or safety concerns resulting from glare. This regulation is further intended to preserve Exeter's rural character and dark night sky, to minimize the impact of artificial lighting on wildlife, and to conserve energy and natural resources.
- 9.20.2. Applicability of Lighting Standards: The Planning Board may require lighting in any new development, or any change to or addition of new lighting fixtures to an existing site, based on the Board's evaluation of the submitted plan. This section applies to non-residential uses and any structure with 3 or more residential units.
- 9.20.3. Plan Requirements: For review of lighting designs the following information must be provided on a separate sheet submitted as part of the plan:
1. A visual photometric plan that demonstrates both light coverage and light spillage resulting from the proposed lighting plan;
 2. Photometric data, such as that furnished by manufacturers, showing the angle of cut off or light emissions;
 3. Plans indicating a description and location on the premises, of illuminating devices, fixtures, lamps, supports, reflectors, and other devices. The description may include, but is not limited to pictures and drawings supplied by manufacturers
 4. Proposed lighting schedule that includes style, housing and bulb action, when units are on and off, and what will remain on, if any after 10:00 pm.
- 9.20.4. General Lighting Requirements:
1. All new outdoor lighting for non-residential structures or residential structures with three or more units is required to have full-cutoff shielding (including wallpack fixtures), and the design of the fixture shall be approved by the Planning Board.
 2. The new installation of up-lighting, by any method, is prohibited; however, the limited use of upward landscape lighting on a case-by-case basis may be approved provided the lighting does not spill onto neighboring properties or public ways
 3. Lighting should be designed to provide the minimum illumination standards by the Illuminating Engineering Society of North America (IESNA) and shall follow the recommended practices for controlling light pollution of the International Dark Sky Association.
 4. Lights shall be turned off or reduced in intensity at 10 p.m. or a reasonable hour as determined by the Planning Board. A note on the plan shall specify the hours of operation for any proposed lighting.
 5. Emergency and Security lighting may be permitted on a case by case basis.

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

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

11.2.6 Replace existing language with the following:

"Reasonable efforts must be made to locate common open space adjacent to protected open space in adjoining property of properties to the satisfaction of the Planning Board. At least 75% of designated common open space shall be contiguous to other protected open space where applicable.

Note: With the exception of the revision to 11.2.6, all other revisions were adopted in September, 2010