STATE OF NEW HAMPSHIRE
SITE EVALUATION COMMITTEE

Docket No. 2015-06

Joint Application of Northern Pass Transmission, LLC
and Public Service Company of New Hampshire
d/b/a Eversource Energy for a Certificate of Site and Facility

PREFILED DIRECT TESTIMONY OF JIM COLLIER ON BEHALF OF THE EASTON PLANNING BOARD

November 15, 2016

Background and Qualifications

Q. Please state your name.

A. My name is Jim Collier.

Q. Please describe your official capacity in the Town of Easton?

A. I am the Chair of the Planning Board of the Town of Easton.

Purpose of Testimony

Q. What is the purpose of this prefiled direct testimony?

A. My testimony is being presented on behalf of the Town of Easton's Planning Board. Our testimony is for the following purposes: to address our concerns regarding the inconsistency between Easton's local land use goals and policies, and our conclusion that the Project as proposed would unduly interfere with the orderly development of the region. It is anticipated that further testimony on additional issues such as natural resources, historic sites, aesthetics and the public interest will be provided by the current deadline of December 30, 2016.

Q. Would the Northern Pass Project be consistent with Easton's master plan or other land use initiatives undertaken by the Town?

A. No. The project as proposed is not consistent with our latest Master Plan completed in 2010. See Appendix A to my testimony.

Easton is located in the Connecticut River Water Shed. The northern two-thirds of the Town drain northerly via the Ham Branch into the Gale River which joins the Ammonoosuc River in Lisbon. The southern one-third of the Town drains into the Ammonoosuc River. The Ham

Branch, Slide Brook and Reel Brook (all located in close proximity to the proposed burial site) are of high enough quality to provide treated drinking water for residents. The burial of the Northern Pass project through the Town of Easton could endanger the Town's rivers, brooks, streams, and wetlands. Intact water resources are vital assets to this Town.

The Town of Easton has: documented highly ranked habitat; recognized and documented National Wetland Inventories; documented slopes greater than 26%; and documented prime farmland and/or farmland of Statewide importance. The burial of this Project through the Town of Easton may cause harm to both these important natural resources and our residents.

Q. Would the Northern Pass Project be consistent with local land use ordinances and regulations in Easton?

A. No. The Project is inconsistent with the Town's zoning ordinance and subdivision regulations, (see Appendices B and C to my testimony) or with the prevailing land uses through Easton Valley Road (Rt. 116) and Route 112. These routes are two of Easton's major roadways. The location, as proposed, will cause major disruption to the flow of traffic in and out of town, as well as travel disruptions to residents and visitors.

Section 604 of our zoning ordinance addresses wetland areas in the Town. As proposed, the Project would be buried parallel and in close proximity to the Ham Branch and its tributaries. The activities associated with the construction and burial of the transmission line, including boring, blasting, and digging, could quite possibly cause harm to these water sources through pollution of wetlands, surface water, or ground water. Residential wells located close to the

burial site could also be impacted negatively. These actions could pose significant health and safety concerns for our citizens.

Finally, a project of the magnitude of the Northern pass Project could result in a loss, or significant disruption, of wildlife habitat in areas adjacent to the proposed route (which runs the entire length of the Town of Easton).

Q. Does this end your testimony?

A. Yes.

2010 MASTER PLAN
EASTON, NEW HAMPSHIRE

Developed by the Easton Planning Board

With the Assistance of North Country Council, Inc.

2010
Master Plan
Easton, New Hampshire

Developed by the Easton Planning Board:

Kathy Ouellette, Chair
Jim Collier
Gary Harwood
Andrew Noyes
Kevin O'Brien
Frank Woodruff, Alternate

With the assistance of North Country Council, Inc.

Adopted March 3, 2010

Photo Credits: North Country Council Inc. and Kathy Ouellette

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Chapter 1. INTRODUCTION

1.1 Purpose of the Master Plan

The Master Plan is a guidance document developed and updated periodically by the Planning Board. It contains the Planning Board's recommendations on how the community can best balance and achieve the goals of residents for the future of the community. The Master Plan provides the foundation for land use controls such as the zoning ordinance and subdivision regulations, as well as for other town programs and large expenditures.

1.2 Process Used to Develop the Plan

Since the Master Plan is based on resident's goals and desires, public participation is an essential element in the process. Public input was obtained through a community survey and public meetings. North Country Council was retained to provide a professional planner to assist the Planning Board. Existing regulations were analyzed to determine the level of development possible under current zoning, and the consistency between that level of development and residents' desires. A public meeting was held on the results of this build-out analysis in 2008. Residents' views were examined against the backdrop of the community's important resources and development limitations, the pros and cons of alternative approaches considered, and policies and recommendations for the future developed. Input on the vision for the future was obtained from the community in April of 2009 through a comment sheet and participation in a Pastry & Preservation session. In August 2009, a public discussion on the various approaches to managing residential density, such as lot size averaging, conservation subdivisions, and inclusionary housing density bonuses, was facilitated by North Country Council. On January 6, 2010 a public hearing was held on the draft plan.

The final step will be implementation by town officials, voters and volunteers, and annual review of the policies and recommendations at a joint meeting of the Planning Board and Selectboard to ensure that municipal activities and spending priorities remain consistent with residents' vision for the future of Easton.

1.3 Community Survey Results

In 2006 the Planning Board conducted a community attitude survey to obtain input on various land use issues. The survey was mailed to the approximately 265 property owners. Seventy-nine responses were received for a response rate of about 30 %. To enable comparison of community attitudes over time, the questions from the previous survey in 1996 were repeated, and several others added to address current issues.

As shown below, the survey results indicated strong support for town control over growth. The majority of respondents reported feeling that the current intensity and type of commercial activity is appropriate. While the majority of respondents favored the density of development represented by a 3 acre or greater minimum lot size, about one-third of respondents expressed support for a mixture of lot sizes/housing densities. About one-third also supported duplex housing in certain areas. Town consideration of strategies for creating affordable housing and cluster housing each received positive responses from over

forty percent of respondents. The majority of respondents supported town acquisition of property and development rights for conservation to preserve the rural nature of the town. Town involvement in promoting high speed internet access also received a favorable response by a majority of respondents.

The complete survey form and a summary of written responses are included in Appendices A-1 and A-2.

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree	*Number*
a. Town should control rate of growth	67%	29%	3%	1%	0%	*79*
b. Growth should occur with little or no Town control or regulation	0%	0%	1%	35%	64%	*77*
c. Current intensity of commercial activity is appropriate	44%	29%	14%	9%	4%	*77*
d. More intensive commercial activity is appropriate	0%	14%	9%	24%	53%	*74*
e. Current types of commercial activities are desirable	19%	58%	21%	1%	1%	*73*
f. Additional types of commercial activities are desirable	3%	18%	17%	29%	33%	*66*
g. Minimum lot size of greater than 3 acres is desirable	43%	20%	4%	20%	13%	*76*
h. Minimum lot size of less than 3 acres is desirable	3%	4%	5%	27%	61%	*75*
i. Minimum lot size should remain at 3 acres	25%	37%	8%	19%	11%	*73*
j. A mixture of lot sizes in different areas of Town is desirable	3%	32%	14%	27%	24%	*74*
k. A mixture of housing densities is desirable	3%	29%	13%	25%	29%	*75*
l. Duplex housing may be appropriate in certain areas	5%	26%	12%	22%	34%	*76*
m. Multi-family housing may be appropriate in certain areas	3%	18%	14%	32%	33%	*76*
n. Cluster housing (concentrating all houses or a development in one place, while preserving overall ratio of houses to acres) should be considered	11%	36%	12%	18%	24%	*76*
o. The Town should consider strategies for creating affordable housing	9%	32%	19%	14%	25%	*77*
p. To preserve its rural nature, the Town should purchase properties for conservation	42%	34%	4%	14%	6%	*77*
q. To preserve its rural nature, the Town should preserve development rights for conservation	43%	22%	12%	14%	8%	*76*
r. To preserve its rural nature, the Town should accept bequests of property for conservation	58%	37%	0%	1%	4%	*78*
s. The Town should become involved in promoting high speed internet access	49%	20%	22%	7%	3%	*76*

1.4 Vision for the Future

Residents today enjoy life in a community that is much quieter than the Easton of a century ago. Unlike the Easton of the late 1800's, the town today lacks bustling centers of industry and commercial activity. The center of town is defined only by the two community facilities located along NH 116 – the town hall, used by part-time staff and volunteer boards, and the fire station, housing equipment for the town's all volunteer fire department. Easton's approximately two hundred year-round and seasonal homes are primarily spread along the main roads such as NH116 and Sugar Hill Road, surrounded by forested hillsides. Recreational activities are more likely to be informal outdoor activities such as hiking or cross-country skiing in the surrounding forest than organized sports. Returning home from an evening meeting one is just as likely to see a moose as another car.

Despite the dark night skies, quiet surroundings, clean water, and unfragmented forestlands, residents are acutely aware of the potential changes that could occur as a result of forces outside of the community. The growing commercial area to the north and busy I-93 tourist corridor to the east, along with several growing resorts within a twenty mile radius, although providing jobs for residents, could bring changes to the rural quality of life if growth finds the town unprepared.

The vast majority of residents share a common desire – to maintain the quiet rural character of the community. Some specific goals:

- Retain the rural character of the town - the remnants of the town's traditional agricultural past surrounded by forestland, and encourage the preservation of the dark night skies.

- Promote more flexible approaches to density and other innovative land use planning techniques to retain productive agricultural land and scenic views, while preventing sprawl and the fragmentation of forest lands and wildlife corridors, without producing suburban-type cluster developments.

- Ensure that residents can pursue business enterprises on their property without disrupting their neighbor's enjoyment of the quiet rural environment.

- Provide residents with the opportunities associated with advances in communications technology.

- Support private, federal and state natural resource protection efforts.

- Support local agriculture.

- Protect surface water quality and the town's aquifers.

- Contain spending.

- Explore options for decreasing school costs without decreasing the quality of education and the sense of community.

Chapter 2. COMMUNITY PROFILE

2.1 Socioeconomic Trends

Population: Easton's population has been on the rebound in recent decades after a low of 74 residents in 1960. The 2007 Census estimate for 2007 is 283 residents, making it the seventh smallest community in the state, and still well below the reported peak of 415 in 1850. Population projections are difficult to make. Changes in the global economy, housing market trends in northern New England, and regional job growth all influence Easton's population. In addition, because Easton still has a very small population, decisions made by individual owners of large parcels can have significant impacts on the town's population. Considering the growth seen in recent decades, and the NH Office of Energy and Planning (NHOEP) estimate of 297 residents in 2008, NHOEP's population projection of 300 residents in 2010 seems reasonable. For 2020, a range would best be utilized for planning purposes. NHOEP modeling predicts 320 residents in Easton in 2020; a continuation of the growth estimated to have occurred in the past decade would result in 351 residents in Easton in 2020.

Year	Year-round Population	Change
1960	74	
1970	92	+24%
1980	124	+35%
1990	223	+78%
2000	256	+15%
2010	*300*	*+17%*
2020	*320 - 351*	*+7% - 17%*

(Source: US Census, 1960, 1970, 1980, 1990, 2000; NHOEP Projections, 2010, 2020)

While the population of the town has been increasing, the make-up of that population has also been changing. Like many areas, Easton has seen an increase in those over 65. In the North Country, this shift is caused both by the aging baby boomers and by the increasing popularity of the region with retirees. As shown below, during the last US Census period, 1990 to 2000, Easton's population age 65 and over increased 25% while the town as a whole grew only 15%. A similar trend was seen at the county level.

Changing Demographics

	Total Population	% increase over previous decade	Number Under 5	% Under 5	Number 5-17	% 5-17	Number 65 and over	% 65 and over	% increase 65 and older over previous decade
Easton 1990	223		16	7%	32	14%	40	18%	
Grafton County 1990	74,929		4,928	7%	12,257	16%	9,286	12%	
Easton 2000	256	15%	7	3%	42	17%	50	20%	25%
Grafton County 2000	81,743	9%	4,215	5%	13,675	16%	10,973	13%	18%

(Source: U.S. Census)

Changes in the local demographics carry with them changes in the services needed and may sometimes have financial impacts. It will be important to examine figures for 2010 when available to understand residents' needs in the next decade, and participate in cooperative efforts with nearby towns to address those needs, whether they are those of school age children or of senior citizens requiring additional assistance with transportation or meals.

Employment: As shown below, more than half of Easton's employed residents work in either Franconia or Littleton. The largest businesses in Franconia are Garnet Hill Catalog Sales and Cannon Mountain. Franconia Notch State Park is also a large employer. In Littleton, four of the largest ten employers are in retail – Shaw's, Home Depot, Lowes, and WalMart. Other large employers in Littleton's service sector are Littleton Coin and Littleton Regional Hospital. Manufacturing jobs are provided by Hitchiner Manufacturing (metal products), Burndy Corporation (electrical connectors), Genfoot America (boots) and other occupants of the Littleton Industrial Park.

Place of Work of Easton Residents in 2000

Place	Number
Franconia	35
Littleton	33
Bethlehem	10
Easton	10
Lincoln	10
Other Grafton County	11
Coos County	8
Other New Hampshire	4
Vermont	4
Other State	5

(Source: US Census)

As shown below, jobs in the Littleton Labor Market Area (see Appendix B) tend to pay wages substantially lower than the average for each sector state-wide – goods producing, service-providing, and government. The primary destinations for Easton commuters – Littleton and Franconia – are also shown in the table below. On average, jobs in the goods-producing sector pay higher wages than jobs in the service-providing sector. This means that employment growth concentrated in the retail portion of the service sector in recent years has further exacerbated the wage situation for Littleton area workers. The second table below shows the number of jobs in each sector in the Littleton Labor Market Area. Data for Littleton and Franconia are again included separately.

Average Weekly Wages in 2008*

	New Hampshire	Littleton LMA	Littleton	Franconia
Private Goods-Producing	$1075	$711	$717	$637
Private Service-Providing	$822	$606	$621	$630
Government	$820	$666	$786	$465

*Rounded to the nearest dollar.

(Source: NH Department of Employment Security)

Average Annual Employment by Sector in 2008

	Littleton LMA	Littleton	Franconia
Private Goods-Producing	2132	768	40
Private Service-Providing	7978	3468	613
Government	1728	409	202

(Source: NH Department of Employment Security)

Incomes: The 2000 US Census reported a median income of $49,167 for Easton households (42% sample), compared to $41,962 for Grafton County overall (25% sample), and a per capita income of $31,841 for Easton residents compared with $22,227 county-wide. Based on the 2000 Census sample data, 78% of both Easton residents and residents county-wide had income from wages or a salary. However, Easton residents were more likely to have self-employment income (25% vs. 17%), and income from interest, dividends or rent (48% vs. 42%). Also, as would be expected with a slightly older population, Easton residents were more likely to have income from Social Security (35% vs. 27%) or other retirement income (20% vs. 16%). Despite Easton's relatively high median household income, the 2000 US Census reported 25 Easton residents, 10% of the population, to be below the poverty level in 2000. Fifteen were children under eighteen. (Interestingly, the Census sample data reported no households receiving public assistance.) Residents of two housing units reported having no vehicle available.

Housing: NH Housing Finance Authority (NHHFA) reports the median purchase price for a home in Grafton County as $193,000 for the first half of 2009. This includes new homes, existing homes, and condos, and reflects a drop since a high of $221,000 in 2007. Utilizing NHHFA's housing affordability calculator with typical figures for household debt, interest rate, property tax and other variables, it was determined that to purchase a home in Grafton County at the median price, a household would need to earn at least $60,088 per year. Affordability of home ownership in Grafton County for Easton residents is compared with those of other northern Grafton County communities in the table below. The percentage of seasonal homes in each community is shown as well. Although not yet analyzed in the

North Country relative to other variables, the seasonal home market seems to be one factor related to local variations from the county median housing price.

Median Income and Percentage Seasonal Homes – Easton Compared with Other Area Communities

Town	2000 Median Income Adjusted to 2009 (Utilizing 25.4% inflation rate)	Percentage Seasonal Homes 2000
Lincoln	35,429	73%
Benton	42,845	39%
Bethlehem	44,576	19%
Woodstock	44,587	56%
Littleton	45,002	3%
Lisbon	47,643	8%
Franconia	50,341	41%
Landaff	52,623	16%
Monroe	53,183	4%
Bath	54,032	16%
Lyman	58,445	21%
Easton	61,655	32%
Sugar Hill	61,721	23%

(Sources: US Census, 2000, and US Department of Labor, Bureau of Labor Statistics)

When examining trends in the local housing supply, it is helpful to look at Easton in relation to the county, state, and to neighboring Franconia. During the 1980's the housing market in the state was flooded with an oversupply, leading to a 7% vacancy rate state-wide. As shown below, some of the demand for housing in the 1990's when new construction slowed was met by a reduction in the vacancy rate. In addition, the trend in the 1990's was for a shift in use of some second homes to year-round, either through owners retiring to their vacation homes or through sales. Unlike the state and county, Easton's vacancy rate remained stable through the 1990's at 5%. However, like the state and county, Easton lost seasonal homes during the 1990's in both numbers and as a percentage of the housing stock. Franconia, on the other hand, saw a substantial increase in seasonal homes in the 1990's, and a vacancy rate that climbed to 12% in 1990 and fell back to 4% by 2000.

Housing Occupancy

	New Hampshire		Grafton County		Easton		Franconia	
	1990	2000	1990	2000	1990	2000	1990	2000
Occupied Housing Units	411,186	474,606	27,542	31,598	91	117	323	384
Seasonal Homes	57,135	56,413	10,558	10,428	71	60	244	291
Seasonal Homes %	11%	10%	25%	24%	42%	32%	38%	41%
Vacant Units	35,583	16,005	4,106	1,703	9	10	79	27
Vacancy Rate	7%	3%	10%	4%	5%	5%	12%	4%

(Source: US Census, 1990, 2000)

In the 2004 North Country Region Housing Needs Assessment, North Country Council estimated that in the Littleton Labor Market Area (see Appendix B), about 1,390 new dwelling units would be needed over the course of this decade, including about 360 rental units. It was estimated that about 780 Littleton area renter households with below median incomes were paying more than 30% of their incomes on rent in 2000. This means they were spending an amount on housing costs that did not leave enough for food, transportation and other necessities. It was estimated that one hundred and ninety of these households, about one-third, had residents over age 65. The number of renter households in the Littleton Labor Market Area overpaying for housing is projected to be increasing to 890 in 2010, with the percentage of senior households staying the same. It was estimated that about one quarter (390) of senior homeowners were paying more than 30% of their incomes on housing costs; that figure was projected to increase to about 450 by 2010.

In this decade, building has been relatively slow, home prices have in general been higher than in the previous decades, the vacancy rate has been low, and many available seasonal homes have been converted to year-round use. The result in much of the state has been a shortage of housing affordable to median income working families. Concern for this issue, particularly in areas such as southern New Hampshire and the Upper Valley, where job growth has continued, led to the passage of SB 342 in 2008 (RSA 674:58-61) requiring all

communities to ensure that local regulations "provide reasonable and realistic opportunities for the development of workforce housing, including rental multi-family housing." This means that in the majority of town, zoning and subdivision regulations must not preclude developing housing affordable to a median income household. In addition, some part of town needs to be zoned to allow multi-family workforce housing of at least five units.

Tax Base: Since communities vary in their schedules for reassessments, and so their ratio of assessed value to true market value, equalized valuation per capita is typically used when discussing the tax base. The equalized value for Easton and its school district neighbors is shown below for the years 1995, 2000 and 2004.

Equalized Valuation Per Person

	1995	2000	2004
Easton	$109,167	$112,742	$200,482
Bethlehem	$45,123	$58,131	$96,945
Franconia	$109,180	$119,846	$231,187
Sugar Hill	$129,892	$140,562	$196,561

(Source: NH Office of Energy and Planning)

As shown, Easton's tax base on a per capita basis is very similar to those of Franconia and Sugar Hill, and all four towns experienced the disproportionate rise in real estate values in the early part of this decade. Compared to state-wide figures, Easton ranked 202 out of 234 municipalities, where 1 represented the lowest per capita valuation and 234 the highest.

2.2 Natural, Scenic, Cultural and Historic Resources

The town's natural and scenic resources are important to the community's year-round residents as well as visitors to the town and region. The quiet valley with its dark night sky, scenic views across open fields, large uninterrupted tracts of forestland on surrounding hillsides, and abundant wildlife are central to the character of the community.

As shown on Map 1 in Appendix C, much of the town's relatively level land that is not wetland is prime agricultural soil. Although farmland was once abundant in Easton, today only 211 acres are enrolled in the current use program as agricultural land. Some open

lands have been built upon and others have reverted to forest. Agricultural land has many important benefits to the community. Locally grown food has positive impacts on the local economy and the environment, and may increase in importance as fossil fuels become scarce and transportation costs rise. Many wildlife species also have habitat needs that must be met through a combination of open land and forest. In addition, many of the scenic viewpoints in town, especially those viewed from the main roads, depend on the open meadow foreground. Where fields have reverted to forest, views have been obstructed. In other fields, development has reduced the quality of the view. For that which is still open, and particularly for land with prime agricultural soils, it is important to plan future development in a manner which leaves the opportunity for local agriculture open to future generations. This can be accomplished with a combination of conservation and site planning techniques such as concentrating development in the wooded edges of property with open fields.

Site planning and design techniques are also available for reducing the impact of hillside and ridgeline development on scenic views. Innovative Land Use Planning Techniques – A Handbook for Sustainable Development developed by New Hampshire's regional planning commissions with support from NHDES, contains guidelines and a model ordinance to reduce the visual impacts of development. These design guidelines include:

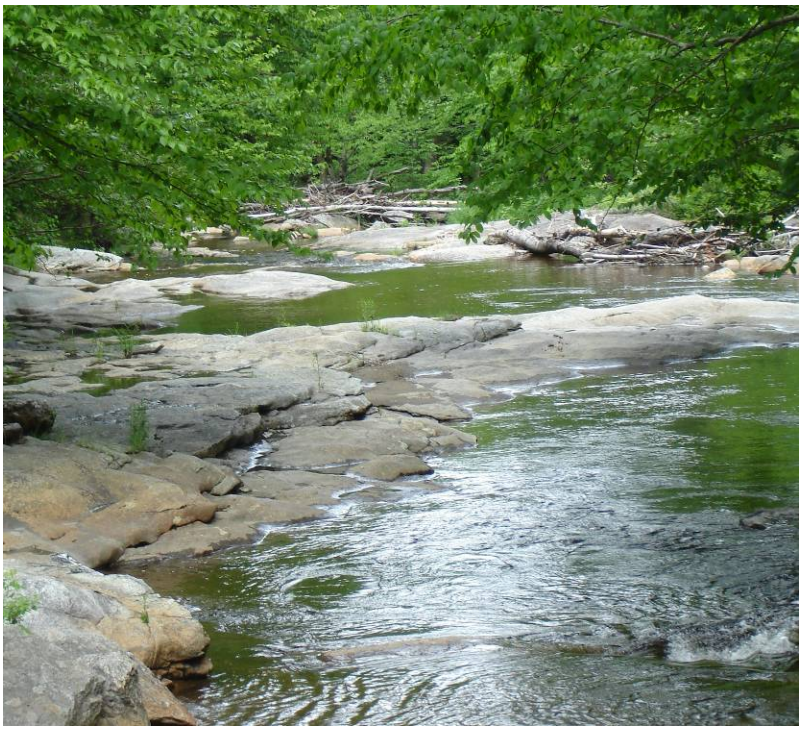
- limiting the area to be cleared for development and for a view from that development;
- use of natural/neutral colors;
- minimizing reflective glass;
- use of low level indirect lighting;
- siting below the ridgeline;
- use of natural landforms and existing vegetation to screen structures;
- minimize cut and fill;
- screen driveways; and
- siting to preserve important stands of trees.

Sugar Hill Road and Paine Road were designated as local scenic roads in 1977. This means that a public hearing and written permission of the planning board are required prior to road or utility work in the right of way that will require cutting trees over 15 inches in circumference or removal of stone walls. The road agent can obtain permission to remove

trees as needed to protect safety or property, and utilities can perform work as needed during an outage.

New Hampshire's important stratified drift aquifers have been mapped by N.H. Department of Environmental Services and U.S. Department of the Interior Geological Survey. As shown on Map 2 in Appendix C, a wide aquifer area extends through the valley of the Ham Branch and its tributaries, along NH 116 all the way to the National Forest boundary, and east to Paine Road. This aquifer serves private wells for existing development, and provides a potential public water supply should one ever be needed. In addition, a smaller aquifer is located north of NH 112 in the White Mountain National Forest west of the Wildwood area. Land use must be managed carefully in these areas to ensure that activities do not occur which could pose a threat to water quality. Some of the uses which are inappropriate over an important aquifer include those which involve the production, sale, storage or transportation of fuel oil, gasoline, or other hazardous substances; disposal, processing or recycling of hazardous substances; septage lagoons; snow dumps; solid waste facilities; storage of road salt or other de-icing chemicals; and vehicle service and repair shops. Guidance on managing these and other land uses in aquifer areas is available in NHDES/NHOEP Model Groundwater Protection Ordinance (revised June 2006).

Easton is in the Connecticut River watershed. Most of the northern two-thirds of the town drains northerly via the Ham Branch into the Gale River, which joins the Ammonoosuc River in Lisbon. The southern third of town drains into the Wild Ammonoosuc which flows westerly into the Ammonoosuc River near Bath. (See Map 2 in Appendix C) There are also three small ponds, none over ten acres in size, and others as created by beaver dams. Although little data exist, surface water quality in Easton's headwater tributaries is considered to be quite high. Where testing has occurred as part of the state's periodic state-wide assessment, the Ham Branch, Slide Brook and Reel Brook were all considered to be high enough quality for drinking water with adequate treatment. Sampling in 2008 on Black Brook at Wildwood did show pH levels that could cause a serious impairment for aquatic life. The cause was unknown.



To maintain the high quality of Easton's surface waters and its healthy aquatic ecosystems, it is necessary to both keep human activities separated from the town's rivers, brooks and wetlands, and to maintain a vegetated buffer around these surface waters. Shoreline vegetation and the layer of organic matter that builds up underneath it slow down stormwater runoff and trap sediment and other pollutants before they reach the river or brook. Vegetation also provides for necessary shade for aquatic species and slows the advance of some harmful invasive species. Following a thorough review of available research and consultation with natural resource professionals and state and federal regulators, New Hampshire experts recommended a minimum naturally vegetated buffer width of 100 feet for removal of pollutants and some of the needs of wildlife (Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Communities, Chase, Deming, and Latawiec, 1997). The 100 foot width had been shown to be associated with 60% or better removal rate for pollutants. Shoreline buffers are important for both open water such as ponds, brooks and rivers, and for wetlands. It should be noted that sensitive habitat areas and many wildlife species require larger buffers. In Easton, the state Comprehensive Shoreline Protection Act only provides protection for a portion of the Wild Ammonoosuc.

Inadequate stormwater management has increasingly been identified as the primary cause of water quality deterioration associated with human activity. Like many communities, Easton's requirements are out-of-date and provide inadequate protection for water quality. It is now understood that it is best to both reduce the amount of stormwater runoff and return as much of it as possible to the ground on-site. This maintains groundwater infiltration and prevents sediments and other pollutants from being carried to nearby water courses. In addition to increased pollutant load, stormwater impacts on surface water include higher temperatures, changes to fisheries, more frequent high flows during wet weather – more frequent and severe flooding – and lower flows during dry weather. The resulting erosion of stream banks and channels causes further deterioration of the habitat.

Although there have not been large developments with large amounts of parking lot runoff for example, it is important to prevent small incremental impacts as well. To prevent these cumulative negative impacts of development on surface water quality and habitat, it is necessary to keep land disturbance to the minimum area and time necessary, and to slow down stormwater and treat it on-site. Performance-based regulations requiring best management practices (BMPs) are recommended to address stormwater runoff. This is particularly important in Easton's steep slopes and higher elevations, where soils are shallow and easily eroded.

Examples of site planning and development BMPs include:

- Disturb only the vegetation absolutely necessary for the construction activities.
- Minimize soil compaction – use smallest equipment practical and avoid parking heavy equipment on areas that will be used for infiltration.
- Plan development so it follows the natural contours as much as possible.
- Minimize cut and fill.
- Limit contiguous area of disturbance.
- Aerate and revegetate areas exposed by construction.
- Maintain existing site hydrology.

Other BMPs have been developed to reduce the pollutant load of stormwater and maintain groundwater recharge. Innovative Land Use Planning Techniques (NHDES, NHARPC, NHOEP, NHMA, October 2008) contains guidelines for stormwater management during and after construction. BMPs specific to logging operations are also published by the state.

Kinsman Mountain was ranked as some of the state's most important habitat in N.H. Fish and Game's Wildlife Action Plan. This area is within the White Mountain National Forest. In addition, some of Easton's lowland areas including stream corridors and wetlands were among the highest ranked habitat in the biological region. Upland areas on the western side of town were considered to be important supporting habitat. See Map 3 in Appendix C. Understanding of the importance of wildlife corridors and ability to identify them has improved in recent years with the development of the Wildlife Action Plan.

Guidance is available on how to incorporate consideration of wildlife into the siting and design of development. Innovative Land Use Planning Techniques – A Handbook for Sustainable Development contains a checklist for review of subdivisions and site plans that could be used to provide guidance to the Planning Board and developers. Criteria addressed in the checklist include specifics on:

- Directing development away from rare and critical habitats.
- Maintaining buffers between human activities and important habitats.
- Preserving wildlife corridors.
- Maintaining the structure and function of aquatic systems.
- Minimizing clearing, grading, and compaction of soil during construction.
- Protection of stands of mature trees.
- Providing native plantings.
- Managing activities to minimize human-wildlife conflicts.

N.H. Fish and Game's Wildlife Action Plan also provides recommendations applicable to land use planning.

Easton has an active Conservation Commission working with other partners such as the White Mountain National Forest to address natural resource issues in town. The town allocates 100% of the land use change tax to a land use reserve fund. Conservation priorities identified in the 1991 Master Plan remain priorities today:

- Remaining farmland
- Ham Branch
- Wetlands along Ham Branch
- Wetlands at NH 112/116
- Mud Pond

The current use program (RSA 79-A) assists those who wish to keep their land in agricultural or forest use by ensuring that their property taxes will be based on productive use of the land rather than the land's development potential. Two-thirds of the privately owned land in Easton is in the current use program.

In 2006 the area known as the Village of Wildwood (intersection of Tunnel Brook Road and NH 112) was designated as a New Hampshire Historical Site (NH Marker number 200). Wildwood was a farming community in the early 1800s. Later, during the Great Depression, it hosted New Hampshire's first CCC camp. At the turn of the 20th century, Wildwood reached its peak of development. As a center for the "slash and run" logging of Mount Moosilauke, Wildwood had a school, a post office, and sawmills. West of here was a dam used in the drives that moved logs down the Wild Ammonoosuc River, from the mountains to the mills.

Through a survey of town residents, the following list was compiled of existing buildings with historic value and sites of former structures including homesteads of early and important settlers:

- Former Helen Young House and property – Charles A Young mill was located on the Ham Branch near the present house.
- Former Union Society Church (Meeting House).
- Former site of Mormon's homes.
- Sites of Young post office and store in the vicinity of the town hall and fire station.
- Kinsman and Ball cemeteries.
- Former Jonathan Tuttle home – site of one of the area's earliest settlers.
- Former home sites along Jericho Trail, which used to be the road to Landaff.

2.3 Infrastructure

Transportation:

Highways

In New Hampshire public highways are divided into what are called "legislative classes." These classes determine responsibility for maintenance and state aid to towns. Class II,

State Aid Highways consist of highways on the secondary state highway system. In Easton those are NH 116, NH 112, and Sugar Hill Road. Class V roads are those which the town has a duty to maintain. According to NHDOT data (September 2008) there are approximately three times as many miles of state-maintained highway in Easton as town-maintained (14.1 miles Class II compared to 4.6 miles Class V). In addition, NHDOT data show approximately 6.7 miles of private road and 3.8 miles of federal road maintained by the White Mountain National Forest.

Public ways which have been discontinued or have not been maintained by the town for year-round travel for five or more years are Class VI highways (RSA 229:5 VI and VII). State law (RSA 674:41) provides that no permit can be issued for building on a Class VI road or private road not approved by the Planning Board unless the Selectboard votes to issue permits on that section of road and the applicant has filed a waiver of the town's responsibility for maintenance and liability for damages with the Registry of Deeds. The law also provides for the Selectboard to provide the Planning Board with an opportunity for review and comment. To ensure that relevant issues are discussed and considered by the two boards ahead of time, and that all applications are evaluated against the same criteria, some towns have adopted a Class VI road policy. Although there is not yet a formal Class VI road policy in Easton, the Selectboard's practice has been to deny permits for building on Class VI roads when there have been life safety issues.

In terms of function, NH 112 in Easton is classified as a major collector, and NH 116 and Sugar Hill Road are classified as minor collectors. NH 112, west of NH 116, had an annual average daily traffic volume of 830 vehicles per day in 2008. NH 116, north of NH 112, had 310 vehicles per day, and Sugar Hill Road had 210 vehicles per day. Despite relatively low traffic volumes, high accident rates are a concern on several stretches of Easton's highways. NHDOT reports that high accident rates on both NH 116 in the southern half of town and on Sugar Hill Road north of NH 116 warrant further investigation. In addition, the accident rate on NH 112/116, although not extremely high, warranted further investigation over time.

Other Modes of Transportation

Airports commonly used for long-distance travel are Boston (3 hours), Manchester (2 hours), Montreal (3 hours), Burlington (2 ½ hours) and Lebanon (1 + hours). Nearby Franconia Airport is used mainly by the Franconia Soaring Association and the Franconia Inn. Its turf runway is not open in the winter.

Inter-city bus service is provided by Concord Trailways between Franconia and major points south, including Concord and Boston. There is no local fixed route public transportation. A network of human service, health care and volunteers meet some of the transportation needs of the nondriving population in the area.

The closest Amtrak service is the Montrealer running on the Boston and Maine line from New York / New Haven up along Interstate 91. The closest stop is White River Junction, Vermont, an hour and a half to the south. Train service is also available from Boston.

Water and Sewer: Easton is entirely dependent on private wells and on-site septic systems. Proper spacing, siting, design and routine maintenance by homeowners are required to prevent contamination of ground and surface waters and ensure continued high quality drinking water.

Schools: Easton is part of the Lafayette Regional School District that serves grades K – 6 students from Easton, Franconia and Sugar Hill, New Hampshire. In 2009 there are a total of 108 students enrolled at the Lafayette Regional School in Franconia.

Easton also belongs to the Profile School District, a regional junior high and senior high school system that serves grades 7 – 12 students from the towns of Bethlehem, Easton, Franconia, and Sugar Hill, New Hampshire. Grades 7 – 8 attend Profile Junior High School and 8 – 12 the Profile High School, both in Bethlehem. At this time there are approximately 300 students.

Both school districts are part of the White Mountain Administrative Unit #35, with offices in nearby Littleton.

Easton's cost per pupil has been a growing concern in town and some residents would like the town to consider other options. Important considerations will be the process and cost of making a change, and the important role of a school as one foundation of a sense of community.

Solid Waste: In the past few decades, the amount of space available in existing landfills has become very limited, state and federal environmental protection requirements have increased, and disposal costs have risen dramatically. To enable collaboration on these issues pursuant to RSA 53-B, Easton joined with seventeen other area communities to form the Pemi-Baker Solid Waste District in 1989. District membership enables, for example, negotiation of disposal and hauling contracts as a District rather than individual towns. For the last several years, Easton has had a cooperative agreement with Franconia and Sugar Hill by which the three towns operate the Tri-town Transfer Station in Franconia. The waste is hauled to Casella landfill in Bethlehem. The contract is due to expire in a few years. The towns have been voluntarily recycling glass, aluminum cans, and newspapers utilizing bins at the Franconia facility since the early 1980's, and around 1991 added bins for steel cans, corrugated cardboard, and certain plastic containers. A pay as you throw system was also instituted in 1999. The result has been a recycling rate as high as 42%. Through participation in the District, Easton residents have also had access to area household hazardous waste collections and recycling programs for special wastes such as paint, fluorescent light bulbs, and electronics.

Town Hall/Library: The current Town Hall was built in 1935. The building is two stories, with a basement and small attic space. On the main floor is the original meeting hall with a capacity for about 120 people and a kitchen. The kitchen is often used for dinners for the town and other organizations. The meeting room is used for Town Meeting and voting. It is also available for rent for private and nonprofit group functions. The new wing, built in 2002, provided for office space and a smaller meeting room used by local boards and organizations.

The town library is located on the second floor of the Town Hall. The quarters are quite small, and the library is open only limited hours. Many residents use the Abbie Greenleaf Library in nearby Franconia. Franconia's library is open six days each week and nonresident library cards are available for a small fee. Endowments and donations have enabled modernizations such as wireless internet access and a searchable on-line catalog linked with the state's public library system.

Fire/Emergency Medical: In the early 1990's the town changed from contractual fire protection services with Franconia and Sugar Hill to the establishment of a volunteer fire department. The construction of a two-bay station next to the Town Hall was completed in the late fall of 1990. Two fire trucks were also obtained – a tanker and an engine/pumper. With the equipment and volunteers, Easton now qualifies as a member of the Twin State Mutual Aid Fire Association, and receives support from and provides support to other member neighboring towns as necessary to fight fires. The Franconia Fast Squad and Ross

Ambulance from Littleton provide emergency medical transportation. Dispatching for fire and emergency medical for Twin State is handled by the Grafton County Sheriff's Department.

The availability and development of water supplies for fire fighting is an issue being addressed through the town's multi-hazard mitigation plan with assistance from North Country Council and a separate water resources plan being developed with the assistance of North Country Resource Conservation and Development. Implementation of these plans will require a collaborative effort among town boards, landowners and the fire department. New developments can be required to provide their own pond or cistern, and dry hydrant.

Cemetery: The town-owned Kinsman Cemetery on Paine Road is adequate to provide for the town's needs for the foreseeable future.

Recreation: Easton is fortunate to have the recreational facilities of the White Mountain National Forest in its midst including the Wildwood Campground and several hiking trails. The hiking trails include:

- Mt. Kinsman Trail which leads up to the Kinsman Ridge Trail. (The Kinsman Ridge Trail south of the junction with the Mt. Kinsman Trail is a portion of the Appalachian Trail.)
- Reel Brook Trail which also leads up to the Ridge south of the peaks.
- Beech Hill Trail which extends from the Reel Brook area to NH 112 in Wildwood.
- Jericho Trail which extends toward Landaff up Cooley Hill.

Bald Knob and the Kinsman Flume are popular destinations accessed by the Mt. Kinsman Trail. The trailhead was relocated in 2009 as recommended in Easton's previous master plan. Several informal trail networks provide additional opportunities for mountain biking, hiking and cross-country skiing. Local swimming holes are important in summer months, particularly Slippery Rock on the Ham Branch off of the Loop Road and across from Town Hall. (These are currently in private ownership.) The Ham Branch and Wild Ammonoosuc are also used by anglers.

Utilities: Public Service Company of NH serves the northeast portion of town and the New Hampshire Electric Cooperative supplies power to the rest of town. Television viewers have access to satellite television services for TV and if desired, for internet. The region's cell

phone service is continuing to improve. Some residents also have access to broadband via the Verizon tower.

Health Care: The Littleton Regional Hospital provides the majority of hospital care for residents and is located 16 miles to the north. Many physicians, chiropractors, dentists, therapists, and family health clinics have offices in Littleton. Cottage Hospital in Woodsville is 18 miles to the west. There are also several medical offices in Franconia, as well as a nursing home – Genesis' Lafayette Center. Area residents are fortunate to have specialized medical care available at Dartmouth Hitchcock Medical Center (1 ¼ hour southwest) rather than having to travel to Boston.

Chapter 3. LAND USE

3.1 Historical Perspective

Reflecting on the town's past, seeing how the community has evolved through the years, adds to our perspective on the issues of our time. The town's history, Looking Back at Easton, wonderfully documents the early settlement, the livelihoods and the pressing issues of different generations, and the flavor of community life.

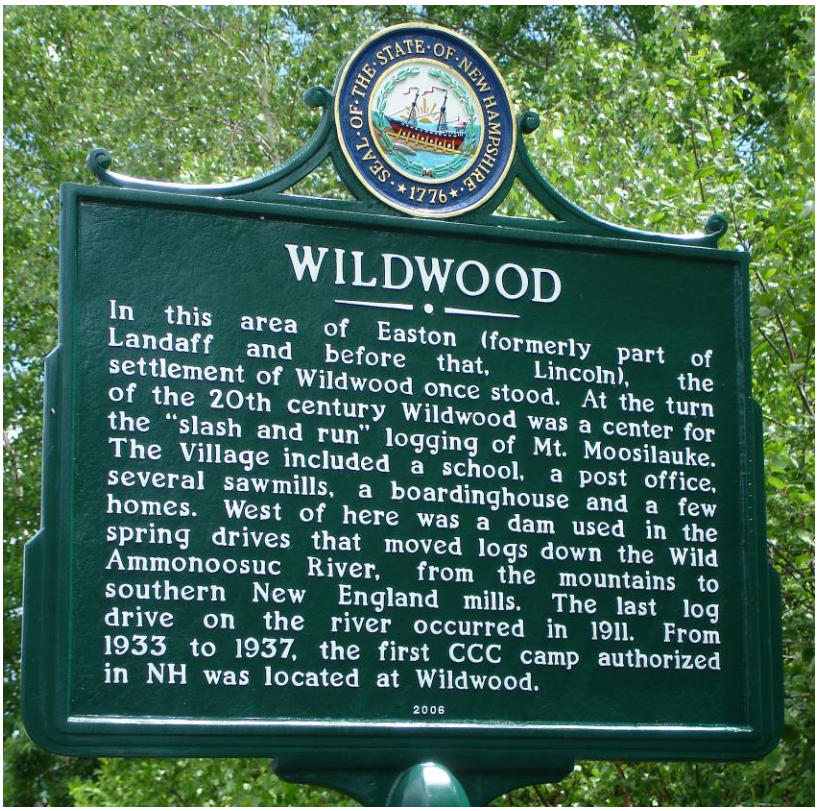
It actually took nearly 100 years for Easton to be established as a town due to vague and overlapping surveys, uncharted areas, and very few early settlers. Easton was originally a part of Lincoln, referred to as Lincoln Gore. From the time of Landaff's incorporation in 1774 until 1867 the community was known as Eastern Landaff. In 1867, after years of disputes and confusion, the state legislature approved the split from Landaff, and Easton was created with the boundaries as we know them today.

The last half of the nineteenth century was the community's busiest period to date with the greatest number of residents, mills and businesses. The number of residents at the time of the first census in 1880 was 302. The population reportedly peaked prior to that with 415 people in 1860. Old foundations throughout town reflect a distribution of homes and farms that was once broader than today's. Some of today's trails follow the path of roads that once went to Lincoln, Woodstock and Landaff. The Town Hall is located in what was once the most bustling part of Easton. The area along Route 116 from the northern Loop Road to the Ham Branch Bridge contained sawmills, a blacksmith shop, a brickyard, starch factories, a store and a post office.
Growth and development were driven by both farming and logging.

Farming was a major economic activity – the main crops were wheat, rye, oats, barley, and corn, as well as potatoes which were made into starch at local factories. Dairy farms and sheep raising were also important. Logging and lumbering were growing in importance.

The state began selling off forest land to private companies in 1810. In 1867 large tracts were sold by the state, boosting New Hampshire's logging industry. Between 1870 and 1910 sawmills were a common sight in Easton; there were once as many as eight sawmills

utilizing the abundant softwoods and hardwoods. Products included clapboards, shingles, and shoe pegs. Spruce oil distilleries were also built to further take advantage of the plentiful spruce trees. The Wildwood section in the southern part of town thrived for a short period due to the massive logging in the Moosilauke area. Eventually, larger paper companies bought up smaller ones, and, as paper mill demand from around the Northeast increased, the harvest of pulpwood increased. Public outcry about irresponsible logging practices and the resulting fires and impacts on the rivers of the east led to federal purchase of some of these forestlands. The White Mountain National Forest, officially established in 1918, began with the purchase of 7,000 acres in neighboring Benton in 1914. Eventually about two-thirds of the land in Easton became federally-owned.



New opportunities elsewhere for the younger generation and declining value of local farm produce compared to the Midwest and West led to a decline in local agriculture and loss of the businesses supported by it. The economies and technology of paper mills were also changing and local mills declined in importance. A gradual decline in population resulted.

Farmland reverted to shrubs and trees, and many of the original large lots were divided and sold.

Town residents, with much improved roads and communication, began to rely on larger towns such as Franconia, Littleton, and Lincoln for shopping, schools, and many services. Later, Easton, like many of our neighboring towns, became desirable as a seasonal home community.

3.2 Land Use Today and Development Trends

The total land area of Easton is about 19,936 acres, with the White Mountain National Forest encompassing approximately 13,707 acres, or 69%. The White Mountain National Forest brings a number of activities to the town in addition to silviculture, such as hiking, camping, maple sugaring, and of course has the added benefits of watershed protection. Downstream, the Ammonoosuc serves as the public water supply for Woodsville.

Easton's privately owned lands are also predominantly forest. Of 6,229 acres that is not in the WMNF, two-thirds (4,159 acres) is enrolled in the current use program, most of it as forest land.

Commercial agricultural has not been a significant part of the town's economy for several decades. Only 211 acres were enrolled in the current use program as farmland in 2008. However many residents enjoy the opportunity a rural community provides to conduct agricultural activities on a small-scale.

The town's privately owned forests and fields are increasingly being converted to residential use. Development is concentrated around the main roads and is also occurring on private roads reaching into the town's forested slopes.

Although at a rate much slower than the growth boom of the 80's, the number of homes in Easton has continued to increase in recent decades. The number of year-round homes reported in the 2000 Census was 117 compared to 91 in 1990. Two major subdivisions totaling ten lots have been approved since 2000. Even this incremental growth has the potential to impact relatively large acreages due to the pattern of dispersed large lots. It should also be noted that, in additional to seasonal homes, the same population today means a greater number of homes than when Easton was at its peak, due to smaller household sizes today. Development pressure on level former farmlands along the town's main roads remains high, as does pressure on the higher elevation sites with their views. New septic system technologies are opening up for development lands previously considered to be unbuildable.

Nonresidential uses in town consist primarily of home occupations, with a handful of other small businesses such as a bed and breakfast or gift shop. A summer tennis camp, with facilities on both sides of the road, has the most visible commercial-type impacts with people crossing Route 116, a parking area and occasional parking along the road. However, the

activity is limited to a season which runs about three months from late May to late August. Over the past decade, there has been an increase in the number of home occupations in town, though impacts such as traffic, noise, and parking issues are considered minimal.

3.3 Development Limitations

Slopes are an important consideration in Easton. As shown on Map 4 in Appendix C, much of the town's privately owned land is over 15% slope and so requires special consideration when siting development to ensure erosion and sedimentation does not occur during or after development. Slopes over 25% are not suitable for development due to the high potential for erosion and sedimentation and unsuitableness for onsite septic disposal.

Life safety issues are an important consideration when planning Easton's future land use. Response times are affected by road condition as well as distance, and condition is in turn affected by grade and drainage issues. The Easton Fire Department Chief and Emergency Management Director have recommended that driveway grades be limited to 15% or less to ensure that equipment can navigate icy conditions.

Much of the level land in town is wetland, poorly drained soils, or subject to flooding. These areas are unsuitable for development due to water quality and health issues as well as

potential for structural damage. In addition, loss of flood storage area in one place leads to increased flooding someplace else.

3.4 Existing Regulations

The Town of Easton Zoning Ordinance provides for a minimum lot size of three acres, and a density of one dwelling unit per three acres, throughout the community. Permitted uses include residential (single family and duplex), churches, agriculture and home occupations. Certain additional uses are allowed by special exception. These include public utilities, municipal buildings, noncommercial recreation, bed and breakfasts, antique/gift shops, home occupations, and small day care or group home. The Zoning Ordinance places some restrictions on home occupations, signs and lighting, and provides for telecommunications facilities.

An Aquifer Protection District manages land uses over high potential stratified drift aquifers to ensure toxic and hazardous materials do not contaminate the town's important groundwater resources. In addition, a Flood Hazard Zone protects the community from the health, safety, financial and environmental impacts of development in the floodplain. The Zoning Ordinance protects the town's wetlands from most development activities with a Wetlands Conservation District, and provides that wetlands can form no more than 25% of the 3 acre minimum lot size. In addition, new lots must have at least one acre of contiguous land that is neither wetland nor over 25% slope. However, development on steep slopes in permitted.

Both the Planning Board and Zoning Board of Adjustment have implemented the town's land use controls conscientiously and fairly, allowing only reasonable waivers, variances and exceptions as provided for in the ordinance or regulation. It is critical that this careful consideration continue as the town's ordinances and regulations are only as good as the enforcement of them.

3.5 Build-out Analysis Results

One of the first steps in this master plan update project was a build-out analysis. A build-out analysis is simply an analysis of existing zoning to see how much additional development

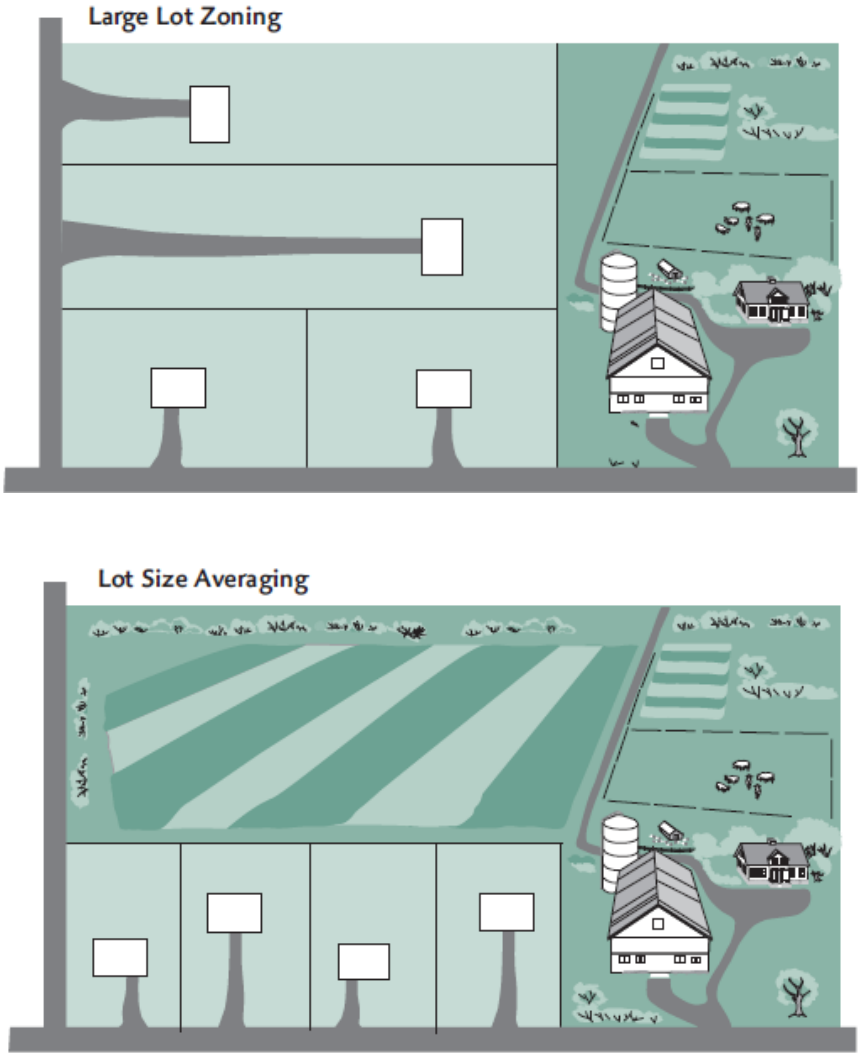
the town is zoned for. In other words, if all land was developed at the highest density allowed under current zoning, how big could our town become? The results showed that current zoning allows for over 1,700 dwelling units compared with the 187 counted in the 2000 Census. (See Map 5 in Appendix C for distribution of these potential dwelling units.) While a different approach may produce a figure somewhat lower or higher, it is clear that the town is currently zoned for a future much different than the vision of residents. The complete build-out report is included in Appendix D.

3.6 Future Land Use

Future development needs to be carefully planned to ensure that rural sprawl does not destroy the same natural and scenic resources that are drawing residents and visitors to the area. The high quality of the region's natural and scenic resources has been recognized by economic leaders as a critical foundation of the North Country economy. The town's remaining easily developed open lands along main roads are also key to the scenic qualities of the town. Residential development on steeper slopes further into the forest threaten water and forest resources, wildlife habitat and recreational opportunities. The results of the build-out analysis showed the community that the current zoning will eventually lead to a level of development away from main roads that is not desired by residents, and that could threaten health and safety due to the lack of facilities and services in town, and the difficulty of providing them to remote areas. Whereas a larger minimum lot size would lead to more loss of forest, field and habitat, a lower permitted density of development instead, in many areas of town, would be more compatible with the community's vision for the future, with resource protection and with public health and safety.

Careful subdivision and site planning can go a long way toward ensuring that landowners' interested in developing their property can do so in a manner compatible with community objectives. Innovative land use tools such as lot size averaging and conservation subdivisions enable development to occur within the framework of the town's resource protection priorities. Lot size averaging entails zoning for maximum density rather than minimum lot size. Minimum lot sizes are instead determined by that required for sustainable on-site septic and water supply. Unlike a typical clustering ordinance that only applies to major subdivisions, lot size averaging can be applied to minor subdivisions as well to keep fields, forest or important habitat areas such as wetlands intact. A conservation subdivision

is this same concept applied to a major subdivision. In any case, the process should start with a mapping of the important resources on the site, and home sites identified as the following step, rather than the traditional subdivision planning process where these steps occur in the reverse order.



(Source: "Lot Size Averaging: One Size Does Not Fit All," Innovative Land Use Planning Techniques, NHDES, NHARPCs, NHOEP, NHMA, October 2008)

Minor changes in local land use regulations can make substantial impacts on the ability of the elderly, the disabled, and young families to remain in the community. "In-law" apartments, whether an actual apartment in or attached to the main house, or a detached unit such as a manufactured home or garage or barn converted to living space, can provide

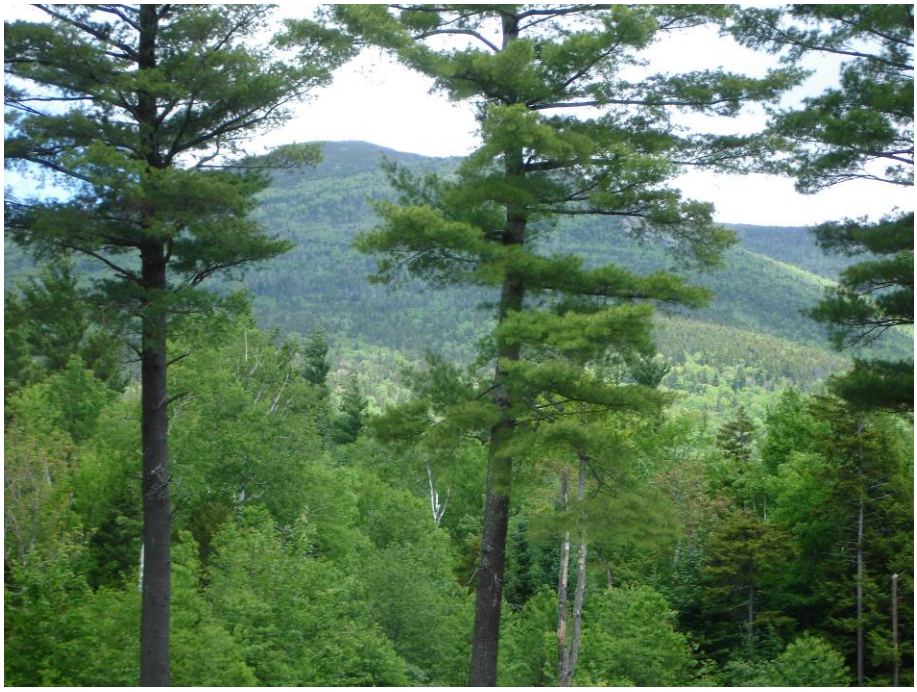
an opportunity for extended families to assist each other, or for an elderly or disabled resident to both receive income from their property and have the assistance of someone else living on-site. As Easton's zoning ordinance is reviewed for compliance with the workforce housing law, it will be important to look for opportunities to also make changes like that that might be appropriate for a small town like Easton.

Some nonresidential uses are compatible with Easton's rural character. These include businesses that complement the community's efforts to protect the high quality natural resources, including water resources, scenic resources, the dark night sky, and wildlife habitat; that support local agriculture and silviculture; and that do not increase traffic on the town's rural highways. This includes camps; certain tourist businesses with a low volume of traffic, such as antiques, books or an art studio; sale of locally grown products, or items made from locally grown products; small retail serving primarily guests; and passive nonmotorized recreation. Home business is a normal part of the rural atmosphere, but should not impact on neighbors with noise, light, unsightly outdoor storage, or traffic. With the same consideration, energy generation for on-site use is also consistent with the rural character of the town.

In addition to considerations regarding the location and density of development, good siting and design can also increase the compatibility of a development with natural resource protection goals and compatibility with the character of the community. Some of these guidelines were discussed or referenced in Section 2.2. Natural, Scenic, Cultural and Historic Resources. These included:

- conservation of prime agricultural soils
- hillside and ridgeline development
- groundwater protection
- shorelines and wetland buffers
- stormwater management best management practices
- incorporating considerations for wildlife
- conservation of prime agricultural soils

In addition to these guidelines for site planning, proper design of outdoor lighting is also important for maintaining an essential element of Easton's community character – the dark night sky. Some of the lighting design issues are glare, over lighting, light trespass, and skyglow. "Glare" refers to lighting fixtures that shine a portion of the light into individuals' eyes rather than onto the object or area to be illuminated. Glare can impair vision and cause safety problems. In addition to causing glare, overlighting negatively impacts the character of the area and wastes energy. "Light trespass" refers to light falling on a neighboring property because a fixture emits too much light at high angles or projects light too far. "Skyglow" is light pollution which is visible miles away due to reflection off of atmospheric particles. In the winter, snow adds to the skyglow. Some good sources of information for the Planning Board to draw on when developing local regulations and reviewing site plans are NH Office of Energy and Planning's Technical Bulletin on Outdoor Lighting (Summer 2001) and "Preserving Dark Skies" in Innovative Land Use Planning Techniques – A Handbook for Sustainable Development (NHDES, NHARPCs, NHOEP, NHMA, October 2008). Technology and standards in this area are continuing to evolve so it will be important to maintain up-to-date knowledge and requirements.



Special land uses such as telecommunications towers and wind farms pose special challenges for small communities like Easton. In many cases federal and state regulations preempt local control. It is important for the town to participate proactively and to have a strong voice in state and federal review processes. Proposals should be consistent with the town's goals, with careful attention to mitigation of negative impacts.

In New Hampshire RSA 36:54-58 provides for planning board input into proposed developments in the area which have a potential for regional impacts ("DRIs"). Examples would include not only proposed development near Easton's borders, but also that which would increase traffic on Easton's roads or change seasonal patterns, cause skyglow visible in Easton, share an aquifer, or increase use of shared school or solid waste facilities. The "DRI" statute enables neighboring communities and the regional planning commission to provide testimony regarding these potential regional impacts and propose mitigation strategies.

Chapter 4. POLICIES AND RECOMMENDATIONS FOR THE FUTURE

POLICIES

Managed Growth

The low density residential pattern in Easton should be continued. It is supported by the limited number of sites in town with soil and slope characteristics suitable for on-site septic systems and water supply, home construction, roads and driveways; lack of town facilities and services; and the importance of a high quality environment with abundant woodland and open fields to community character.

Transparency and Balance

The Planning Board's policy is to promote community participation in the process of land use planning and subsequent implementation steps so that they reflect the desires of an informed public, and to try to balance individual landowner interests with those of the collective community by managing inevitable growth and change to minimize negative impacts.

Protection of Natural Resources

Easton's natural resources are one of the town's most important assets. Elements treasured by residents include specific features such as views, open fields, forests, wildlife, and wetlands, and how these features combine to create a dramatic landscape, where residents coexist with wildlife in virtually intact habitat. The Planning Board’s policy is to develop and amend land use regulations so that growth occurs in the context of these natural systems.

SPECIFIC RECOMMENDATIONS

Land Use and Natural Resource Protection

Consider lowering the allowed overall density of development in areas with poor soils and steep slopes to a level more consistent with development capability, and in remote areas of town to a level more consistent with the distance to services.

Develop and adopt zoning and subdivision regulation amendments which would enable greater Planning Board influence and flexibility over the layout of a proposed development. This would include requirements that homes and accessways are placed away from important natural features, provide minimal interruption to open spaces and viewscapes important to the community, and are away from important wildlife corridors.

Prohibit development on slopes steeper than 25%, and ensure that best management practices for preventing erosion and sedimentation are implemented on slopes over 15%.

Prohibit roads and driveways with steep slopes and/or steep drop-offs along the sides. In addition to erosion and sedimentation, these pose a potential threat to the health and safety of drivers, including area volunteers in winter when emergency vehicles must traverse icy slopes.

Enable Planning Board influence in the siting and screening of homes built on slopes and ridge tops that are important to the community character in their current relatively undisturbed state.

Ensure the protection of wetlands and other surface waters through separation of human activities from shorelines and maintenance of vegetated buffers.

Ensure the protection of the quality and quantity of groundwater supplies for the next generation of residents to be served by onsite wells. This includes review of the town's aquifer protection ordinance to ensure it is up-to-date.

Ensure that all development incorporates best management practices (BMPs) for stormwater management.

Continue to prohibit development and other loss of flood storage in wetlands and other mapped flood storage areas.

Incorporate wildlife habitat protection guidelines into the land development review process.

Incorporate lighting guidelines in local ordinances and regulations to ensure continuation of the dark night skies.

Residential Development

Provide opportunity for workforce and multi-family housing as defined in RSA 674:58-61 (SB 342).

Any multifamily housing built in Easton should be designed in a style consistent with a rural community, be as close as possible to emergency services, and provide a fire pond or cistern adequate for fire suppression.

Consider relaxing the minimum lot size for duplexes to increase opportunities for the elderly, disabled and young families to remain in Easton.

Ensure that residents continue to be able to earn a living through home occupations or home businesses with reasonable restrictions to prevent negative impacts on the neighborhood.

Nonresidential Land Uses

Consider amending the zoning to move toward more of a performance based approach for businesses. This would mean limits on the impacts themselves, e.g. the number of employees, daily vehicular traffic, hours of operation, outside storage and signs, and ensuring noise levels do not exceed those of a rural residential neighborhood.

Support agriculture and forestry using best management practices.

Continue an awareness of both current and evolving energy sources consistent with the Master Plan land use and natural resource protection recommendations.

Enforcement

Continue strict enforcement of local land use regulations and planning board conditions of approval.

Require performance guarantees and inspection fees for subdivision roads and other improvements required by the planning board such as fire ponds, cisterns and dry hydrants (pipes with fittings to which a pumper truck can attach to draw water from a pond or stream).

Town Finances

Develop a capital improvement program (CIP) and consider the consistency of the needs of proposed subdivisions with the CIP when reviewing subdivision applications.

Require all developers to pay their fair share of improvements that will be required as a result of their project.

Conservation and Recreation

Continue to work with the White Mountain National Forest and other partners and landowners to provide low impact recreation opportunities compatible with the rural character of the town and with natural resource goals.

Work collaboratively with federal and state agencies and nonprofits when habitat protection and recreation priorities overlap to multiply the impact of local conservation dollars.

Continue to allocate 100% of the land use change tax to local conservation projects.

Encourage the conservation of open fields for their important contribution to the character of the community, their importance as a component of diverse habitat, and the ability of future generations to grow food. Fields with prime agricultural soils and those which support scenic views should be the highest priority.

Enforce the town's scenic road ordinance.

Facilities

Work with NHDOT to monitor and understand causes of the high accident rates on NH 116 and Sugar Hill Road, and ensure that when the issues are addressed it is in a manner compatible with the rural character of the community and with natural resource protection goals.

The Selectboard and Planning Board should work together to develop and adopt a Class VI road policy providing guidelines for the issuance of building permits on Class VI roads. Considerations should include the condition of the road, conditions of connecting roads, effects on/availability of services, and consistency with the master plan.

Require proper design and construction of new subdivision roads, and strong covenants to ensure successful private maintenance by current and future owners.

Participate in regional efforts to better meet the transportation needs of the region’s nondriving population.

Provide homeowner education on the proper care of septic systems and wells to ensure continued high quality water supply.

Explore the costs and benefits of various K-12 educational options.

Continue to promote recycling and to coordinate with area towns on solid waste disposal options.

Explore the possibility of changing the status of the library.

Implement the town’s multi-hazard mitigation plan and associated water resource plan, including the recommendation that new development be required to provide their own fire pond or cistern and dry hydrant.

Support regional efforts to provide high speed internet access when they are compatible with preservation of the scenic environment that is the North Country's most important economic development asset.

Easton's Role in the Region

Implement the “DRI” (developments with potential regional impact) statute, including by providing comments on proposed developments in neighboring communities regarding potential impacts on Easton and working with North Country Council to suggest mitigation measures.

Continue to participate in regional planning and economic development activities.

APPENDIX A-1

Easton, NH

Master Plan Revision Survey
2006

1. Please describe the reasons why you live in Easton.

2. Please check the box that most accurately reflects your opinion respecting each of the following statements:

MASTER PLAN REVISION SURVEY	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
a. Town should control rate of growth					
b. Growth should occur with little or no Town control or regulation					
c. Current intensity of commercial activity is appropriate					
d. More intensive commercial activity is appropriate					
e. Current types of commercial activities are desirable					
f. Additional types of commercial activities are desirable (See Question #10)					
g. Minimum lot size of greater than 3 acres is desirable					
h. Minimum lot size of less than 3 acres is desirable					
i. Minimum lot size should remain at 3 acres					
j. A mixture of lot sizes in different areas of Town is desirable					
k. A mixture of housing densities is desirable					
l. Duplex housing may be appropriate in certain areas					

MASTER PLAN REVISION SURVEY	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
m. Multi-family housing may be appropriate in certain areas					
n. Cluster housing (concentrating all houses or a development in one place, while preserving overall ratio of houses to acres) should be considered (See Question #8)					
o. The Town should consider strategies for creating affordable housing					
p. To preserve its rural nature, the Town should purchase properties for conservation					
q. To preserve its rural nature, the Town should purchase development rights for conservation					
r. To preserve its rural nature, the Town should accept bequests of property for conservation					
s. The Town should become involved in promoting high speed internet access.					

3. If you favor changing minimum lot sizes, whether generally or in certain instances, please explain why.

4. Please identify any special resources or qualities that should be protected and preserved.

5. Please indicate your view as how best to protect and preserve any such resource or quality identified in your response to Question #4.

6. Please list any particular properties you consider worthy of special protection or preservation.

7. Please indicate your opinion as how best to protect and preserve any such properties identified in your response to Question #6.

8. Cluster housing is a land use planning and conservation device used as a means of preventing scattered development and promoting the more efficient construction and use of roads and utilities lines. In a 30 acre subdivision, for example, instead of having one house on each of a maximum of ten three acre lots, to which a developer is limited under Easton's current zoning ordinance, he could instead provide for up to 10 houses to be placed around a common or village green in a small area, while leaving the remainder of the 30 acres undevelopable forever, thereby promoting the concepts of the community and neighborhood, while at the same time maximizing open land and minimizing the need for road construction, maintenance and snow removal. Please indicate your opinion pro or con upon such an alternative as an available option, and not as a complete replacement, to the present one-house-per-three-acre minimum requirement.

9. Please identify your greatest concern for the future of Easton.

10. If you favor additional types of commercial activities than all currently practiced or allowed in Easton, please list them and explain why you believe them to be desirable.

11. Please provide any other comments or ideas you may have that were not addressed in any previous questions.

12. (Optional) Are you a full time resident, part time resident, or nonresident?

APPENDIX A-2

Master Plan Survey - Summary of Written Responses

Q1- Please describe the reasons why you live in Easton.		
Summary of Responses	*Number*	*Specific Examples*
affordable to purchase houses	4	
privacy / nature	36	
low taxes	10	
convenient location	6	close to I-93, shopping in Littleton
no commerce	2	
strong zoning ordinance	2	
small rural community	26	good neighbors, friendly community, traditional culture and values
recreation opportunities	18	hiking, fishing, biking, trails, hunting

Q3- If you favor changing the minimum lot sizes, whether generally or in a certain instances, please explain why.		
Summary of Responses	*Number*	*Specific Examples*
smaller	5	for affordability, if it reduces sprawl, if open space is put aside on adjacent parcels
larger	24	preserve privacy, slow growth, encourage better houses, preserve open space, ground water, 4ac lot size
same	13	
should not be less than three	2	

Additional Comments

Three acre lots encourage "cookie cutter" houses and housing patterns. Larger lots are more conducive to better quality houses with more variety. Even now, very few developments create lots of fewer than 5 acres.

To prevent the overbuilding taking place in other towns, we would like to see the minimum lot size increased to five acres for future purchase.

Protection of ground water quality is essential. Must be long-term protection, reflecting soils, slopes, rocky and ledge conditions and built-out areas all drawing water out of the ground while putting wastewater, back in the ground. Think built out area, not just one or small group of houses, to protect for future generations.

Minimum lot size of 3 acres appears to lead to subdivision for greatest profit and road frontage requirements leads to this.

Q4- Please identify any special resources or qualities that should be protected and preserved.

Summary of Responses	*Number*	*Specific Examples*
route 116 as a bikeway	1	
areas along river for public preserved	2	
natural resources	29	trees, forest, views, ridgelines
water	7	rivers, ground water, public access to streams and rivers, clean water
hiking trails	2	
farm land	6	undeveloped, large tracts
level land at the end of Gibson Road	1	
rural nature	6	
access to WMNF	1	
town hall/ historic buildings	4	town hall, meeting house
Ham Branch	1	
Slippery Rock	2	
Paine Land`	3	
open land	10	
quality of life	1	
land along Wild Ammo	1	

Q5- Please indicate your views as how to best protect and preserve any such resource or quality identified in your response to Question #4.

Summary of Responses	*Number*	*Specific Examples*
work with state to preserve scenic roads	1	
Slippery Rock conservation easement	1	
Ham Branch scenic river	1	
regulations restricting private ownership of river frontage	1	
state / federal grants	3	
town consider purchasing	5	
large lot size to maintain rural character	3	
additional property tax to fund purchases of open space	2	
capital reserve funds	1	
national register of historic places	1	
regulations	12	on development, on percentage of tract that can be clear cut, set backs, enforcement of building permit regulations, increase frontage requirement
conservation easements	10	

Additional Comments

By using forum and other means of communication, such as e-mail, newspapers, newsletters, etc, as will as using volunteers to conduct studies, plan for the protection or preservation, propose actions, gain consensus from the community, and implement the plan.

Identify areas and designate on Master Plan as having conservation value. Notify landowners of different options to preserve open spaces. Conservation easements etc.

Q6- Please list any particular properties you consider worthy of special protection or preservation.

Summary of Responses	*Number*	*Specific Examples*
Gerald Paines Property	5	
Cooley Farm	4	
Slippery Rock	2	
barns / farm houses / farms	1	Tamarack, Darvid Farm, Miller White, Whitcomb, historical barns
meeting house and town hall	6	historical buildings
Easton Trail	1	
level land @ end of Gibson Road	1	
swimming hole	1	
ridge lines / summits	1	
Cole Hill	1	
natural resources	3	forest, wetlands, rivers, streams, open space
open space	7	including forest lands, farm lands
wetlands and stream banks	1	
WMNF	2	prevent logging
Gale River tributaries	1	
Map 1 lot 50, 54, 55, 64 Map 4 Lot 24, 30, Map 5 Lot 6,8,12,	1	Map 3, Lot 10,15

Q7- Please indicate your opinion as how best to protect and preserve any such properties identified in your response to Question #6.		
Summary of Responses	*Number*	*Specific Examples*
not sure	1	
historical societies	2	
grants	2	
land owners donation for tax relief	1	
town purchase	4	
require permitting for logging	1	
communication with WMNF respect to logging	1	
raise funds	2	build a conservation fund by warrant, extra fees for subdivisions
easements	6	conservation
state LCHIP program	1	
work with land owners to encourage preservation	1	
enforce regulations	1	
education	1	

Q8- Cluster Housing - Please indicate your opinion pro or con upon such an alternative as an available option, and not as a complete replacement, to the present one-house-per-three-acre minimum requirement.

Summary of Responses	*Number*	*Specific Examples*
valuable land use and conservation technique	12	would be great for retirees, reasonable option
concern about cookie cutter look and quality	1	
not in favor	19	benefit to developer not town, concern about water and sewer demands on the towns, road demands on the town
support with restrictions	12	in a few locations, street reg, open space remain a priority
unsure	2	

Additional Comments

This may be a viable alternative to purchasing development rights. Create an overlay zone or zones in the areas of the present remaining large tracts of privately owned level land and designate them as cluster zones, with one houses per 3 acres no longer and option, but all houses clustered together on one acre maximum lots.

Only supported this if: a.) s division is not visible from the road. B.) some restrictions on type of buildings allowed are implemented -- ie must be of "local charter"

Much depends on the density allowed in the cluster what would set backs bee from road and adjacent properties. Could cluster be along existing roads with undeveloped land in back, or must housing be centered in the parcel with it's own access road? We would prefer 5 acre zoning in cluster housing to be considered.

Cluster housing is a good option in towns that don't have protected "open" areas. The WMNF in Easton is a huge protected space. Cluster housing in Easton should not be mandated.

Cluster concept is good if properly defined and regulated. 5 acre minimum with allowance to cluster to 3 acres would be good with specific criteria on individual lot developments. The town should never allow any density that would now or at any time require town or group utility systems.

Q9- Please identify your greatest concern for the future of Easton.

Summary of Responses	*Number*	*Specific Examples*
becoming unaffordable	3	
upgrades in rt 116 increasing driving speed	1	
heavy industry coming in	1	
loss of rural identity	9	with a safe community in mind
overdevelopment	38	uncontrolled development, commercialization, too many houses on rt 116
keeping taxes affordable	6	
utilization of town resources road maintenance / school funding	1	
increasing school tax	2	
traffic	3	
loss of natural resources	2	
development of open space	2	

Additional Comments

Windmill farms, Easton receives strong winds and with the large power line through town, perhaps windmills would be appropriate.

Maintain it's rural charter and severely limiting growth. I do not want to see the town forced to build schools and other local services in order to accommodate cluster neighborhoods.

Q10- If you favor additional types of commercial activities than all currently practiced or allowed in Easton, please list them and explain why you believe them to be desirable.

Summary of Responses	*Number*	*Specific Examples*
anything that sells items made on premises	12	low impact
small planned commercial district rt 116	5	
not in favor	9	
additional outdoor activities	1	
wind farms	1	
as is	1	
small store	3	small country grocery store
form of public transportation	1	

Additional Comments

It would be nice to have a country store where one could purchase newspapers, stationary, greeting cards and small necessities to save fuel. Also, we would welcome some form of public transportation, such as a small bus or inexpensive taxi service.

Q11- Please provide any other comments or ideas you may have that were not addresses in any previous questions.

Summary of Responses	*Number*	*Specific Examples*
rt 116 speed limit decrease	1	
town to address property damage by road water	1	
fix easton / sugar hill road	1	
each family dwelling should be allowed to have in-law apt	1	
solicit high speed internet / broadband	2	
regulation regarding clear cutting	1	
land set aside for conservation		

Additional Comments

Impact of rapid development on town services, traffic control and enforcement is already almost noon-existent, the state roads haven't been mowed due to lack of funding, we don't need this happening to our town too.

We need to be very careful to encourage diversity in our future. As land values increase we have the possibility of being and elitist community which will eliminate younger families and middle income demographics from our population

Q12- Are you a full time resident, part time resident, or nonresident?

Summary of Responses	*Number*	*Specific Examples*
non-resident	15	
full time resident	40	
part time resident	16	

APPENDIX B

LITTLETON LABOR MARKET AREA

Littleton Labor Market Area (NH portion) in 2004

This group of towns was used for the December 1, 2004 North Country Council North Country Region Housing Needs Assessment.

Bath
Benton
Bethlehem
Carroll
Dalton
Easton
Franconia
Haverhill
Landaff
Lisbon
Littleton
Lyman
Monroe
Sugar Hill
Whitefield

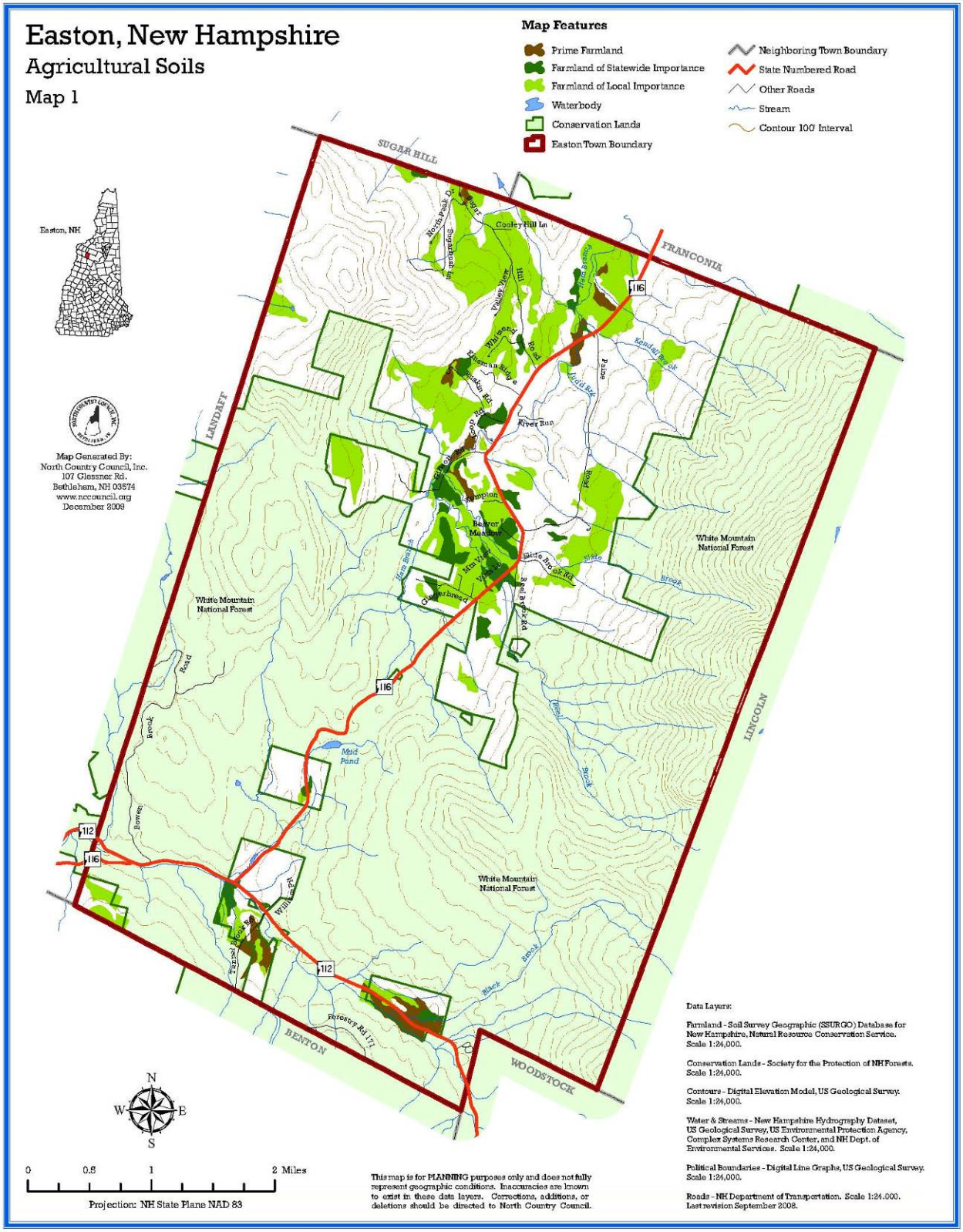
Littleton Labor Market Area (NH portion) as published by NH ELMIB in 2005

Current labor statistics published by the state are based on this group of towns.

Bethlehem
Carroll
Dalton
Easton
Franconia
Jefferson
Kilkenny
Lancaster
Landaff
Lisbon
Littleton
Lyman
Monroe
Northumberland
Odell
Stratford
Sugar Hill
Whitefield

APPENDIX C

MAPS


Easton, New Hampshire
Agricultural Soils
Map 1
Map Features
Prime Farmland
Farmland of Statewide Importance
Farmland of Local Importance
Waterbody
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
State Numbered Road
Other Roads
Stream
Contour 100' Interval
Easton, NH
Map Generated By:
North Country Council, Inc.
107 Glessner Rd.
Bethlehem, NH 03574
www.nccouncil.org
December 2009
SUGAR HILL
FRANCONIA
LINCOLN
WOODSTOCK
BENTON
LANDAFF
White Mountain National Forest
Cooley Hill Ln
Mid Pond
Data Layers:
Farmland - Soil Survey Geographic (SSURGO) Database for New Hampshire, Natural Resource Conservation Service. Scale 1:24,000.
Conservation Lands - Society for the Protection of NH Forests. Scale 1:24,000.
Contours - Digital Elevation Model, US Geological Survey. Scale 1:24,000.
Water & Streams - New Hampshire Hydrography Dataset, US Geological Survey, US Environmental Protection Agency, Complex Systems Research Center, and NH Dept. of Environmental Services. Scale 1:24,000.
Political Boundaries - Digital Line Graphs, US Geological Survey. Scale 1:24,000.
Roads - NH Department of Transportation. Scale 1:24,000. Last revision September 2008.
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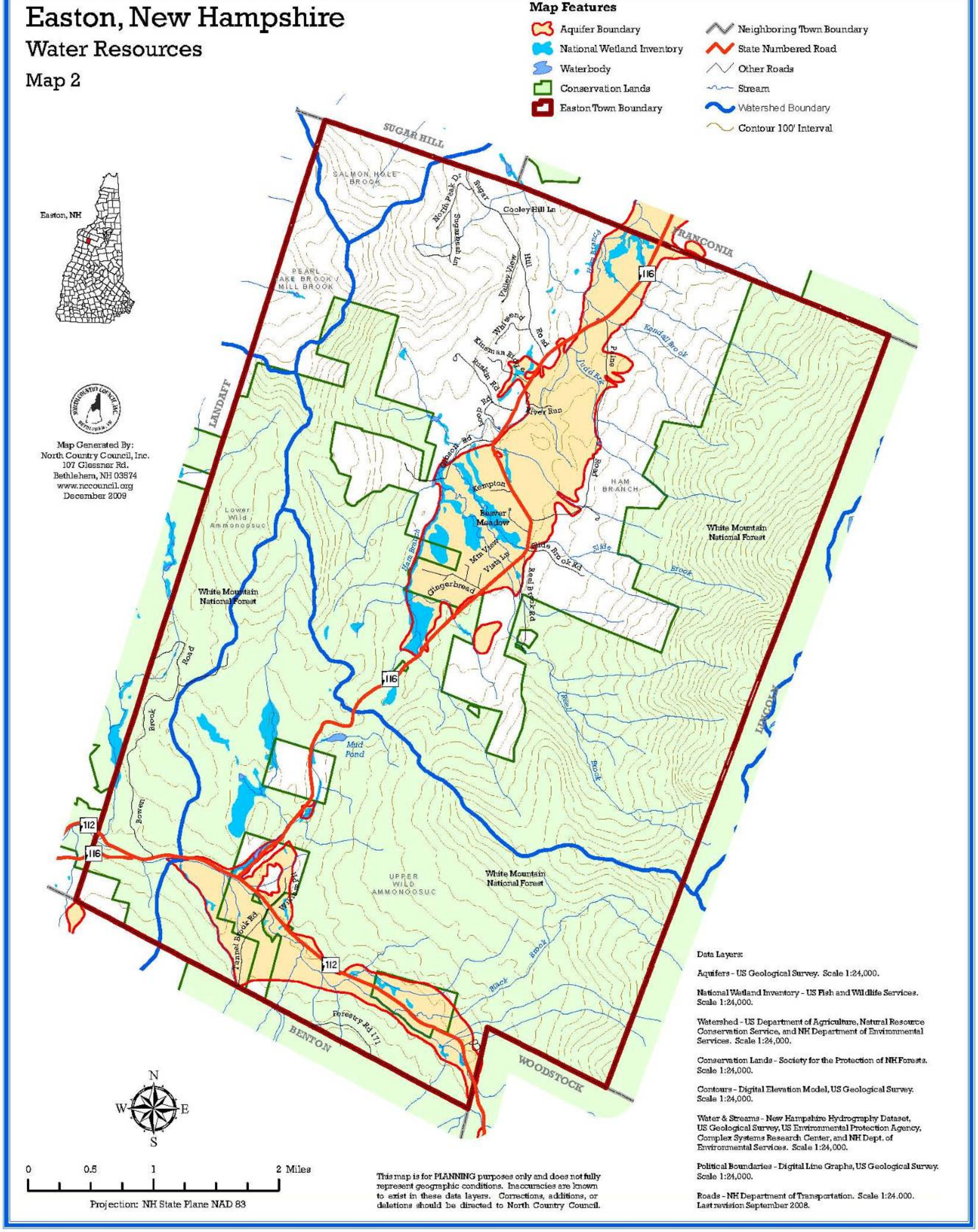
Projection: NH State Plane NAD 83
This map is for PLANNING purposes only and does not fully represent geographic conditions. Inaccuracies are known to exist in these data layers. Corrections, additions, or deletions should be directed to North Country Council.


Easton, New Hampshire
Water Resources
Map 2
Map Features
Aquifer Boundary
National Wetland Inventory
Waterbody
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
State Numbered Road
Other Roads
Stream
Watershed Boundary
Contour 100' Interval
Easton, NH
Map Generated By:
North Country Council, Inc.
107 Glessner Rd.
Bethlehem, NH 03574
www.nccouncil.org
December 2009
SUGAR HILL
FRANCONIA
LANDAFF
LINCOLN
BENTON
WOODSTOCK
SALMON HOLE BROOK
PEARL LAKE BROOK / MILL BROOK
Lower Wild Ammonoosuc
UPPER WILD AMMONOOSUC
HAM BRANCH
White Mountain National Forest
White Mountain National Forest
White Mountain National Forest
Cooley Hill Ln
Valley View
Kinsman Ridge
River Run
Kempton
Beaver Meadow
Gingerbread
Mud Pond
Forestry Rd 171
Tunnel Brook Rd
Bowen Brook Road
116
112
Data Layers:
Aquifers - US Geological Survey. Scale 1:24,000.
National Wetland Inventory - US Fish and Wildlife Services. Scale 1:24,000.
Watershed - US Department of Agriculture, Natural Resource Conservation Service, and NH Department of Environmental Services. Scale 1:24,000.
Conservation Lands - Society for the Protection of NH Forests. Scale 1:24,000.
Contours - Digital Elevation Model, US Geological Survey. Scale 1:24,000.
Water & Streams - New Hampshire Hydrography Dataset, US Geological Survey, US Environmental Protection Agency, Complex Systems Research Center, and NH Dept. of Environmental Services. Scale 1:24,000.
Political Boundaries - Digital Line Graphs, US Geological Survey. Scale 1:24,000.
Roads - NH Department of Transportation. Scale 1:24,000. Last revision September 2008.
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Projection: NH State Plane NAD 83
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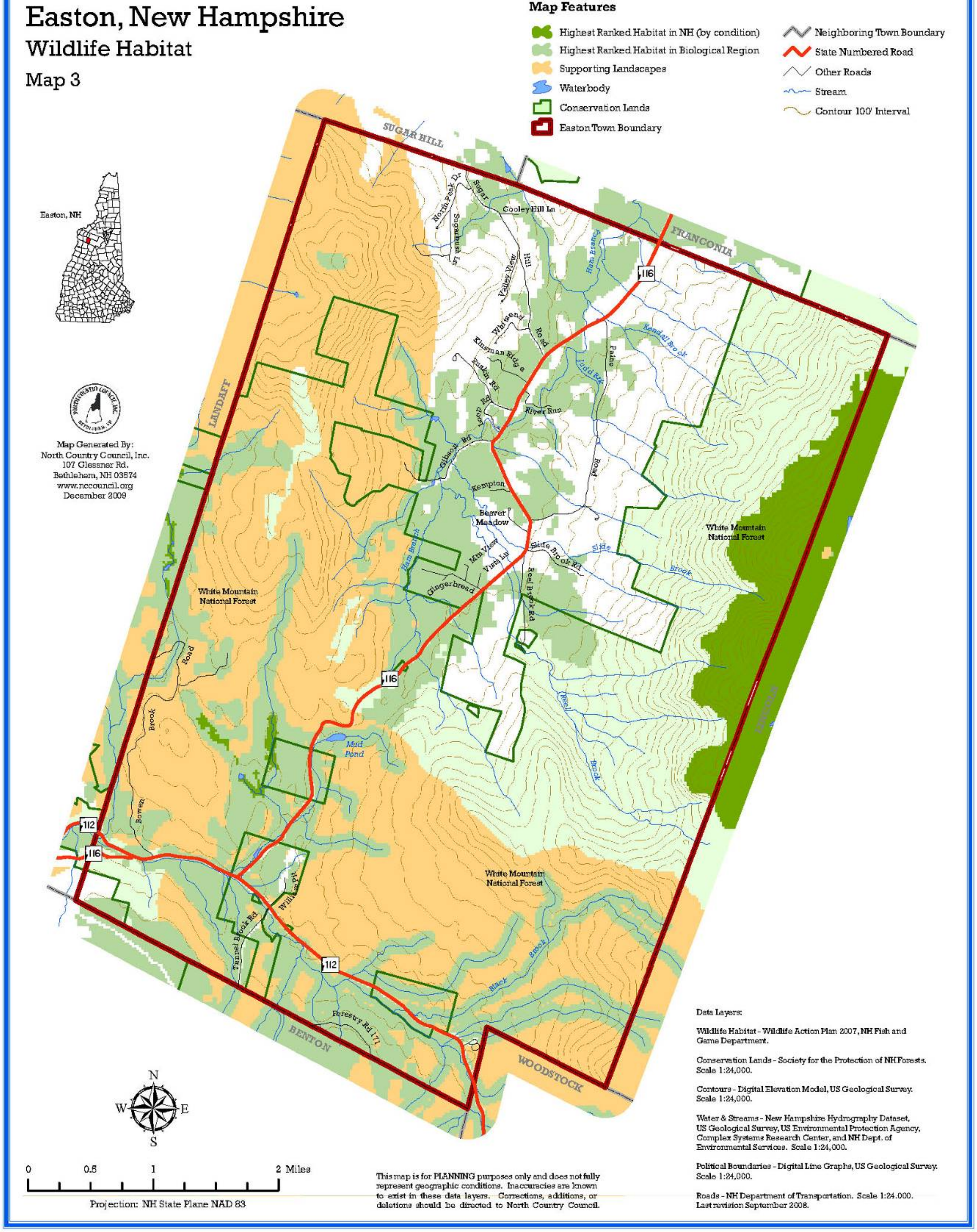

Easton, New Hampshire
Wildlife Habitat
Map 3
Map Features
Highest Ranked Habitat in NH (by condition)
Highest Ranked Habitat in Biological Region
Supporting Landscapes
Waterbody
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
State Numbered Road
Other Roads
Stream
Contour 100' Interval
Easton, NH
Map Generated By:
North Country Council, Inc.
107 Glessner Rd.
Bethlehem, NH 03574
www.nccouncil.org
December 2009
SUGAR HILL
FRANCONIA
LANDAFF
BENTON
WOODSTOCK
White Mountain National Forest
White Mountain National Forest
White Mountain National Forest
Mud Pond
Beaver Meadow
116
112
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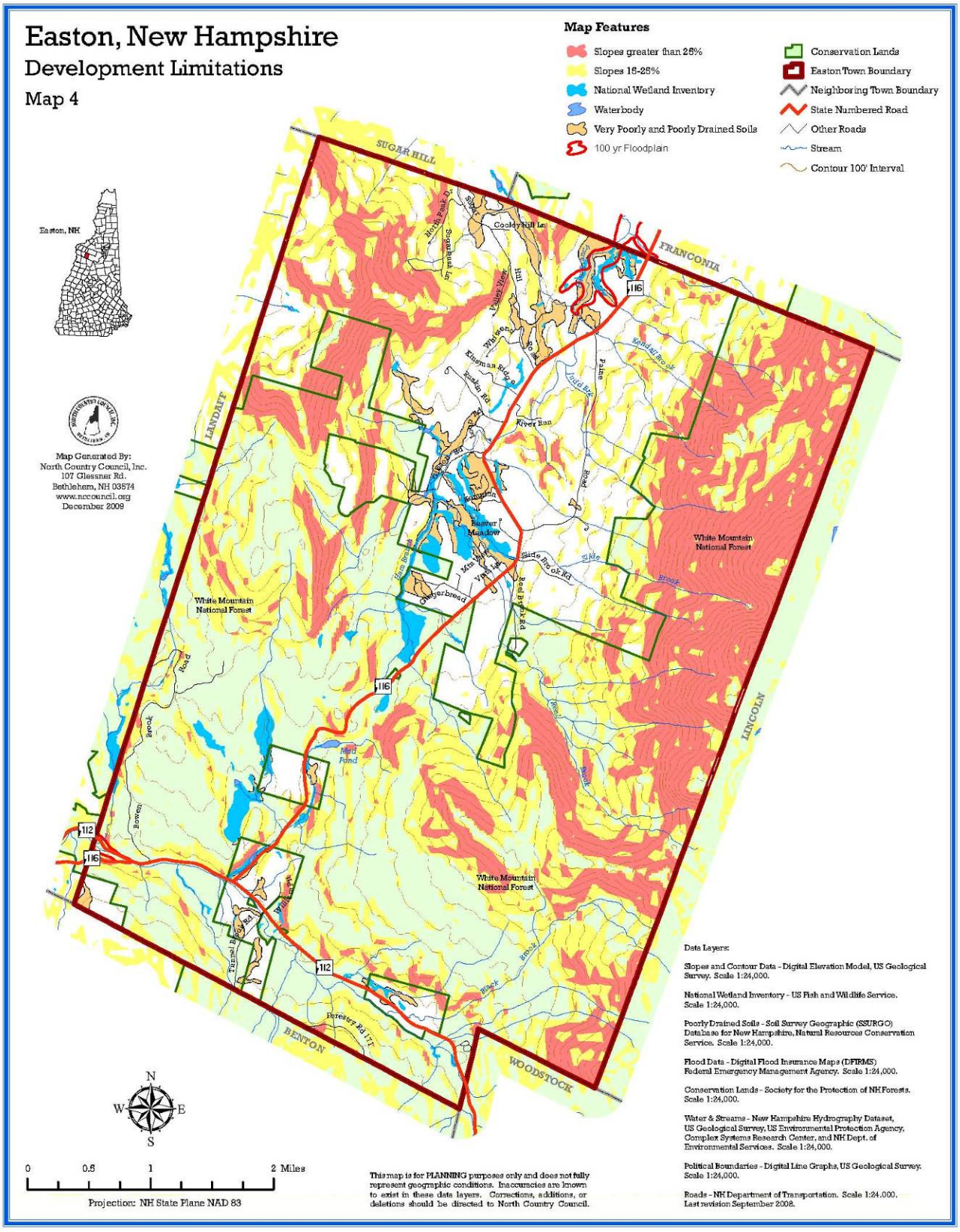
Projection: NH State Plane NAD 83
This map is for PLANNING purposes only and does not fully represent geographic conditions. Inaccuracies are known to exist in these data layers. Corrections, additions, or deletions should be directed to North Country Council.
Data Layers:
Wildlife Habitat - Wildlife Action Plan 2007, NH Fish and Game Department.
Conservation Lands - Society for the Protection of NH Forests. Scale 1:24,000.
Contours - Digital Elevation Model, US Geological Survey. Scale 1:24,000.
Water & Streams - New Hampshire Hydrography Dataset, US Geological Survey, US Environmental Protection Agency, Complex Systems Research Center, and NH Dept. of Environmental Services. Scale 1:24,000.
Political Boundaries - Digital Line Graphs, US Geological Survey. Scale 1:24,000.
Roads - NH Department of Transportation. Scale 1:24.000. Last revision September 2008.


Easton, New Hampshire
Development Limitations
Map 4
Map Features
Slopes greater than 25%
Slopes 15-25%
National Wetland Inventory
Waterbody
Very Poorly and Poorly Drained Soils
100 yr Floodplain
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
State Numbered Road
Other Roads
Stream
Contour 100' Interval
Easton, NH
Map Generated By:
North Country Council, Inc.
107 Glessner Rd.
Bethlehem, NH 03574
www.nccouncil.org
December 2009
SUGAR HILL
FRANCONIA
LANDAFF
LINCOLN
BENTON
WOODSTOCK
White Mountain National Forest
116
112
Data Layers:
Slopes and Contour Data - Digital Elevation Model, US Geological Survey. Scale 1:24,000.
National Wetland Inventory - US Fish and Wildlife Service. Scale 1:24,000.
Poorly Drained Soils - Soil Survey Geographic (SSURGO) Database for New Hampshire, Natural Resources Conservation Service. Scale 1:24,000.
Flood Data - Digital Flood Insurance Maps (DFIRMS) Federal Emergency Management Agency. Scale 1:24,000.
Conservation Lands - Society for the Protection of NH Forests. Scale 1:24,000.
Water & Streams - New Hampshire Hydrography Dataset, US Geological Survey, US Environmental Protection Agency, Complex Systems Research Center, and NH Dept. of Environmental Services. Scale 1:24,000.
Political Boundaries - Digital Line Graphs, US Geological Survey. Scale 1:24,000.
Roads - NH Department of Transportation. Scale 1:24,000. Last revision September 2008.
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Projection: NH State Plane NAD 83
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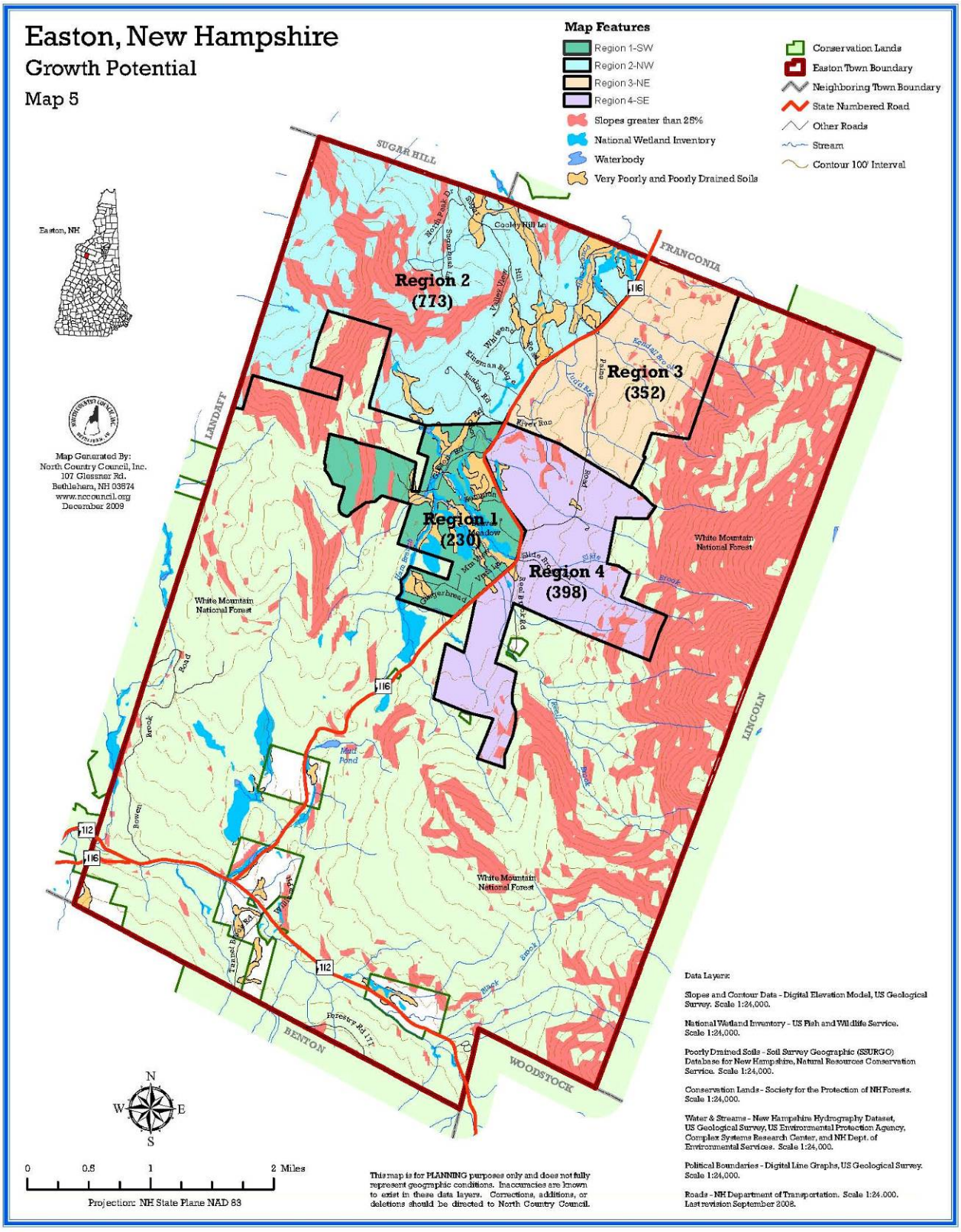
Easton, New Hampshire
Growth Potential
Map 5
Map Features
Region 1-SW
Region 2-NW
Region 3-NE
Region 4-SE
Slopes greater than 25%
National Wetland Inventory
Waterbody
Very Poorly and Poorly Drained Soils
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
State Numbered Road
Other Roads
Stream
Contour 100' Interval
Region 1 (230)
Region 2 (773)
Region 3 (352)
Region 4 (398)
SUGAR HILL
FRANCONIA
LANDAFF
LINCOLN
BENTON
WOODSTOCK
White Mountain National Forest
Map Generated By:
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December 2009
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Data Layers:
Slopes and Contour Data - Digital Elevation Model, US Geological Survey. Scale 1:24,000.
National Wetland Inventory - US Fish and Wildlife Service. Scale 1:24,000.
Poorly Drained Soils - Soil Survey Geographic (SSURGO) Database for New Hampshire, Natural Resources Conservation Service. Scale 1:24,000.
Conservation Lands - Society for the Protection of NH Forests. Scale 1:24,000.
Water & Streams - New Hampshire Hydrography Dataset, US Geological Survey, US Environmental Protection Agency, Complex Systems Research Center, and NH Dept. of Environmental Services. Scale 1:24,000.
Political Boundaries - Digital Line Graphs, US Geological Survey. Scale 1:24,000.
Roads - NH Department of Transportation. Scale 1:24,000. Last revision September 2008.

APPENDIX D

BUILD-OUT ANALYSIS FOR THE TOWN OF EASTON NEW HAMPSHIRE

AN ESTIMATE OF POTENTIAL GROWTH AND DEVELOPMENT BASED ON CURRENT ZONING REGULATIONS AND AVAILABLE LAND

Analysis Conducted by:

The North Country Council, Inc.
107 Glessner Rd.
Bethlehem, NH 03574

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INTRODUCTION

In the fall of 2007 North Country Council Staff met with the Easton Planning Board to discuss available assistance for an update to the Easton Master Plan. As part of that discussion, it was determined that the town wished to better understand the impacts of current zoning regulations on land development and the role that conserved land and protected resource areas play in determining future development opportunities. Additionally, the Easton Planning Board sought to understand how important natural areas in the community might be impacted by future development decisions, and how the Master Plan might be updated to positively address any identified growth management issues as well as any identified natural resource protection issues.

These types of inquiries are typically well suited for a build-out analysis. A build-out analysis is a planning tool that allows for an analytical review of development opportunities and limitations within the town. In a baseline analysis such as this, the Planning Board can identify an estimated 'maximum' number of units possible if the current development conditions are maintained into the future. It is in the examination of the hypothetical 'ends' of the current regulatory and resource 'means' that communities are given an opportunity to better grasp the outcomes of current planning choices and to retool those choices in subsequent updates to Master Plans, Zoning Ordinances and Subdivision Regulations.

In this particular instance, the build-out analysis looks at development under the towns current Zoning Ordinance and Subdivision Regulations. In addition, North Country Council planning staff made certain assumptions about land uses based on input from the Town, and which are outlined in the following sections. This analysis is also based upon the premise that all land in the town not currently conserved either privately or within the White Mountain National Forest will eventually be developed to the maximum density allowed under the Zoning Ordinance. This study does not address *probable* growth trends, but rather identifies the *potential* growth that is currently allowed under current land use regulations in Easton. Estimates provided within have been provided to further the discussion about whether the *potential* development of land in the community is something to be encouraged and what, if any, planning actions might be taken to reflect the desires of the Easton community about its future.

ASSUMPTIONS

The North Country Council utilized its Geographic Information System (GIS) software and data layers developed for the Town of Easton and others over the past several years to perform much of the analysis for this build-out. Several key factors of this analysis regarding current land use were based on information obtained from the Town of Easton assessor's office. The data sources and assumptions used in conducting this analysis are explained in detail below. The software systems used for this analysis were Environmental Systems Research Institute (ESRI) ArcGIS version 9.2 and Microsoft's Excel spreadsheet software version 2003.

Assumptions used in this analysis were that:

- All road rights-of-way (ROW) are 50' wide.
- Willing landowners obtain lot line adjustments over time to allow for the land to be developed to the maximum density possible under current zoning.
- Land use will continue in their present uses and acreage distributions.

DATA SOURCES USED

In order to conduct a successful analysis of the maximum development potential of a community, it is first necessary to determine those areas that would not support development and remove them from the analysis. To that end, the following sources of data were used to determine what and where those areas are in the Town of Easton.

Conserved Lands
Sixty-six percent of the land in the Town of Easton is unavailable for development as part of the White Mountain National Forest (WMNF). There is also an additional small percentage of property held in private conservation easements and surrounded by the WMNF. Information on the location/distribution and identification of conserved lands in Easton was obtained from the Society for the Protection of NH Forests (SPNHF). The data was available at a scale of 1:24,000/1:25,000. The data used for this study was updated as of December 2007 and was made available through the Complex Systems Research Center at the University of New Hampshire. Additionally, the data was verified as correct by the Easton Planning Board.

Surface Water Features
Easton is home to a few scattered small ponds and streams. Data used in the GIS analysis of the Town's water resources was obtained from the US Geological Survey (USGS), NH Department of Environmental Services (NHDES), the Complex Systems Research Center at UNH (UNH CSRS), and the

US Environmental Protection Agency (US EPA). The data was provided in a 1:24,000 scale and was last revised in September 2006. The surface water features data was made available through the UNH CSRC.

Road Centerlines
The road centerline data for the limited number of roads in Easton was obtained from the NH Department of Transportation (NHDOT) and was provided at the 1:24,000/1:25,000 scale. The road centerline data was last updated in February 2008 and was provided by the UNHCRCS. It should be noted that a road buffer extending 25' to either side of the centerline was assumed for road Rights-Of-Way (ROW).

Hydric Soils
The US Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Grafton County soil survey was used to gather the information on those soils classified as poorly drained or very poorly drained for this analysis. These soils are used to delineate the location of wetlands pursuant to the Town of Easton Zoning Ordinance Section 603.B.1**. The data was provided in a 1:24,000/1:25,000 scale and were last updated in September 2002. The GIS layer for this data was made available from the UNHCSRC.
** It should be noted that this wetland definition is not consistent with RSA 674:55 and should be amended.

Steep Slopes
NCC staff utilized a Digital Elevation Model (DEM) of the Town of Easton and GIS software to calculate the location of slopes exceeding 25% through out the town. The DEM used data provided by the USGS that was last revised in March 1999 and which was provided by the UNHCSRC.

METHODOLOGY

As mentioned previously, the first part of a build-out analysis involves excluding those areas from analysis that either don't support development – either because of physical constraints to building or because of legal constraints (zoning regulations or conservation status). After applying the information gleaned from the review of the GIS data discussed in the previous section, the following areas were excluded:

1. Surface waters
2. Existing road rights-of-way
3. Land areas that could not be counted as part of a 3 acre lot due to the presence of slopes over 25% or hydric soils as follows:
    a. Section 603.E.3 of the Town of Easton Zoning Ordinance provides that wetland areas may be used to fill no more than 25% of the minimum lot size. Section 702 provides for a minimum lot frontage of 250 feet. A 3 acre lot with 250 feet of frontage would be 523 feet deep ((3 acres * 43,560 square feet

per acre) / 250). If 25% of this lot could be wetland, this means a typical lot backing up to the wetland (in order to have the buildable portion on the road frontage) could have 131 feet of the lot depth within the wetland. An area 131 feet wide along the inside of each polygon of hydric soil was therefore identified as acreage that could be counted toward 3 acre lots. The area further inside each polygon of hydric soil was excluded from the calculation. Another way to picture this is as if the wetland were a donut and hole. The donut can be counted as part of 3 acre lots. The hole can not.

b. Section 605.D.1. provides that each lot must have 1 acre of contiguous land that is not wetland (defined as poorly or very poorly drained soils in Section 603) and less than 25% slope. Again, Section 702 provides for a minimum lot frontage of 250 feet, and a 3 acre lot with 250 feet of frontage would be 523 feet deep ((3 acres * 43,560 square feet per acre) / 250). As for wetlands, if we assume the buildable one acre portion of the lot is along the road frontage, this would mean a depth of 348 feet into the wet and/or steep area could be used to form 3 acre lots. Poorly and very poorly drained soils were merged with slopes 25% and over, and a 348 foot wide strip was delineated. The area further inside the edge of the polygon than 348 feet was excluded from the land area that could be used to form 3 acre lots.

c. The land in the Flood Hazard Zone is underlain with hydric soils and was therefore not addressed separately.

Having established those areas to be set aside in this analysis, the process then turned to those areas where development would be more readily supported. At the January 15, 2008 Easton Planning Board meeting, NCC staff discussed current development trends in the town with members of both the Planning Board and the Conservation Commission. Part of that conversation was aimed at delineating study areas in the community. As a result of those conversations, NCC staff created 4 distinct study areas in which to estimate future development potential.

The distinct study areas are focused in the central part of town along NH 116 and in the northwestern portion of the town. The demarcation lines for the sections follow the topography of Easton – with the vertical central dividing line following the valley floor along NH 116 and the horizontal dividing line crossing through the center of town nearby the town offices and fire department. The study areas are shown on the maps found in the appendices at the end of this report. These areas were divided in this manner to follow historical trends in development in

Easton, with each study section containing one built-up area and at least one area seen as ‘sensitive’ to potential future development pressure.

The excluded areas were then subtracted from the study areas. Next, an allowance was made for the area in future developments that would be needed for future subdivision roads and other utilities. A figure of 6% was utilized based on previous research into ratios in similar areas to Easton.

NCC staff also contacted the Town of Easton Assessor to determine how the developed land within Easton is classified according to the different land use types. NCC staff was provided with the following figures:

1. Residential: 2,413 acres
2. Commercial: 23 acres
3. Exempt: 15 acres

This means that the anticipated residential percentage at build-out would be 98.4% to reflect a 1.6% set-aside for commercial and exempt properties for development projection purposes.

In order to determine the potential impacts to population, land use types and traffic volumes as the result of any anticipated development, staff then reviewed the results of the last decennial census in 2000. The following information was derived for estimating some of the impacts of maximum build-out:

Total Housing units:	187 (100%)
Single family homes:	166 (88.7%)
Duplex units:	7 (3.7%)
Vacant Units:	70 (37.4%)
Seasonally Vacant:	60 (32.1%)
Total Population:	256 (100%)
School Age Population:	63 (24.6%)
Elderly Population:	45 (17.6%)
Avg. Household Size:	2.19

All population estimates provided as part of this study are based on the assumption that all units are occupied year round (100% occupancy). These analytical assumptions were made in order to identify the maximum potential constant population so that the results would be more beneficial to the Planning Board and residents of Easton in the decision making process.

THE RESULTS

Study Area 1

Total Acres:	862
Surface Water:	33
Road ROW:	42
LSSDR*:	54
Developable:	733
Future ROW/Utilities:	44
Remaining for lots:	689
Possible # of lots:	230

*Land Subject to Some Development Restrictions

Study Area 1 (SA1) – the southwestern quadrant of this study – has the largest overall acreage covered by surface water. It is also the smallest of the four study areas – both in terms of total acreage included in the study area as well as in potential building lots available under estimates based on the current zoning ordinance.

Based on the above numbers it's anticipated that 226 residential units would be possible under a maximum build-out scenario in this one study area. Of these, it is estimated that the majority would be single family homes (218) and the remainder would be duplex units (8). It was also estimated that approximately 73 units would serve as seasonal residences based on today's figures. Using the assumption that all units are occupied and that all residents residing therein are year round, a population of approximately 495 under a complete build out scenario was estimated. That could translate to an estimated school age population of 122 persons and an elderly population of approximately 87 persons. Increases in both of these populations would be expected to lead to an increase in municipal services (school costs, school buses & emergency services for example).

Traffic impacts were also estimated as part of this analysis. When discussing these impacts, it is important to first note that the topography of SA1 limits travel to the east. Also limiting future road construction opportunities are the presence of wetlands and water bodies. Given the proximity to existing roads such as Gibson Road, Vista View, Gingerbread village, NH 116 and several other private spur roads – no new roads would be anticipated being built. It would instead be expected that future development would access new development through existing roads or extensions to them.

While no new roads would be expected as a result of build-out, new traffic would most certainly be. As part of this analysis, NCC utilized factors from the most recent Institute of Traffic Engineers (ITE) Manual to estimate anticipated traffic. Based on this analysis, using a factor of 9.57 trips per day per rural residential unit, a total of 2,163 daily trips would be estimated for SA1 under a complete

build-out scenario. For comparison purposes, current daily trips for the entire town of Easton are estimated to be about 1,790.

Study Area 2

Total Acres:	2844
Surface Water:	1
Road ROW:	58
LSSDR:	319
Developable:	2467
Future ROW/Utilities:	148
Remaining for lots:	2319
Possible # of lots:	773

*Land Subject to Some Development Restrictions

Study Area 2, bordering the towns of Landaff and Sugar Hill is the largest of the four study areas. While there is limited acreage covered by surface waters, this study area does have the largest amount of land subject to some development restrictions, either due to steep slopes or wetlands. In spite of this, the large total size of this study area also leaves it with the greatest estimated number of potential lots based on current zoning.

SA2 is also where the scenic Sugar Hill Rd. is located – raising the issue of scenic quality protection for the town. This may be something that the town seeks to address in future Master Plan updates in regards to viewshed standards and protection of those scenic resources.

Based on an analysis of SA2, it is anticipated that this area would expect a maximum build out of 761 residential units. Of those 761, 28 are estimated to be duplex units and 244 would be seasonal residences.

Using these figures, the expected population of SA2 under maximum build-out would be 1,666 residents. Of those 1,666; 410 (24.6%) would be school aged children and 293 (17.6%) would be aged 65 or older. Access would therefore become a particular issue given these population estimates and the previously discussed challenges faced by development proposed for the eastern portion of SA2. While it is fair to assume that any new development roads located in the majority of SA2 would connect to pre-existing roads in the area, the eastern portion remains a challenge for access to Easton. It may be prudent to look at revisions to existing ordinances to ensure that critical services can be provided and that consultation with the Landaff municipal officials tasked with permitting access are included in any discussions regarding development approvals in eastern SA2.

As with SA1, NCC staff analyzed projected traffic increases under maximum build-out. Given the ITE factor of 9.57 trips per day per residential unit, SA2 would experience a traffic load of 7,279 daily trips. It should be noted that this

estimate speaks only to traffic generated within Easton, and not to the pass-through traffic associated with NH 116. This analysis also was not detailed enough to discuss potential traffic volumes passed through to Landaff.

Study Area 3

Total Acres:	1151
Surface Water:	0
Road ROW:	23
LSSDR:	5
Developable:	1123
Future ROW/Utilities:	67
Remaining for lots:	1056
Possible # of lots:	352

*Land Subject to Some Development Restrictions

Study Area 3 (SA3), sandwiched between the White Mountain National Forest and NH 116, with Franconia to the north and the remaining SA4 to the south constitutes the third largest of the four study areas. With no acreage devoted to surface water and little other acreage taken up by existing ROW or steep slopes/wetlands, much of SA3 was assumed to be available to be developed in this study.

The commercial/exempt land use factor was again applied to SA3, given the location along NH 116. Based on an analysis of the features of SA3, a total of 346 residential units are estimated under a complete build-out scenario. Of those 346 units, 13 (3.7%) could be expected to be duplex type developments, with the remainder 333 consisting of traditional single family homes. Of the total residential units, approximately 111 would be vacation homes.

The population projected for SA3 under a complete build-out situation is estimated to be 758 persons. Of those estimated 758 persons, approximately 187 (24.6%) would be school-aged children and approximately 133 (17.6%) would be aged 65 and older.

Given the topography of SA3, it was assumed that any roads constructed to reach new development would connect to existing roads in the area – such as Paine Rd. and NH 116. Using the traffic factors taken from the ITE manual, it is estimated that SA3 would see individual daily trips of about 3,314. It should be noted that this figure is an estimate of trips generated within SA3, and does not include any pass-through trips associated with NH 116 generated elsewhere. For comparison purposes, current average daily trips for the entire town of Easton are estimated to be about 1,790.

Study Area 4

Total Acres:	1303
Surface Water:	2
Road ROW:	29
LSSDR:	2
Developable:	1269
Future ROW/Utilities:	76
Remaining for lots:	1193
Possible # of lots:	398

*Land Subject to Some Development Restrictions

Study Area 4(SA4) is located in the southeastern quadrant of the study area. This study area is also the second largest of the four, and subject to the second least amount of potential restrictions to development due to the acreage identified as road rights-of-way, wetlands or steep slopes. SA4 is also easily accessed by two main roads – NH 116 and Paine Road.

Given the proximity of land in SA4 to NH 116, the commercial/exempt factor was applied to estimated maximum build-out figures for this study area. As a result of projecting current land use trends on a maximum build-out scenario, 391 residential units are anticipated in SA4. Of those 391, 14 (3.7%) can be expected to be duplex units, with the remainder (377) can be expected to consist of single family residences.

Again, based on current land use trends in Easton, 126 (37.1%) of the residential units in SA4 are expected to serve as seasonal homes and 377 as year round residences. The population for SA4 is estimated to be 857 persons under a full build-out scenario, of which 211 would be estimated to be school aged persons and 151 persons aged 65 and older.

Using the traffic factors taken from the ITE manual, it is estimated that SA4 would see daily trips of about 3,745. It should be noted that this figure is an estimate of trips generated within SA4, and does not include any pass-through trips associated with NH 116 or Paine Rd. generated elsewhere. For comparison purposes, current average daily trips for the entire town of Easton are estimated to be about 1,790.

Summary

	From study	*2000 Census*
Total acres in Easton:	19,904	
Total Acres Involved in Analysis:	6,160	
Acres covered by surface water:	36	
Acres taken as ROW:	153	
Wetland and Steep Slope Area Subtracted:	379	
Remaining for development:	5,592	
Est. dedicated for ROW/Utilities:	336	
Available for building lots:	5,257	
Total number of potential lots under current zoning regulations:	1,752	
Total est. residential units:	**1,724**	**187**
Total est. duplex units:	66	7
Total est. year round units:	**1,171**	**127**
Total estimated seasonal units:	**553**	**60**
Total estimated population:	**3,776**	**256**
Total estimated school aged population:	**929**	**63**
Total estimated elderly population:	**665**	**45**
Estimated daily vehicle trips:	**16,501**	
Current estimated avg. daily trips:	**1,790**	

As the numbers above demonstrate, the residents of Easton have the potential to see substantial changes to the way of life that they've been historically used to if all land identified as open to development is developed to the maximum extent possible under current zoning. The historical high population count for Easton at the first census was 302 in 1880. Following population reductions at several points in its history, the town has been growing from its most recent low in 1970 (98) to its 2006 estimated population of 286.

A population of 3,776 by no means should be taken as an absolute – this study is an estimate and doesn't take into account any unforeseen occurrences that could result in fluctuations. It's a number based on the total number of identified potential building lots based on the minimum lot sizes allowed under current Easton zoning and multiplied by the average number of residents per residential unit. The final number could be a little more, or a little less – a great deal more or a great deal less. Numerous decisions could be taken such as developers retaining larger lot sizes – either in response to market demands or changes in Easton's Zoning Ordinance for example. Or perhaps Planned Unit Developments (PUDs) might be a preferred route. This would open some areas to appropriately increased densities, while maintaining valuable open space elsewhere. Perhaps it's a third or fourth unmentioned option. The message isn't in the finality of figures as presented; it's in the picture that the numbers paint.

The picture painted by these figures says a lot about the potential future of the Town of Easton. It shows that there is the potential for a very large increase in residential units. Along with the increase in units, Easton could expect that population; traffic and demand for additional municipal services would rise as well. The projected growth in population based on available building lots represents an increase of about **1,357%** over the last census count and an approximately **1,150%** increase over the historical high population. Housing units have a potential to grow an estimated **821%** over existing stocks, and traffic could be seen increasing to a corresponding **822%.** In reviewing the numbers, it can also be estimated that the elderly population in Easton could increase by **1,378%** and the school aged population increasing by a slightly smaller **1,375%.** The estimated certainly demonstrate that there is a potential for change in the living environment in Easton as well – from a decrease in 'elbow space' between residences to increased runoff from hillside development to potential changes in air quality. Given the population and the area available to develop, municipal water and waste water systems wouldn't be difficult to envision either. So what next steps do the results of this build out analysis support?

- As the 'more easily developed' properties are developed, those remaining will increasingly be those that contain sensitive habitat, ecological areas, steep slopes, wetlands, etc. – those that require the most careful planning and regulatory oversight. What steps will Easton take as a community to protect these areas and their value to the town?

- Community discussions about the growth - where it's appropriate and where to discourage it - is also important, and can be part of a Master Plan update effort.

- Given the topographical issues identified in several of the study areas, updates to the Easton road ordinances regarding interconnectivity of new developments would seem prudent. This is recommended in order to prevent the piecemeal development that leads to the need for more roads to serve smaller developments and which acts as an impediment to community-building.

- Again, given that those areas remaining open to development will increasingly be those that contain sensitive areas and are subsequently those areas that require the most careful planning and regulatory oversight, an inventory of Easton's critical habitat and wetland areas would be appropriate. This would allow appropriate Easton officials to target appropriate areas for preservation or more intense regulatory review or oversight.

- With the potential for increased development in sensitive areas – which in turn relates to an increased potential for stormwater runoff, an inventory of the location, construction, capacity and condition of all culverts would be

appropriate. This would ensure that culverts are being replaced according to the adopted maintenance schedule and that they are adequate in size and capacity to ensure performance in precipitation events. This would also allow for any proposed culverts as part of new development to be appropriate in location, size, capacity and construction to ensure proper function within the existing culvert network. This would also ensure emergency access during 25, 50 or 100 year flood events and help to avoid additional expenses by the town to address shortcomings before the weather events occur, and properly plan any future replacement options.

- Similarly to the reasons noted above, it would be appropriate for an identification of benchmark water quality to indicate condition of the Town's surface waters in order to measure the effect that future development is having on those same water bodies.

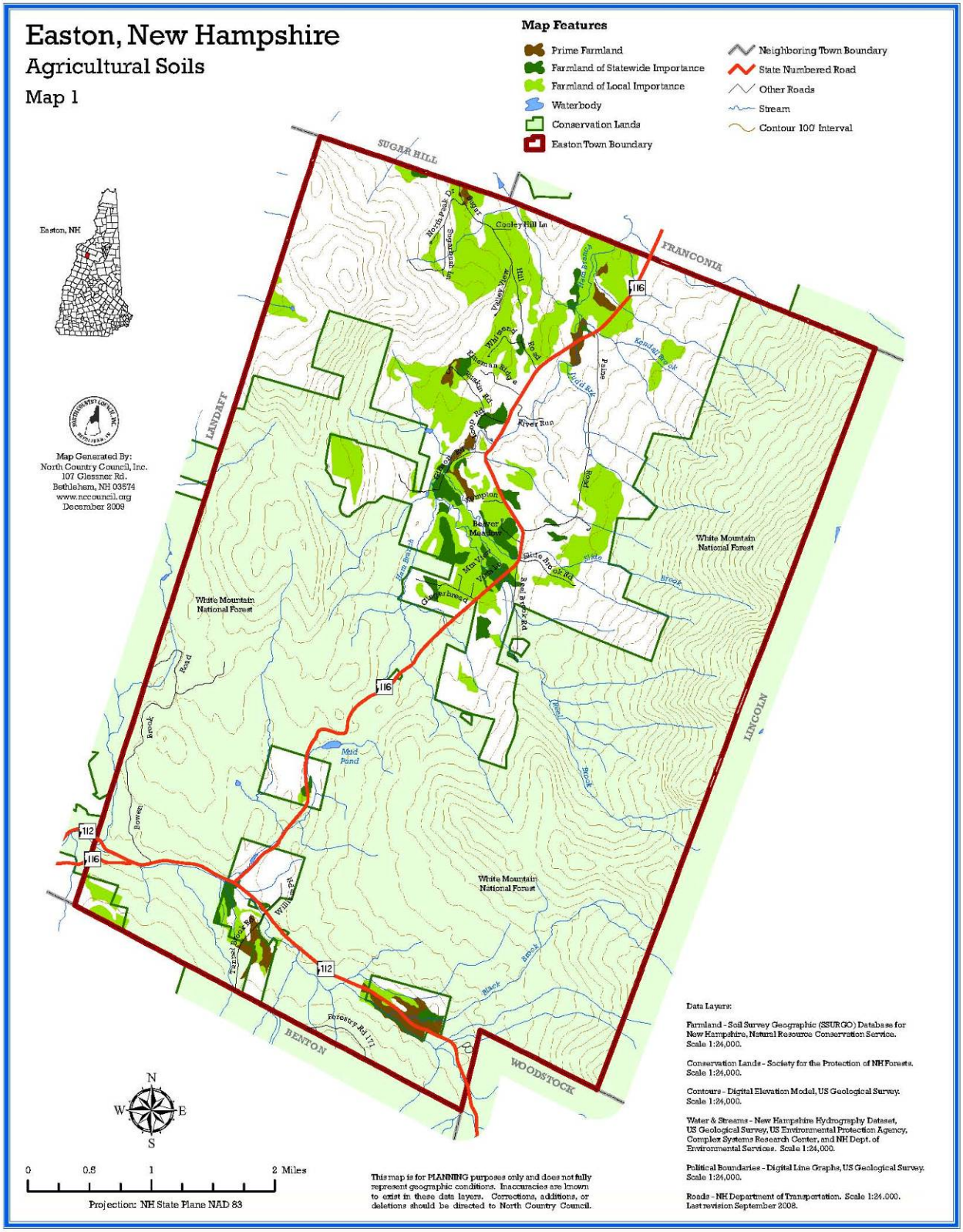
- Given the development and population increases estimated here, proper fiscal planning will become imperative. Development of a Capital Improvement Program to determine the costs associated with providing current levels of municipal services, as well as to anticipate any future needs and associated costs would go a long way in providing that necessary planning.

- In an effort to maintain appropriate community open space in Easton, it would be appropriate for the town to review density requirements currently found in Easton's development regulations to include PUDs or increased duplex units on building lots to better target areas suitable/desired for development.

- The location of several brooks and streams draining from the upper reaches of Kinsman Ridge in SA3 and SA4 and the presence of potentially buildable land along those same streams, make it highly recommended that the Easton Planning Board review opportunities to update the Easton Zoning regulations to:
    - Support maintenance of unbuildable buffers that preserve existing vegetation to slow and absorb sediment and nutrients in order to avoid their transport into the Wild Ammonoosuc River.
    - Allow for and encourage/require the use of permeable pavement types in new developments to reduce the runoff associated with any precipitation producing weather events. This type of measure would go a long way to ensuring that existing stormwater drainage and treatment systems do not fail in such events due to the increased flows created through the instruction of impervious surfaces higher up in the watershed.

- Given the location of two prominent hiking trails Study Area 3, particularly in areas where future development is possible, the Easton Planning Board

may wish to develop additional protections for these trails to avoid diminishing their value to the town and its residents/visitors.


Easton, New Hampshire
Agricultural Soils
Map 1
Map Features
Prime Farmland
Farmland of Statewide Importance
Farmland of Local Importance
Waterbody
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
State Numbered Road
Other Roads
Stream
Contour 100' Interval
Easton, NH
Map Generated By:
North Country Council, Inc.
107 Glessner Rd.
Bethlehem, NH 03574
www.nccouncil.org
December 2009
SUGAR HILL
FRANCONIA
LINCOLN
WOODSTOCK
BENTON
LANDAFF
White Mountain National Forest
Cooley Hill Ln
Mid Pond
Data Layers:
Farmland - Soil Survey Geographic (SSURGO) Database for New Hampshire, Natural Resource Conservation Service. Scale 1:24,000.
Conservation Lands - Society for the Protection of NH Forests. Scale 1:24,000.
Contours - Digital Elevation Model, US Geological Survey. Scale 1:24,000.
Water & Streams - New Hampshire Hydrography Dataset, US Geological Survey, US Environmental Protection Agency, Complex Systems Research Center, and NH Dept. of Environmental Services. Scale 1:24,000.
Political Boundaries - Digital Line Graphs, US Geological Survey. Scale 1:24,000.
Roads - NH Department of Transportation. Scale 1:24,000. Last revision September 2008.
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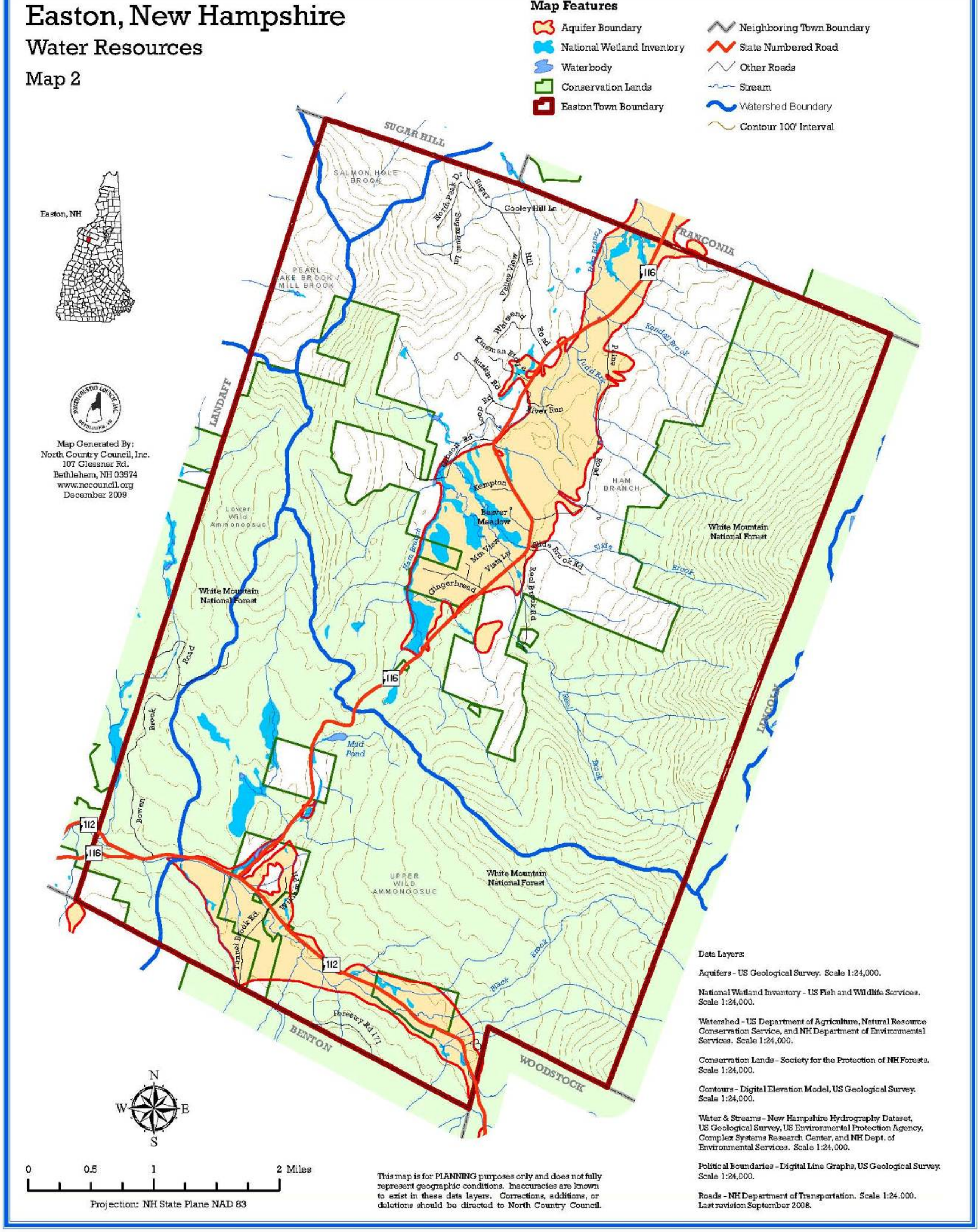
Projection: NH State Plane NAD 83
This map is for PLANNING purposes only and does not fully represent geographic conditions. Inaccuracies are known to exist in these data layers. Corrections, additions, or deletions should be directed to North Country Council.


Easton, New Hampshire
Water Resources
Map 2
Map Features
Aquifer Boundary
National Wetland Inventory
Waterbody
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
State Numbered Road
Other Roads
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PEARL LAKE BROOK / MILL BROOK
Lower Wild Ammonoosuc
UPPER WILD AMMONOOSUC
HAM BRANCH
White Mountain National Forest
Cooley Hill Ln
Beaver Meadow
Mud Pond
116
112
Data Layers:
Aquifers - US Geological Survey. Scale 1:24,000.
National Wetland Inventory - US Fish and Wildlife Services. Scale 1:24,000.
Watershed - US Department of Agriculture, Natural Resource Conservation Service, and NH Department of Environmental Services. Scale 1:24,000.
Conservation Lands - Society for the Protection of NH Forests. Scale 1:24,000.
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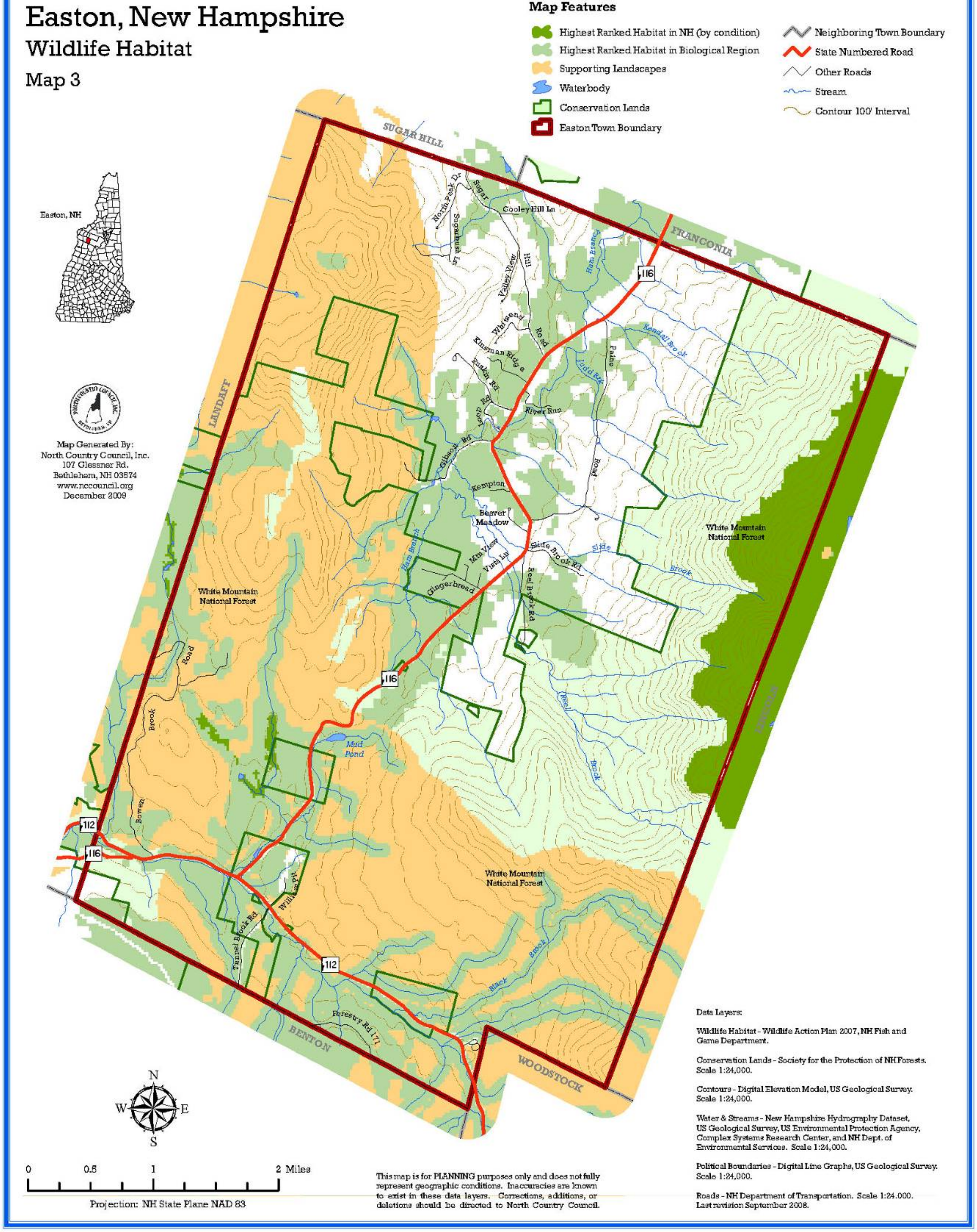

Easton, New Hampshire
Wildlife Habitat
Map 3
Map Features
Highest Ranked Habitat in NH (by condition)
Highest Ranked Habitat in Biological Region
Supporting Landscapes
Waterbody
Conservation Lands
Easton Town Boundary
Neighboring Town Boundary
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Easton Zoning Ordinance

Adopted March 10, 1970
Amended 6/4/70 – 3/11/86 – 3/10/87 – 3/09/88
3/14/89 – 3/12/91 – 3/14/95 – 3/12/96 – 3/10/98
3/9/99 – 3/14/00 – 3/13/01 – 3/12/02 – 03/09/10
03/08/11 – 03/13/12

Contents Page

ARTICLE 1

TITLE

This ordinance shall be known and cited as the "Easton Zoning Ordinance."

ARTICLE 2

PURPOSE

This Ordinance is designed to promote the health, safety and general welfare of the inhabitants of Easton, to protect the value of the property, to prevent the overcrowding of the land, to avoid undue concentration of population, to provide adequate air and light, to facilitate the adequate provisions of other public requirements.

A combination of all or a number of factors, topographical, climatological, geological, historical and geographical, create an environment in the Town of Easton which is and can be of specific appeal to residential, agricultural, and conservation-based developments. This ordinance, therefore, is particularly designed to protect, preserve, and encourage such developments.

ARTICLE 3

DEFINITIONS

Section 301. General. Unless otherwise expressly stated, words shall, for the purpose of this Ordinance, have the meaning indicated in Section 302. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "person" includes a partnership, corporation or other entity. The word "building" includes the word "structure." The word "shall" is mandatory, not directory.

Section 302. Specific.

Abandoned. Any antenna or tower that is not operated for a continuous period of twelve (12) months, unless the owner of said tower provides proof of quarterly licensed inspections. (3/9/99)

Accessory Use. A use subordinate to and incidental to the principal use of land and building.

Adjacent. Bordering, contiguous, or neighboring. The term includes wetlands that directly connect to other waters of the United States, or that is in reasonable proximity to these waters, but physically separated from them by man-made dikes or barriers, natural river berms, beach dunes, and similar obstructions. (03/08/11)

Antenna. Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications, through the sending and/or receiving of electromagnetic waves of any bandwidth. (3/9/99)

Aquifer. A geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water. (03/08/11)

Area of Special Flood Hazard. Area of special flood hazard is the land in the flood plain within the Town of Easton subject to a 1 percent or greater chance of flooding in any given year. The area is designated as Zone A on the Flood Insurance Rate Map. (3/9/2010)

Base Flood. Base flood means the flood having a one-percent possibility of being equaled or exceeded in any given year. (3/9/2010)

Bog. A wetland distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, and/or highly acidic soil or water conditions. (03/08/11)

Buffer. The protected upland areas adjacent to wetlands and surface waters in the Wetlands Conservation Overlay District. (03/08/11)

Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry, other public or private purposes, or accessory thereto, excluding structures for storage of crops.

Building Height. The vertical distance between the average finished grade of the structure and the highest point of the roof of the structure.

Certified Wetland Scientist. A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a. (03/08/11)

Development. Development means 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 or storage of equipment or materials. (3/9/2010)

Dwelling. A building or part of a building which contains living and sleeping accommodations for permanent occupancy.

Exception. An exception is a use that would not be appropriate generally or without restriction throughout a particular zone, but which, if controlled as to number, area, location or relation to neighborhood, would promote the public, health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in a particular zone as an exception only if specific provision for such exception is made in this Ordinance, after review by the Board of Adjustment.

Flood Insurance Rate Map (FIRM). Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. (3/9/2010)

Flood Insurance Study (FIS). Flood Insurance Study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards. (3/9/2010)

Front Yard. The distance between the front lot line and the nearest portion of a building. The depth of the front yard shall be measured from the street or approved private road right-of-way line to the building; where the width of the right-of-way is not or cannot be established, the right-of-way line shall be considered to be 25 feet from the center of the street. (3/12/91)

Frontage. That side of a lot bordering a street or private road
right-of-way, and ordinarily regarded as the front of the lot. The private road, existing or proposed, must meet road requirements of the current Subdivision Regulations. (3/12/91)

Gasoline Station: means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline. (03/08/11)

Groundwater. Subsurface water that occurs beneath the water table in soils and geologic formations. (03/08/11)

Hydric Soils. Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers. (03/08/11)

Impervious: Not readily permitting the infiltration of water. (03/08/11)

Impervious Surface: a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Earthen; wooden, or gravel surfaces; or other surfaces which could react with or dissolve when in contact with the substances stored in them are not considered impervious surfaces. (03/08/11)

Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automotive recycling yard. The word does not include any motor vehicle dealers registered with the director of motor vehicles under RSA 261:104 and controlled under RSA 236:126. (03/08/11)

Lot. A parcel of land occupied or to be occupied by a building, together with such open spaces as are required by the provisions of this Ordinance.

Manufactured Housing. Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing shall not include presite built housing as defined in State Law RSA 674:31-a and also shall not include "recreational travel vehicles". (3/10/86)

One Hundred-Year Flood. See “Base Flood”. (3/9/2010)

Outdoor storage. Storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface. (03/08/11)

Petroleum Bulk Plant or Terminal. Means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk

for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container. (03/08/11)

Positive limiting barrier (PLB). A depression (e.g., groove) in the surface of an otherwise level impervious area designed to impede the flow and contain spilled substances within the perimeter of the impervious area. PLBs are typically constructed and maintained to contain small spills or releases (five to 15 gallons). (03/08/11)
Prime Wetlands. Those areas designated Prime Wetlands in accordance with RSA 482-A:15, and the N.H. Code of Administrative Rules Env-Wt 700. (03/08/11)

Public water system. A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. (03/08/11)

Rear Yard. The distance between the nearest portion of a building on a lot and the rear property line of the lot.

Recreational Travel Vehicle. A vehicle equipped with either sleeping, kitchen and/or bathroom facilities, self-propelled or able to be pulled by another vehicle, and designed for travel and not as a stationery permanent residence. (3/10/86)

Regulated Substance. Petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquefied fuels which exist as gases at normal atmospheric temperature and pressure. (03/08/11)

Regulatory Floodway. Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (3/9/2010)

Sanitary Protective Radius. The area around a public water supply well which must be maintained in its natural state as required by Env-Dw 301 or 302 (for community water systems); Env-Dw 373.12 and Env-Dw 372.14 (for other public water systems). (03/08/11)

Seasonal High Water Table. The depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a licensed hydrogeologist, soils scientist, wetlands scientist, engineer or other qualified professional approved by the Planning Board. (03/08/11)

Secondary Containment. A structure such as a berm or dike with an impervious surface which is adequate to hold at least 110 percent of the volume of the largest regulated-substances container that will be stored there. (03/08/11)

Setback. The required minimum distance between the front, side and rear lot or street lines and the closest point of a building or structure. (3/12/91)

Side Yard. The distance between the nearest portion of a building on a lot and a side property line of the lot.

Sign. A structure which advertises or which is used as an outdoor display for the advertising of a property, establishment, enterprise or other matter.

Snow Dump. For the purposes of this ordinance, a location where snow, which is cleared from roadways and/or motor vehicle parking areas, is placed for disposal. (03/08/11)

Special Flood Hazard Area. See "Area of Special Flood Hazard". (3/9/2010)

Steep Slopes. Those areas with an average slope exceeding 25 percent, as delineated by the Soil Survey of the Town of Easton. (3/12/91)

Stratified-drift Aquifer. A geologic formation of predominantly well-sorted, sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells. (03/08/11)

Street. A thoroughfare, road, public or private highway or public way open and available to public use. "Street" shall mean the entire width of the right of way.

Street Line. The line dividing the street and a lot. Where the width of a street is not established or cannot be determined, the street line shall be considered to be 25 feet from the center of the street.

Structure. Structure means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (3/9/2010)

Substantial Damage. Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. (3/9/2010)

Substantial Improvement. Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:

a. the appraised value prior to the start of the initial repair or improvement or,
b. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provide that the alteration will not preclude the structure's continued designation as a "historic structure". (3/9/2010)

Surface Water. Streams, lakes, ponds and tidal waters including marshes, water-courses and other bodies of water, natural or artificial. (03/08/11)

Surface Waters of the State. Pursuant to RSA 485-A:2.XIV, perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on the state, marshes, water courses, and other bodies of water, natural or artificial. (03/08/11)

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. (3/9/99)

Tower Height. When referring to a tower or other telecommunications structure, the distance measured from the ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
(3/9/99)

Vernal Pool. A body of water, typically seasonal, that provides essential breeding habitat for certain amphibians and invertebrates, does not support viable fish population, and meets the criteria established by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program, *Identification and Documentation of Vernal Pools in New Hampshir*e, rev 2004. (03/08/11)

Wellhead Protection Area. The surface and subsurface area surrounding a water, well or well field supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water, well, or well field. (03/08/11)

Wetlands. "Wetlands" means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. (3/9/2010)

Variance. Relief from strict application of this ordinance to protect land owners from adverse consequences caused by a condition unique to the land concerned, not the actions or plight of the owner, in cases where:
1) denial would result in unnecessary hardship; 2)no diminution in the value of surrounding properties would result; 3)the proposed use would not be contrary to the spirit of the ordinance; 4)grant would not be contrary to the public interest; and 5)grant would do substantial justice. A variance may be authorized only for height, area size of structure or size of yards and open spaces, and not for establishment or expansion of a use otherwise prohibited, and a variance cannot be granted by reason of the presence of nonconforming uses in the particular zone or in an adjoining zone. (3/14/00)

Violation. Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR§ 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. (3/9/2010)

ARTICLE 4

APPLICATION OF REGULATIONS

Section 401. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations specified herein for the zone in which it is located.

Section 402. No part of a yard or other open space or off-street parking space required to enable a building to comply with this Ordinance shall be included as part of a yard, open space, or off-street parking space similarly required for any other building. (3/14/00)

ARTICLE 5

PRESENT USES

Section 501. Every use being made of land, structures or buildings in the Town of Easton, on the effective date of this Ordinance may be continued and such uses are not affected by the provisions of Article 6 of this Ordinance.

Section 502. Non-conforming uses permitted by Section 501 may be expanded only upon the approval of the Board of Adjustment which shall first find: (1) such expansion or extension does not create a greater nuisance or detriment; (2) the expanded uses is in conformity with the requirements of Articles 7 & 8 of this Ordinance.

Expansion of a nonconforming use or structure may be allowed by the zoning board of adjustment in a wetland buffer provided that the encroachment upon the wetland is not increased and review by the conservation commission finds that any potential increased impact upon the wetland functions will be mitigated.

Section 503. A non-conforming use permitted by Section 501 may be changed to another non-conforming use only upon the approval of the Board of Adjustment, which shall first find that such use is no more objectionable in character than the old use.

Section 504. Any non-conforming use permitted by Section 501 which has been discontinued for a period of two years shall not thereafter be resumed.

Section 505. A non-conforming use, permitted by Section 501, which has been damaged or destroyed by fire, accident, or other causes, may be repaired or reconstructed to its condition prior to such damage or destruction, provided such work is undertaken and completed within two (2) years after such damage or destruction.

ARTICLE 6

FUTURE USES

Section 601. No construction shall be undertaken until a plan is submitted to the Board of Selectmen and permit issued.

Section 602. RESIDENTIAL/AGRICULTURAL DISTRICT

The purpose of this provision is to protect the public health, safety and general welfare by controlling and guiding the use of land in the area generally suitable for residential and agricultural use.

This District shall include all the land within the Town of Easton.

Where the Residential/Agricultural District is overlaid by another zoning district, the more restrictive regulations shall apply

Section 602.1 Permitted Uses

(a) Residential Uses Permitted.

(1) One family dwellings.

(2) Farm dwellings.

(3) Single manufactured house.(3/8/88)

(4)Accessory use structures shall not precede the principal structure by more than twenty-four (24) months, shall not be used for human habitation or overnight occupancy, and shall be of such construction that the salvage value would be sufficient to enable the recovery of removal costs in the event of abandonment or failure to construct the principal permitted use structure to which the accessory use structure relates. (3/14/95)(3/13/01)

(5) Two-family dwellings, with at least 3 acres per family unit required. (3/14/89)

(6) Workforce Housing per RSA 674:58-61 (SB342)

(7) A single recreational vehicle shall be stored without limitation on a residential lot once it has been improved with a dwelling, but no recreational vehicle shall be stored on a vacant lot. (3/10/98)

(8) Home occupations as provided in Section 801.

(b) Group Service Uses Permitted.

(1) Church, parish house or other religious use.

(2) School except private or boarding schools.

(3) Accessory uses customarily incidental to the permitted use. Such use shall include buildings for housing automobiles, equipment and supplies.

(c) Other Uses Permitted.

(1) Agriculture, which shall include farming, dairying, pasturage, horticulture, and animal and poultry husbandry.

(2) Forest management activities and tree farming.

(3) Parks, conservation areas, nature trails, and outdoor recreation areas containing no buildings.

(4) Wildlife refuges.

Section 602.2 Special Exceptions. The following additional uses may be permitted by the Board of Adjustment as a special exception under Section 1003 of this Ordinance:

1. Public utility buildings.
2. Municipal buildings and uses, such as but not limited to a community hall, fire station, library, or park or recreation
(3/14/89)
3. Non-commercial park and recreation areas excepting private recreational travel vehicle campgrounds.(3/10/87)
4. Greenhouses.
5. Riding stables.
6. Tourist homes including bed and breakfast establishments not to exceed 8 guest rooms. (3/14/89)
7. Antique shops, gift shops.
8. Day-care services, not to exceed 10 children. (3/14/89)
9. Group health-care or residential home for elderly people, not to exceed 5 patients, with a minimum lot size of 5 acres. (3/14/89)
10. Small wind energy systems as defined in RSA 674:62.
11. Excavations pursuant to Section 807 and Section 1003.B.
12. Telecommunications Facilities pursuant to Section 809

Section 604. WETLANDS CONSERVATION OVERLAY DISTRICT (3/14/89) (3/14/00) (03/08/11)

A. TITLE AND AUTHORITY

1. Title: The title of this district shall be the Wetlands Conservation Overlay District.
2. Authority: This district is established under the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls.

B. FINDINGS

The wetlands and buffers in the Town of Easton are a valuable natural resource requiring careful management to maintain their usefulness to public health, safety and welfare. The municipality of Easton finds that wetlands and buffers:

1. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies and adjoining land which provide flood protection.
2. Protect persons and property against the hazards of flood inundation by ensuring the continuation of the natural flow patterns of streams and other watercourses.
3. Provide for nutrient attenuation and augmentation of stream flow during dry periods.
4. Preserve and protect important wildlife habitat and maintain ecological balance.
5. Prevent the expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of abuse or inharmonious use of wetlands.
6. Protect the wetlands, watercourses, surface and groundwater supplies and water bodies of the Town of Easton from degradation.
7. Preserve and enhance those aesthetic values associated with the Wetlands Conservation Overlay District.

C. PURPOSE

The purpose of the Wetlands Conservation Overlay District is to protect the public health, safety and general welfare by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the master plan.

D. APPLICABILITY

All proposed development, removal of vegetation, and alteration of the land surface within the Wetlands Conservation Overlay District is subject to this ordinance.

E. BOUNDARIES

1. The Wetlands Conservation Overlay District includes:

- Surface waters of the state.
- Wetlands of any size.

- Buffers 25 feet wide around bogs over 1,000 square feet, vernal pools over 500 square feet, wetlands of any size adjacent to open water, and all other wetlands over 40,000 square feet.
  Buffers 100 feet wide around designated prime wetlands.

  No septic tank or leach field may be located within 100 feet of a wetland area.

2. Wetlands constructed for storm water treatment, agricultural use, waste treatment or other such purposes are exempt from the provisions of the Wetlands Conservation Overlay District.

3. The Easton Wetlands Conservation Overlay District Map references are:

- U.S. Department of Agriculture, Soil Survey Geographic (SSURGO database for Grafton county, 2004
- U.S Fish and Wildlife Service, national Wetland Inventory, 2005

4. Boundary Disputes. When a boundary of the Wetlands Conservation Overlay District is disputed by either the conservation commission or an applicant, the conservation commission, at the applicant's expense, may engage an independent certified wetlands scientist to determine the location of the Wetland Conservation Overlay District limit on the properties affected. The delineation shall be consistent with DES Wetlands Bureau Rules, as amended. The completion of a New England District Wetland Delineation Datasheet (US Army Corps of Engineers, 2000) by the certified wetland scientist can provide the appropriate level of documentation to address questions about the delineation. The conservation commission shall make the final determination of the wetlands limit based on its consultant's report. The Wetlands Conservation Overlay District Map shall be amended to incorporate the results of any such studies.

F. PERMITTED USES

The uses listed below are presumed to be consistent with the protection of wetland functions and values when in accord with the following and so are allowed in the Wetlands Conservation Overlay District without a Conditional Use Permit. These uses will not:

- Require the erection or construction of any structure.
- Alter the natural surface configuration by re-contouring or grading of the land.
- Involve filling, dredging, or draining of the wetland.
- Change the flow of water.
- Result in the pollution of the wetlands, surface water, or groundwater.
- Involve substantial clearing of vegetation, except for the purposes of agriculture or forest management in accord with current best management practices.

Permitted uses include:

1. Passive recreation such as hiking, fishing, hunting on foot, non-motorized boating.
2. Wildlife or fisheries management.
3. Scientific research and educational activities.

4. Agriculture in the wetland buffer, consistent with best management practices published by the NH Department of Agriculture, Markets and Food.
5. Forest management in the wetland buffer, consistent with best management practices published by the NH Department of Resources and Economic Development and UNH Cooperative Extension.

G. PROHIBITED USES

The following uses may not be established or expanded within the Wetlands Conservation Overlay District:

1. Structures, except as provided in Section IX: Conditional Uses.
2. Salt storage.
3. Automobile junkyards.
4. Solid or hazardous waste facilities.
5. Use of fertilizer on lawns, except lime or wood ash.
6. Bulk storage or handling of chemicals, petroleum products or hazardous materials.
7. Sand and gravel excavations.
8. Processing of excavated materials.
9. Impervious surfaces, unless associated with a use approved as a Conditional Use.
10. Activities which result in soil compaction such as parking vehicles or heavy equipment, unless associated with a use approved as a Conditional Use.
11. Underground tanks.

H. CONDITIONAL USES

All activities in the Wetland Conservation Overlay District not listed in Section VII, Permitted Uses, above are presumed to impair the wetland functions and values unless proven otherwise by the applicant as provided below. After review and recommendation by the Conservation Commission, the following uses may be granted a Conditional Use Permit by the Select Board:

1. Accessory structures in the wetland buffer associated with legally preexisting primary structures if it is demonstrated that no practicable alternative exists elsewhere on the lot.
2. The construction, repair, or maintenance of streets, roads, and other access ways, including driveways, footpaths, bridges, and utility right of way easements including power lines and pipe lines, if essential to the productive use of land adjacent to the Wetlands Conservation Overlay District. These uses shall be located and constructed in such a way as to minimize any detrimental impact upon the wetlands and consistent with state recommended design standards (see Fish and Game Department 2008), and only if no viable alternative is available.

3. Agricultural activities consistent with best management practices as published by the NH Department of Agriculture Markets and Food.
4. Forestry activities consistent with best management practices as published by the NH Department of Resources and Economic Development and NH Cooperative Extension. As specified in Logging Operations (Env-Wt 304.05), all skid trails, truck roads and log landings shall be located 50 feet from streams or ponds and designed using appropriate erosion control devices. Stream and wetlands crossings shall be kept to a minimum in size and number.
5. Water impoundments for the purpose of creating a water body for wildlife, fire safety, or recreational uses. Conditional Use Permits may be granted for impoundments for on-site detention of stormwater runoff in buffers only.
6. Disposal of snow and ice collected from roadways and parking areas.
7. Other uses that the applicant proves will not interfere with the wetlands functions and values, water quality or value as wildlife habitat, pursuant to Section II.

I. OTHER PROVISIONS

Wetland areas may be used to fulfill no more than 25 percent of the minimum lot size, provided that the non-wetland area is sufficient in size and shape to adequately accommodate all required utilities such as sewage disposal and water supply.

J. CONDITIONAL USE PERMIT

1. Application for a Conditional Use Permit shall be made on forms supplied by the Select Board and shall include a site plan containing the following information on one or more sheets at a scale of 1 inch = 100 feet or larger, and a report demonstrating compliance with the requirements listed below in Section XI.B:

   a. North arrow and date.

   b. Property lines.

   c. Locus map showing adjacent wetlands and other significant hydrological features.

   d. Names and addresses of abutting property owners and holders of conservation restrictions and easements.

   e. Wetland limit and wetland buffer.

   f. Soil types.

   g. Vegetation types.

   h. Topographic contours at no greater than 5 foot intervals.

   i. Surface drainage patterns, intermittent and year-round.

   j. Existing and proposed development, removal of vegetation, and alteration of the land surface.

k. Computation of the area to be impacted, in square feet of surface area and cubic yards of cut and fill.

l. Stormwater management proposed during and after construction.

2. The Select Board shall refer the application to the Conservation Commission which shall consider all relevant facts and circumstances, and shall include its findings in its recommendations to the Select Board that the project is both consistent with the purposes of this ordinance and minimizes impacts to the wetland and buffers, including but not limited to the following:

   a. The proposed activity minimizes the degradation to, or loss of, wetlands and wetland buffers, and compensates for any adverse impact to the functions and values of wetlands and wetland buffers, including but not limited to the capacity of the wetland to:

      1. Support fish and wildlife
      2. Prevent flooding
      3. Supply and protect surface and ground waters
      4. Control sediment
      5. Control pollution
      6. Support wetland vegetation
      7. Promote public health and safety
      8. Moderate fluctuations in surface water levels.

   b. The proposed activity will have no negative environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources, including:

      1. Erosion
      2. Siltation
      3. Turbidity
      4. Loss of fish and wildlife
      5. Loss of unique habitat having demonstrable natural, scientific, or educational value
      6. Loss or decrease of beneficial aquatic organisms and wetland plants.
      7. Dangers of flooding and pollution.
      8. Destruction of the economic, aesthetic, recreational and other public and private uses and values of the wetlands to the community.

   c. The proposed activity or use cannot practicably be located otherwise on the site to eliminate or reduce the impact to the wetland or its buffer.

   d. The proposed activity utilizes applicable best management practices.

e. Federal and/or state permit(s) have been received for the proposed activity in accordance with N.H. Administrative Rules Env-Wt 100-800 and the Federal Clean Water Act Section 404 Permit.

f. Where applicable, proof of compliance with all other state and/or federal regulations has been received.

3. The Conservation Commission, in considering an application for a conditional use permit in the Wetlands Conservation Overlay District, may recommend conditions be attached to its approval including but not limited to requirements for more extensive buffers, additional plantings in areas to be revegetated, performance guarantees, and a reduction in proposed impervious surfaces.
4. Prior to making a recommendation, the Conservation Commission shall afford the Planning Board an opportunity to provide comment, and shall consider any such comments provided.

K. IDENTIFICATION OF BUFFER

The entire length of the upland limit of the wetland buffer shall be marked with highly visible construction tape prior to, and maintained for the full duration of, any construction-related activities. The applicant may also be required to place a permanent monument (e.g., iron pin, granite bound) at all points of the lot lines which intersect with the upland limit of the Wetlands Conservation Overlay District prior to such activities. These monuments shall be shown on the site plan submitted with the application. The applicant may also be required to affix tags to trees or other durable objects (e.g., 4” x 4” wood posts) at 50 foot intervals along the upland boundary of the Wetlands Conservation Overlay District, and maintain said tags as needed to provide evidence of the upland side buffer boundary. Tags shall be obtained from the municipality.

Section 605. GROUNDWATER PROTECTION DISTRICT (3/14/89) (3/13/01) (3/12/02) (03/08/11)

A. AUTHORITY

The Groundwater Protection District is established pursuant to the authority granted pursuant to RSA 674:16, Grant of Power, and RSA 674:21, Innovative Land Use Controls.

B. PURPOSE

The purpose of this ordinance is in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas and to protect surface waters that are fed by groundwater.

The purpose is to be accomplished by regulating land uses which could contribute pollutants to designated wells and/or aquifers identified as being needed for present and/or future public water supply.

C. GROUNDWATER PROTECTION DISTRICT

The Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the areas shown as having a "high potential to yield groundwater." The Easton Groundwater Protection Overlay Map references are:

- U.S. Geological survey and N.H. Department of Environmental Services, Survey of Stratified Drift Aquifers, 2000
- U.S. Department of Agriculture, Natural Resources Conservation Service, Level 6 Hydrologic Unit Boundaries for New Hampshire, 2001

D. APPLICABILITY

This ordinance applies to all uses in the Groundwater Protection District except for those uses exempt under Section 605.K. (exemptions) of this ordinance.

E. PERFORMANCE STANDARDS

The following Performance Standards apply to all uses in the Groundwater Protection District unless exempt under Section 605.K.:

1. For any use that will render impervious more than 15 percent or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall be prepared which the planning board determines is consistent with New Hampshire Stormwater Manual Volumes 1-3, December 2008, NH Department of Environmental Services.

2. Conditional uses, as defined under Section 605.I. shall develop stormwater management and pollution prevention plans and include information consistent with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA, Feb 2009). The plan shall demonstrate that the use will:

a. Meet minimum stormwater discharge setbacks between water supply wells and constructed stormwater practices as found within the Innovative Land Use Planning Techniques: A Handbook for Sustainable Development, Section 2.1 Permanent (Post-Construction) Stormwater Management, (DES, 2008 or later edition);
b. Minimize, through a source control plan that identifies pollution prevention measures, the release of regulated substances into stormwater;

c. Stipulate that expansion or redevelopment activities shall require and amended stormwater plan and may not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI);

d. Maintain a minimum of four feet vertical separation between the bottom of a stormwater practice that infiltrates or filters stormwater and the average seasonal high water table as determined by a licensed hydrogeologist, soil scientist, engineer or other qualified professional as determined by the Planning Board.

3. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture Markets, and Food, July 2008, and any subsequent revisions:

4. All regulated substances stored in containers with a capacity of five gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains:

5. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner:

6. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;

7. Secondary containment must be provided for outdoor storage of regulated substances in regulated containers and the containment structure must include a cover to minimize accumulation of water in the containment area and contact between precipitation and storage container(s);

8. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;

9. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned

and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules;

10. Blasting activities shall be planned and conducted to minimize groundwater contamination. Excavation activities should be planned and conducted to minimize adverse impacts to hydrology and the dewatering of nearby drinking water supply wells;

11. All transfers of petroleum from delivery trucks and storage containers over five gallons in capacity shall by conducted over an impervious surface having a positive limiting barrier at its perimeter;

F. SPILL PREVENTION, CONTROL and COUNTERMEASURE (SPCC) PLAN

1. Conditional uses, as described under Section 605.I.1., using regulated substances shall submit a spill control and countermeasure (SPCC) plan to the Emergency Management Director who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods, or fires that may cause large releases of regulated substances. It shall include:

    a. A description of the physical layout and a facility diagram including all surrounding surface waters and wellhead protection areas.

    b. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment.

    c. A list of all regulated substances in use and locations of use and storage.

    d. A prediction of the direction, rate of flow, and total quantity of regulated substance that that could be released where experience indicates a potential for equipment failure.

    e. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

G. PERMITTED USES

All uses permitted by right or allowed by special exception in the underlying district are permitted in the Groundwater Protection District unless they are Prohibited Uses or Conditional Uses. All uses must comply with the Performance Standards unless specifically exempt under Section 605.K.

H. PROHIBITED USES

The following uses are prohibited in the Groundwater Protection District:

1. The development or operation of a hazardous waste disposal facility as defined under RSA 147- A;

2. The development or operation of a solid waste landfill;

3. The outdoor storage of road salt or other deicing chemicals in bulk;

4. The development or operation of a junkyard;

5. The development or operation of a snow dump;

6. The development or operation of a wastewater or septage lagoon;

7. The development or operation of a petroleum bulk plant or terminal:

8. The development or operation of gasoline stations:

I. CONDITIONAL USES

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted in the underlying district, if the permitted use is involved in one or more of the following:

1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention control and countermeasure (SPCC) plan, in accordance with Section 605.F., is approved by the local Emergency Management Director;

2. Any use that will render impervious more than 15 percent or 2,500 square feet of any lot, whichever is greater;

3. Any activities that involve blasting of bedrock.

In granting such approval the Planning Board must first determine that the proposed use is not a prohibited use (as listed in Section 605.H. of this ordinance) and will be in compliance with the Performance Standards in Section 605.E. as well as all applicable local, state, and federal requirements. The Planning Board may, at its discretion, require a performance guarantee or bond, in an amount and with surety conditions satisfactory to the Board, to be posted to ensure completion of construction of any facilities required for compliance with the Performance Standards.

J. EXISTING NONCONFORMING USES

Existing nonconforming uses may continue without expanding or changing to another nonconforming use, but must be in compliance with all applicable state and federal requirements, including Env-Wq 401, Best Management Practices Rules.

K. EXEMPTIONS

The following uses are exempt from the specified provisions of this ordinance as long as they are in compliance with all applicable local, state, and federal requirements:

1. Any private residence is exempt from all Performance Standards;

2. Any business or facility where regulated substances are stored in containers with a capacity of less than five gallons is exempt from Section 605.E.Performance Standards 5. through 8.;

3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 605.E.5.;

4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Section 605.E. Performance Standards 5.through 8.;

5. Storage and use of office supplies is exempt from Section 605.E. Performance Standards 5. through 8.;

6. Temporary storage of construction materials on a site where they are to be used is exempt from Section 605.E. Performance Standards 5.through 8. if incorporated within the site development project within six months of their deposit on the site;

7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;

8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401:03 (b) (1) and 501.01 (b) are exempt from Section 605.E. Performance Standards 5.through 8.;

9. Underground storage tank systems and above ground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Section 605.M. of this ordinance

L. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS

Where both State and the municipality have existing requirements the more stringent shall govern.

M. MAINTENANCE AND INSPECTION

1. For uses requiring planning board approval for any reason, a narrative description of maintenance requirements for structures required to comply with Performance Standards shall be recorded so as to run with the land on which such structures are located, at the Registry of Deeds for Grafton County. The description so prepared shall comply with the requirements of RSA 478:4-a;

2. Inspections may be required to verify compliance with Performance Standards. Such inspections shall be performed by a designated agent of the Select Board at reasonable times with prior notice to the landowner;

The Select Board may require a fee for compliance inspections. The fee shall be paid by the property owner. A fee schedule shall be established by the Select Board as provided for in RSA 41-9a.

Section 606. STEEP SLOPES, HILLSIDE & RIDGELINE DEVELOPMENT OVERLAY DISTRICT (3/14/89) (3/13/01) (3/8/11)

A. Purpose and Intent

The purpose of the Steep Slopes, Hillside & Ridgeline Development Overlay District (SHRD) is to protect the scenic and ecological resources associated with lands characterized by higher elevations, steep slopes and visual sensitivity in a manner that allows for carefully designed, low-impact development which retains the rural character of the Town of Easton.

1. Prevent soil erosion.
2. Protect surface waters from sedimentation, turbidity, runoff of stormwater and effluent from sewage disposal systems.
3. Preserve forests and other vegetative cover.
4. Protect wildlife habitats and natural areas
5. Preserve scenic views and ecological balance.

B. District Boundaries

1. Steep Slopes, Hillside & Ridgeline Development Overlay District Definition

The Steep Slopes, Hillside & Ridgeline Development Overlay District is defined as those areas with an average slope exceeding 15% and all areas located above the 1300 foot contour level. The SHRD also includes any knolls of higher land where development would interrupt the natural forested condition of a ridgeline viewed from anywhere on a class 5 road or better.

2. Relation to Other Districts

Where SHRD is superimposed over another zoning district, the more restrictive regulations shall apply,

3. SHRD incorrectly delineated

Where it has been determined that an area has been incorrectly delineated as a SHRD area, or that an area not so designated was subsequently found to meet the criteria for SHRD designation, the Zoning Board of Adjustment shall determine whether the regulations contained in this provision shall apply.

C. Minimum buildable Area, total lot size and other restrictions

1. Preliminary Review is required for development and/or building in the SHRD.
2. Review by Planning Board is required prior to the registration of a sub-division or the issuance of a building permit in the SHRD.
3. The applicant shall schedule a meeting with the Planning Board to review the Site Development with the Planning Board to review the Site Development Plan. The Planning Board may authorize a committee which shall include a member of

the Planning Board, a member of the Select Board and a member of the community, or appoint one member of the Planning Board alone to conduct a preliminary review. The purpose of the preliminary review is to evaluate the conceptual development plans, including the location and general character of the site and to provide the applicant with clear direction regarding the submission materials needed for review under these regulations. The conclusion of the preliminary review will be within 31 days of the first preliminary meeting with notification to the applicant in writing and including the appropriate sub division application or the building permit application as requested.

4. The Board of Selectmen and the Planning Board shall work constructively to aid any applicant for sub division and/or building in the SHRD in the preliminary planning stages to submit a plan which is in harmony with the SHRD regulations.
5. If a sub-division application is appropriate, submission and consideration will be in accordance with notification, advertising and hearing as per regulations for any other subdivision type.
6. In order to minimize impact, applicants may be required to provide any of the following:

    a. Grading plan: Plat displaying existing and proposed contours at a maximum or 5' intervals for the area surrounding the area of proposed development, such area to be of sufficient size to show relationship of the development to the surrounding terrain.
    b. Lighting Plan showing location, type and height of all exterior lighting (including security lighting) is to be shown on the plan. Lighting studies may be required and would include photometric analysis of exterior lighting as well as a review of any impact interior lighting may have on nighttime visibility through windows, such as the visibility of light through the building fenestration.
    c. Visibility studies: Viewshed analysis, line of sight sections, site photography, and other means to assess impact of the proposed application may be required. On site measures such as ply wood and pole mock-ups, and survey tape layout of site elements may also be required in the event the site is deemed to be sensitive by the Planning Board.
    d. Stormwater Management/Erosion Control Plan: An adequate stormwater drainage and erosion control plan, prepared by a registered New Hampshire engineer, shall be requested when the average slope of the site is steep/severely steep, that is greater than 15%, or there are major headwater streams and/or major drainage areas and water ways located on the site.
    e. Architectural Plans and Renderings: Building design drawings clearly depicting all proposed structures to scale and their locations on the site in relation to the physical and natural features on the parcel, including the proposed grade of the building area and finished floor elevations. Drawings should clearly display building elevation and architectural design: building materials, exterior colors and window fenestration. All structures proposed, including outbuildings and garages are to be shown.

f. Landscaping Plan: A Landscaping plan which shows all existing vegetation designating what is to be preserved and/or installed, along with other landscaping elements such as gazebos, berms, walls, etc. Special attention should be given to existing/proposed vegetation adjacent to buildings for visibility and screening purposes (within at least 30'). A species list of existing vegetations and a plan for the maintenance of the existing and proposed landscape should be included. Such a plan shall address specific measures to be taken to ensure the protection and survival, and if necessary, replacement of designated trees during and after the construction and/or installation of all site improvements.
g. Access Plan: A plan including existing roads, ROW's and trails: proposed roads, driveways, trails, walks, paths, parking areas etc: Such a plan would include proposed paving materials, slopes of proposed access routes and erosion control measures. This plan might be combined with the Stormwater Management/Erosion Control Plan and should include road profiles as well.
h. Slope Analysis (prepared pursuant to Section E; Density Analysis, below)

C. Technical Assistance: The Planning Board and/or the Board of Selectmen may seek the assistance of technical experts, such as licensed engineering or architectural professionals, to provide independent analysis related to specific applications. Such experts will be compensated by the applicant according to standard competitive rates locally accepted.

D. Density Analysis: Prior to submitting an application for sub-division, the applicant shall complete a slope-density analysis to determine the allowable density for the subject parcel(s). Such analysis shall include a parcel map showing average slope and an indication of the total area in acres of the parcel having a slope between 15% to 20%, 20% to 25% and greater than 25%. Density will be calculated on the basis of degree of slope. That portion of a parcel with less than 15% slope may be divided into building lots of no less than 3 acres; that portion of the parcel having a slope between 15 and 20% may be divided into building lots of no less than 8 acres; that portion of the parcel having a slope between 20 and 25% slope may be divided into building lots of no less than 10 acres; that portion of the parcel having a slope of greater than 25% may be divided into building lots of no less than 20 acres. In the designation of building lots each lot shall have a portion of less that 15% slope in excess of 1 acre and be designated as the building location for that lot. Septic systems may not be installed on slopes greater than 15%

Standards and Guidelines

A. General Requirements: To protect the unique and environmental character of those areas of Easton within the SHRD, especially those characterized by steep slopes, prominent knolls, ridgelines and significant focal points, all development shall be designed and sited in a manner that does not cause undue adverse impact to the visual/scenic landscape character and physical environment of the Town.

B. Designation of Vantage Points: For the purposes of the SHRD, vantage points shall be defined as maintained (class 5 or higher) public roads, state highways and municipal properties. In reviewing projects to determine compliance with these standards, and to identify appropriate mitigation to ensure that a project does not result in an undue adverse impact of scenic resources, the Planning Board shall consider the relative importance of the vantage point from which the project is visible (affected vantage points). Such consideration shall include the number of affected vantage points; the volume of traffic using the affected roads or highways; length of time that a project would be viewed by motorists traveling on the affected roads or highways; the project's distance from the affected vantage points; and, the visibility of the project from vantage points typically used by pedestrians and/or serving as public observation points.

C. Standards and Guidelines: The following is a list of Standards, Guidelines and accompanying illustrations (located in the Appendix) and are the basis for guiding development in a visually and environmentally sensible way within the overlay district without an undue impact to scenic and environmental resources. "Adverse" indicates a negative impact on an identified resource. "Undue Adverse" indicates that the proposed development violates one or more Standards set forth in this Ordinance and that the impacts cannot be mitigated.

Standards are statements that express the development and design intentions of this overlay district. All development within this district must comply with these standards. The Standards reflect the visual and environmental concerns of the community in relation to the Town's hillsides and ridgelines.

Guidelines are instructive in nature. They suggest a variety of means by which the applicant might comply with the standards. The options for compliance are not limited to the guidelines listed, but the applicant can use the list to aid in the design process.

Illustrations graphically portray the prescriptions and concepts conveyed in both the Standards and Guidelines and are found in the Appendix at the end of this Ordinance.

Site Development and Environmental Protection

Standard 1.1 All development, including grading, clearing and construction of driveways, shall provide for the retention of native top soil, stabilization of steep hillsides, prevention of erosion, and consequent sedimentation of streams and watercourses. Peak stormwater discharge from the site after development shall not exceed pre-development levels for a two (2) year/twenty four (24) hour storm event and existing drainage patterns will not be altered in a manner to cause and adverse impact on neighboring properties, town highways or surface waters.

Guideline 1.1 15 N.H.P. Land Use Planning and Zoning. In NH, regulating development on steep slopes is authorized under RSA 674.16, The Zoning Grant of Power and RSA 674.21, Innovative Land Use Controls.

Guideline 1.2 On Steep slopes, clearing should be avoided to prevent erosion resulting from storm water runoff, and in areas where streams and intermittent watercourses are found, a buffer (s) area should be established to limit sedimentation or other adverse impacts on water quality. Prior to groundbreaking the area to be disturbed must be delineated by tape and approved by the building inspector and/or Selectmen. The acceptance of a sub-division permit and/or building permit constitutes permission for the building inspector, the Selectmen and the Planning Board in concert with the Conservation Commission to enter upon the property for the purpose of assuring compliance with these guidelines.

Guideline 1.3 The flattest portion of the site should be used for locating house sites, subsurface sewage disposal systems and parking areas. (See illust. A1 & A2) When applicable, previously registered plats showing house sites shall be used unless specifically changed by the Planning Board.

Guideline 1.4 Existing vegetative buffers should be employed as filter strips or employ vegetative stabilization methods where necessary.

Guideline 1.5 Where appropriate, long driveways and large parking areas should be avoided. Lot coverage and building footprints should be minimized and development clustered, all to minimize site disturbance and preserve large areas of undisturbed space.
(See illust. A3)

Standard 2 Subsequent to the application for a subdivision permit or a building permit within the SHRD, forest management and timber harvesting shall, at a minimum, adhere to guide lines included in the *“Best Management Practices for Forestry: Protecting New Hampshire’s Water Quality”.*

Guideline 2.1 Forest management should maintain the appearance of an unbroken forested canopy as viewed from off-site, should protect aesthetic resources and wildlife habitat, and provide for sustainable ongoing management of forest resources.(See Illus. A4) No subdivision or building permit shall be assigned for property that has been clear cut within the previous fifteen (15) years.

Standard 3 Forest management activities designed as pre-development site preparation, including road and driveway construction, clearing and/or grading for house sites and septic systems or related work, shall be reviewed by the Planning Board under these regulations.

Where a landowner fails to submit predevelopment site preparation plans to the Planning Board or the Select Board in relation to a building permit application, The Planning Board or the Select Board must limit development to the non-impacted portion of the property and/or require the site to be restored or vegetated prior to development.

Pre-development site preparation without pre-development consultation with the Planning Board shall not constitute “significant development” in any considerations by the Zoning Board of Adjustment, Board of Selectmen or other authority.

Guideline 3.1 Prior to implementing a forest management plan, the landowner should review the plan with the Easton Planning Board staff to ensure that forest management activities and future development plans are consistent with the standards set forth in this ordinance.

Standard 4. Development shall not result in an undue adverse impact on fragile environments, including designated wetlands, wildlife habitats, streams, steep and extremely steep slopes and unique property features. All efforts will be made to protect/preserve such areas and promote suitable buffers.

Guideline 4.1 Development shall be clustered away from fragile environments (see Illust. A5).

Guideline 4.2 If roads and bridges must be placed in wetlands, they should intersect the wetland at the narrowest part. (see illust. A6)

Guideline 4.3 Existing vegetation should be preserved and, as much as possible, parcels should remain with their undisturbed portions connected to one another.

Guideline 4.4 Buffer widths and setbacks from streams should be established, the width of which should increase with the steepness and the length of slopes, and the width of the stream. A general rule is to keep a 50’ setback from steams on lands with less than 15% slope, and on steeper slopes the buffer distance should increase as the slope increases. (See illust. A7)

Landscape and Scenic Character

Standard 5. If project is on a forested hillside, there will be no significant exposure of buildings, and all development shall be minimally visible and blend in with surroundings in winter months. The amount and location of clearing adjacent to structures shall be limited; additional tree planting may be required in instances where such planting is needed to visually interrupt the portion of structures visible from defined vantage points in all seasons.

Guideline 5.1 Clearing and forest management should be restricted to protect the unbroken forested backdrop. Generally, forest management will be limited to practices which maintain a forested appearance adjacent to buildings. (See illust. A8)

Guideline 5.2 Clearing of vegetation at the edge of the road should be minimal, clearing only as much necessary to clear a driveway entrance with adequate sight distance and proper drainage control. (See illust. B2)

Guideline 5.3 Clearing for views should be limited, with narrow view openings between trees and beneath tree canopies being desirable alternative to clearing large opening adjacent to

building facades. View clearing should involve the selective cutting of small trees and the lower branches of large trees, rather than removing mature trees.

Guideline 5.4 On wooded sites, existing forest cover should be maintained adjacent to proposed building sites to interrupt façade of buildings, provide a forested backdrop to buildings and reduce or eliminate the visual impact of new development from vantage points. (See illust. B1)

Standard 6 Development shall not detract from the sense of order or harmony of the landscape patterns formed by forests, agricultural fields and open meadows. (See illust. B3-B7)

Guideline 6.1 On parcels characterized by meadows, additional landscaping and/or reforestation may be employed immediately adjacent to proposed structures to interrupt the facade of buildings, provide additional trees as backdrop to buildings and/or soften the visual impact of new development from vantage points.

Guideline 6.2 Trees should be preserved or planted close to structures to provide screening and better blend into the wooded perimeter surrounding meadows.

Guideline 6.3 Buildings should be located outside of cleared meadows.

Guideline 6.4 Cleared meadows, reminiscent of historic hillside pastures, may be created but buildings should not be located in them (i.e. clearings should not frame and thereby draw attention to houses located on hillsides and ridgelines.)

Guideline 6.5 Using stone walls and hedgerows as property lines is recommended and existing stone walls and hedgerows shall be preserved wherever possible. Should additional landscaping be required, it should be consistent with existing patterns such as hedgerows.

Guideline 6.6 For both wooded and meadow sites, landscaping proposed for the project should be of native or naturalized hardy species consistent with vegetation types and patterns appropriate to the site and environs. Invasive, non-native species shall be avoided.

Guideline 6.7 Generally, the minimum caliper for trees is 2” and the minimum shrub size is 1 gallon.

Standard 7. During construction, trees identified on the landscaping plan are to be protected.

Guideline 7.1 Tree protection measure taken during construction should include snow fencing 5’ outside the drip line or, with approval, trunk protection and hay bale covering when construction work has to be within canopy.

Guideline 7.2 Trees should be saved undisturbed in groupings.

Guideline 7.3 Native excavated soils should be stockpiled. Where feasible, transplant existing vegetation, trees, shrubs and ground covers elsewhere on site or near to its original location.

C. Road and Driveway Access

Standard 8. See Section 810.

Guideline 8.1 Wherever feasible or appropriate, retain and reuse old farm roads, town roads and trails instead of constructing new roads or driveways to minimize clearing and disruption of the landscape and relate to traditional and historic land use patterns.(See illust. C2)

Guideline 8.2 Applicant should try to minimize crossing of steep slopes with roads and driveways and should avoid roads “against” the contours; follow contour of the land.

D. Building Design

Standard 9. Development will not result in any building, roof or appurtenant structure being located in a manner which would allow the building, roof or structure to visually exceed the height of land or tree line if it is protected serving as the visual and physical backdrop to the structure as viewed from vantage points. (See illust. D1)

Guideline 9.1 Buildings and structures should not be sited on high points, outcroppings or prominent knolls within the project site. (See illust. D1)

Guideline 9.2 When building on slopes, the preference is to set the buildings into the topography using partial earth sheltering. Try taking advantage of the topography by building multi-level structures with entrances on more than one level (i.e.: walk-out basements, garages under buildings.)(See illust. D2)

Standard 10. The massing of a project (a single building or a group of buildings) shall be designed to minimize visual impacts and contribute to, harmonize with, the scenic quality of the surrounding landscape.

Guideline 10.1 Building materials, exterior colors and fenestration that minimize year round visibility, reflectivity, and night-time light impacts should be selected. Oversized picture windows and large expanses of glass should be avoided or the visual impacts mitigated by dividers or other architectural design elements.

Guideline 10.2 A variety of volumes, roof planes and wall planes would be incorporated within a building project.

Guideline 10.3 The main roof line (ridges and eaves) of individual buildings should be broken and varied to reduce the building’s visual scale.

Guideline 10.4 The surface of vertical walls should be modulated to avoid single monolithic shape and/or to reduce the visual scale of buildings.

Guideline 10.5 Building design should reflect the natural patterns of the site and should be well integrated with site design and landscaping.

Guideline 10.6 Building design should be well integrated into the surrounding neighborhood and be in keeping with the character of the area.

Standard 11. Off-site light impacts shall be minimized. Outdoor lighting shall comply with the standards contained in Section 804

Guideline 11.1, The use of reflective surfaces and outdoor lighting fixtures higher than 15' should be minimized to limit visibility of the development from off-site. Bollard, low post lighting and low level, indirect lighting is recommended. Spot or flood lights should be avoided and all fixtures certified to be "dark Sky certified". (See illust. D3)

Guideline 11.2 Creative lot layout may also serve to limit off-site glare, visibility and night sky pollution by laying out buildings and structures that shield light fixtures from viewing areas. (See illust. D4)

E. Development Density

Standard 12. The minimum area for all lots in existence prior to August 1, 2010 shall be as established for the underlying district.

Guideline 12.1 Where possible, development should take place on the portions of a lot where the slopes are less than 15%. No development should take place where the slope is greater than 20%.

Pre-Existing Lots

In the case of lots created prior to August 1, 2010, compliance with the standards of this SHRD overlay district shall be achieved to the extent that it is possible while still allowing for reasonable use of the pre-existing lot.

Section 607. FLOOD HAZARD ZONE.

1. The purpose of this zone is to promote and protect the health, safety and general welfare of the Town by providing reasonable regulations for the use of the flood hazard areas.

2. Pursuant to RSA 674:57, by resolution of the Town of Easton Selectmen), all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in it "Flood Insurance Study for the County of Grafton, NH" dated February 20, 2008, together with the associated Flood Insurance Rate maps dated February 20, 2008, are declared to be part of the Easton Zoning Ordinance and are hereby incorporated by reference. (3/9/2010)

3. Permitted Uses.

The following uses shall be permitted within this zone, provided that they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect or unduly restrict the capacity of the channels or floodways, or raise the level of flood waters, or reduce the pooling areas of the flood plain.

a. agricultural uses and forestry activities;
b. residential accessory uses such as yards, gardens, parking areas, and play areas;
c. public works such as road crossings and utilities.

4. Special provisions

a. There shall be no expansion of present non-conforming buildings or septic systems, except to correct malfunctions of septic systems (improvements to systems shall include relocation or features which will minimize their impairment or contamination during flooding.
b. Existing non-conforming buildings within this zone damaged or destroyed may be replaced or repaired within two years after such damage or destruction provided they comply with the minimum standards of the National Flood Insurance Program contained in the Code of Federal Regulations 59.1, 60.3 and 60.6, as amended. (3/10/98) (3/9/2010)
c. A watercourse alteration or relocation may be approved only:
(i) after notifying the Wetlands Bureau of the New Hampshire Department of Environmental Services and submitting copies of such notification to the Selectmen, in addition to the copies required by RSA 482-A:3, submitting said notification to those adjacent communities as determined by the Selectmen, including notice of all scheduled hearings before the Wetlands Bureau. (3/9/2010)
(ii) after the applicant has submitted to the Selectmen certification provided by a registered professional engineer assuring the flood-carrying capacity of the watercourse can and will be maintained. (3/9/2010)
d. All necessary State and Federal permits shall be submitted to the Selectmen prior to the issuance of a building permit.

5. Variances and Appeals (3/9/2010)

a. Any order, requirement, decision or determination of the Selectmen made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

b. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
(i) the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
(ii) if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
(iii) the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. The Zoning Board of Adjustment shall notify the applicant in writing that:
(i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and
(ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

d. The community shall:
(i) maintain a record of all variance actions, including their justification for their issuance; and
(ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE 7

AREA REGULATION

Section 701. Lot Size. Each lot shall be a minimum of 3 acres.

The planning board may approve reduced lot sizes, frontage requirements, and/or setbacks in accordance with the following provisions:

I. PURPOSE

Lot size averaging permits flexibility in subdivision design to promote the most appropriate use of land and the protection of productive agricultural or forest land, scenic views, historic sites, shorelines, wetlands, hillsides, important habitat areas, and other resources of importance to the community, while minimizing the alteration of the natural topography of the land, in accordance with the goals and objectives of the master plan.

II. APPLICABILITY

The minimum acreage for a lot size averaging subdivision plan shall be determined by buildable lot.

III. DENSITY

The total number of lots approved will be determined based on the number that would be otherwise approved under a conventional subdivision plan. The applicant may choose to either:

1. Submit a concept plan showing lots, road rights-of-way, and storm water management areas, and any other areas which would not be incorporated in individual lots as necessary to meet the usual minimum standards for the district without the need for any lot area or lot dimension variances, and accounting for development limitations such as steep slopes, wetlands, septic suitability, available water supply, adequate driveway access to each lot, and compliance with the Town subdivision regulations, or
2. After accounting for areas that must be subtracted from the acreage figure utilized to calculate the developable area pursuant to other sections of this ordinance if any, subtract a percentage of the property in accord with the table below to account for roads, drainage and other utilities prior to dividing by the minimum acreage required per unit for the district.

Zoning District Lot Size	**% Deduction for Roads and Utilities**
5-10 Acres	5%
1.5 – 4.5 Acres	10%
1 Acre or less	15%

IV. DIMENSIONS AND ARRANGEMENT OF LOTS

The minimum lot size, frontage and setbacks shall be determined by the planning board based on the character of the land and neighborhood, the adequacy of the soils to support on-site wastewater disposal and wells, safety of access, traffic and pedestrian circulation, impervious surface, and other issues relating to the future use and enjoyment of the property.

The factors considered by the planning board when evaluating the proposed arrangement of lots shall include, but not be limited to, the following:

- Arrangement of roads, storm water facilities, wastewater and other utilities in conformance with the natural features of the parcel, minimizing changes to the topography.
- Minimization of impervious cover.
- Protection of stream corridors and other important habitat areas.
- Protection of wetlands.
- Feasibility of continued or future agricultural use.
- Feasibility of continued or future forest management.
- Relationship to neighboring property, including conservation easements, or natural, cultural, recreational or scenic features.

In no case will lots smaller than one acre be permitted. The setbacks from abutting properties not part of the application shall not be reduced. Front setbacks may be reduced only when on an internal subdivision road approved by the planning board as part of the subdivision application. When frontage requirements are reduced, the planning board may require shared driveways.

V. PERMANENTLY PROTECTED AREA

The lot size averaging plan will concentrate development away from the most important resource areas and from those areas of the property that are most environmentally sensitive as described in Section I.

For each lot less than the minimum size normally required for the district, one or more lots larger than the minimum shall be provided in order to maintain an average lot size no smaller than the minimum lot size normally required for the district. Permanent protection from further development shall be provided for an area equal to or exceeding the sum of the areas by which individual lots are reduced below the minimum normally required for the district. Further subdivision, or use for other than one dwelling unit, noncommercial outdoor recreation, conservation, agriculture, forestry or other principle use or building as otherwise permitted by the zoning ordinance, shall be prohibited. The protected land shall be shown on the final plat and the conservation restriction recorded with the Register of Deeds.

VI. MANAGEMENT OF PERMANENTLY PROTECTED AREA

Pursuant to RSA 674:21-a, planning board approval of a final lot size averaging subdivision plan shall result in the creation of a conservation restriction incorporating the conditions of approval, including the maximum number of lots and the location, size and permissible uses of the land area that is to remain undeveloped. If the undeveloped area is to be held in common, all covenants, deed restrictions, organizational provisions for a homeowner's association or equivalent, and any other agreements regarding the method of ownership, management or maintenance of the protected area shall be established prior to planning board approval of the subdivision plan. By mutual agreement of the planning board and subdivider, the conservation restriction may take the form of a conservation easement to the town/city or private conservation group, or other instrument approved by the planning board. (03/08/2011)

Section 702. Frontage. Any lot shall have a minimum frontage thereon of 250 feet.

Section 703. Setback. Every structure placed on a lot shall be at least 50 feet from the nearest edge of the right of way on any road.

Section 704. Side and Rear Yards. Every structure placed on a lot shall be at least 50 feet from the side and rear property lines.

Section 705. Height. No structure shall exceed 35 feet in height. This limit does not apply to accessory uses such as TV and radio antennas, flagpoles, roof-top satellite dishes, or small wind energy systems as defined in RSA 674:62. (3/8/88)

ARTICLE 8

GENERAL REGULATIONS

Section 801. HOME OCCUPATIONS

Definition: A home occupation is an accessory use of a dwelling unit or other accessory structure on a residential lot that involves the on-site manufacture of goods or provision of services, and limited sales of goods produced on site. In addition, a home occupation must meet the standards listed below.

Standards: The standards, further define acceptable home occupations, are intended to insure compatibility with other permitted uses, and to make certain that the home occupation is secondary or incidental to the residential use of the property.

1. There shall be no exterior evidence of the conduct of a home occupation except as other standards allow. The principal character of residential use shall not be changed by the home occupation.

2. A home occupation shall be conducted only within the enclosed living area of the dwelling unit or within an accessory structure,
limited in area by the following:

a. The home occupation to be located in a dwelling unit shall not occupy more than 25 percent of the total floor area of the dwelling unit.

b. The home occupation to be located within an accessory structure shall not occupy more than 50 percent of the combined total floor area of the dwelling unit and the accessory structure.

c. The area to be occupied by sales of goods produced on site shall not exceed 250 square feet of the total space allocated to the home occupation area in a dwelling or accessory structure.

d. Total floor area is defined as follows: the sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls, and not including cellars, attics, porches, etc.

3. The home occupation shall be carried on by persons who live in the home full time. Two employees living off premise are permitted.

4. One unlighted sign, not to exceed six square feet, shall be allowed.

5. The home occupation shall not generate unreasonable effects from traffic, parking, noise, vibration, glare, fumes, odors, artificial lighting or electrical interference.

6. Adequate off-street parking must be provided.

7. No storage of materials, goods, supplies, or equipment related to the home occupation shall be visible from the abutting properties and roads.

Section 802. OFF-STREET PARKING

Adequate off-street parking shall be provided for all uses.

Section 803. SIGNS

(a) No sign shall exceed six (6) square feet in size.
(b) No signs, billboards, of exterior graphic display shall be permitted except in conjunction with the use and/or sale of the land upon which the sign is located.
(c) Signs shall not project over public right of way.
(d) Each commercial sign permitted in Town (except for home occupations) may be illuminated on each side with no more than one white light per side, with the intensity of the light not to exceed 750 lumens. The lights shall not flash and shall be positioned so as to direct the light away from roads and abutting residential structures.
(e) Off-premise signs may be permitted as special exceptions, except that in the case of a single "House For Sale" sign, the following simplified procedure shall be followed:
"The Applicant, with written permission of the person on whose land the sign would be located, may apply, on a form acceptable to the Selectmen, for permission to erect, for a period of six months, a single "House For Sale" sign that conforms in all respects to the requirements of this Section. The Selectmen may, at the end of any six month period, extend permission for the sign's placement for an additional period of six months. The Selectmen shall have the authority to revoke permission at any time; provided, however, that in the event that the Selectmen were to deny or revoke permission to erect such a sign, the Applicant may apply directly to the Zoning Board of Adjustment for a Special Exception."(03/12/96)
(f) No signs will be allowed which advertise establishments located outside of Easton.

Section 804. ILLUMINATIONS (3/13/01)

1. Exterior lighting shall be so arranged and shielded as to prevent direct glare from the light source onto any public street or onto other property.
2. Flashing signs are prohibited.

Section 805. TEMPORARY STRUCTURES

On site temporary structures or trailers used in conjunction with construction work are permitted only during the period that construction work is in progress and in no event for longer than 6 months. This period may be extended by the Board of Adjustment on application.

Section 806. ACCESS ROADS

Every person who sells or attempts to sell a parcel of unimproved land for use now or in the future, as a building lot, shall, if said parcel does not have direct access to a state, town or other public road, first submit to the Planning Board plans or blueprint showing the parcel to be sold as well as all proposed roads and/or rights of way giving access to said parcel from a road open to public use.

If such roads, or rights of way provide, in the opinion of the Planning Board, a means of practical, usable access to the parcel for the owner and for the supplying of municipal services, the Planning Board shall approve the same.

Section 807. EXCAVATIONS (3/13/01)

In addition to the requirements of RSA Chapter 155-E, the following additional provisions shall apply to the removal of fill, gravel, stone or loam for commercial purposes

(1) Upon a predetermined date of completion and within one month of completion the area is made safe and sightly by grading, leaving no slope greater than two to one, nor any possibility of standing water and/or where found more desirable by the Building Inspector, through fencing in the area of excavation, and providing with suitable ground cover to prevent erosion.

(2) A bond is posted with the Treasurer of the Town of Easton by the applicant in an amount approved by the Building Inspector as sufficient to guarantee conformity with the Provisions of sub-section 1 of this section.

Section 808. BONDING FOR DEVELOPERS

A developer of land shall post a bond with the Treasurer of the Town of Easton, in the amount approved by the building inspector to guarantee installation and completion to the satisfaction of the Planning Board, of necessary roads, utilities and services, before a proposed subdivision plan is approved or before a building permit is issued.

Section 809. TELECOMMUNICATIONS FACILITIES (3/9/99)

Telecommunications facilities may be constructed in addition to the existing permitted use.

A. Purpose. The purpose of this provision is to establish general guidelines for the siting of telecommunications towers and antennas and to fulfill the following goals:

1. Preserve the authority of Easton to regulate and provide for reasonable opportunity for the siting of telecommunications facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
2. Reduce adverse impacts such as facilities may create, including, but not limited to; impacts on aesthetics, environmentally sensitive areas, historically significant locations, health and safety by injurious accidents to person and property, and prosperity through protection of property values.
3. Provide for co-location and minimal siting options.
4. Permit the construction of new towers only where all other reasonable opportunities have been exhausted.
5. Require cooperation and co-location, to the highest extent possible, between competitors.
6. Provide constant maintenance and safety inspections.
7. Provide for the removal of abandoned facilities.

B. Standards
All structures shall be subject to the Site Plan Review Regulations. In addition:

1) The antenna radiated power density shall be the minimum necessary, and in no instance shall exceed the maximum safety range prescribed by the Environmental Protection Agency and/or the Department of Health and Human Services.
2) The radiated power shall not adversely affect reception of radio and television signals, or other electronic equipment within the town.
3) Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Agency(FAA), Federal Communications Commission(FCC), or other applicable agency of the federal government, but shall be the minimum acceptable size.
4) Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation.
5) Towers shall not be artificially lighted, except as required by the FAA or other applicable authority.
6) The owner of a tower and antenna shall ensure that it is maintained in compliance with standards contained in town building codes and standards as published by the Electronic Industries Association. If the town concludes that a tower is not in compliance, then, upon notice provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance. Failure of the owner to take remedial action shall constitute abandonment and grounds for removal in accordance with Section 607, and the tower(s) shall be removed and disposed of at the owners expense through execution of the posted security.
7) An applicant shall provide and bear the expense of documentation as requested by the Planning Board giving evidence of compliance with this Ordinance. Such evidence shall include but not be limited to the following:

a) a scaled plan in accordance with the Site Plan Review Regulations,
b) proof that the proposed use/facility complies with the FCC regulations,
c) an inventory and description of the applicant's existing towers within two miles of the town's borders,
d) evidence that no existing structure can accommodate the applicant's proposed structure,
e) a signed agreement with the town that the proposed new structure/tower will provide for the maximum allowance of co-location, and that the owner will make co-location
available for reasonable fees to other telecommunication providers,
f) engineering information detailing size and coverage required for the facility location,
g) quarterly written reports that a licensed inspection of the tower has been made.

8) An applicant shall post a security which shall be in effect as long as any structure/tower exists. Recognizing the extreme hazards of abandoned and unmonitored structures/towers, the Planning Board shall set the form and amount of security for the removal and disposal of abandoned towers.
9) When a structure/tower is determined to be abandoned, the town shall order it removed and disposed of at the owner's expense, and the site reasonably restores to its pre-existing condition.
10) Where they are in conflict, these telecommunications requirements shall supersede other provisions of this Ordinance,

a) towers must be set back a distance equal to 125% of the height of the tower from any off-site residential structure,

b) towers, guys, and accessory facilities must satisfy the minimum setback requirements,
c) security fencing, of a height not less than six(6) feet, shall enclose towers, and shall be equipped with an appropriate anti-climbing device,
d) towers shall be landscaped to effectively screen the view of the tower compound from adjacent residential property,
e) existing growth and natural land forms on the tower site shall be preserved to the maximum extent possible

Section 810. ROAD AND DRIVEWAY ACCESS.

Driveway grades shall not exceed 15% and shall have an average grade that does not exceed 12%. Where necessary, limited steeper grades are acceptable if they serve to better minimize overall erosion potential and environmental impacts, provided adequate access is ensured. Owner must sign waiver of safety regarding ability of local fire and rescue vehicles to negotiate the steeper slopes and release Easton from liability in writing suitable to the Board of Selectmen for all driveway grades in excess of 10%.

ARTICLE 9

ENFORCEMENT

Section 901. ENFORCEMENT PROCEDURES AND PENALTIES. This Ordinance shall be administered and enforced by the Board of Selectmen, and/or through an appointed Building Inspector as prescribed by NHRSA Chapter 676. (6/4/70)

Any violation of the requirements of this ordinance shall be subject to the enforcement procedures and maximum penalties detailed in RSA 676 or RSA 485-C. (03/08/11)

Section 902. BUILDING PERMIT REQUIRED. A Building Permit shall be required prior to a) the construction of any new structure or sign, or b) the alteration, reconstruction, expansion, or moving of any structure. A Building Permit Application shall be accompanied by all necessary State, federal and other local permits. In addition, prior to the construction of a private driveway entering a Town road, a Driveway Permit must be obtained. The Board of Selectmen or its appointed Building Officer shall issue permits which are in conformance with this and related ordinances. (3/8/88)

Section 903. LEGAL ACTIONS. The Building Inspector is hereby authorized to institute or cause to be instituted in the name of the Town, any and all actions, legal or equitable, that may be necessary for the enforcement of this Ordinance.

ARTICLE 10

BOARD OF ADJUSTMENT

Section 1001. There is hereby created a Board of Adjustment, and its members shall be appointed as prescribed by RSA Chapter 673, and shall have the terms and powers conferred by RSA Chapter 674 as it has been or may be amended. (6/4/70)

Section 1002. Appeals. The Board of Adjustment shall hear and decide any case in which it is alleged there is an error in any order, requirements, decision, or determination made by any official in the enforcement of this Ordinance.

Section 1003. Special Exceptions.

A. The Board of Adjustment may make a special exception, subject to appropriate conditions and safeguards as determined by it. In acting on an application for a special exception, the Board shall take into consideration:

(1) The proposed use shall be one permitted by this Ordinance as a special exception.
(2) The specific site is an appropriate location and of adequate size for such use.
(3) The use will not adversely affect the adjacent area and there are no reasonable objections to the use by the owners of the abutting land.
(4) The proposed use will promote the public health, safety, welfare, morals, order, convenience and prosperity, of the adjacent area.

B. In addition, the following findings must be made prior to the issuance of a special exception for an excavation:

1.The proposed excavation is in a non-residential area.
2. The excavation will not cause a diminution in area property value or unreasonably change the character of the neighborhood.
3. The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.
4. The excavation will not create any nuisance or create health or safety hazards.

Section 1004. Variances.

As provided in RSA 674:33, as amended, a variance from the terms of this Ordinance may be legally granted by the Zoning Board of Adjustment if the following conditions are met:

A. The variance will not be contrary to the public interest;

B. The spirit of the ordinance is observed;

C. Substantial justice is done;

D. The values of surrounding properties are not diminished; and

E. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(1) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(2) If the criteria in subparagraph (1) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (E) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

Section 1005. Public Hearing

A. Prior to exercising its appeals powers, the Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be given as follows:

1. The appellant and every abutter and holder of conservation, preservation, or agricultural preservation restrictions shall be notified of the hearing by certified mail stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all abutters and holders of conservation, preservation, or agricultural preservation restrictions desiring to submit testimony and all non-abutters who can demonstrate that they are affected directly by the proposal under consideration. The board may hear such other persons as it deems appropriate.

2. A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than 5 days before the date fixed for the hearing of the appeal.

B. The public hearing shall be held within 30 days of the receipt of the notice of appeal.

C. Any party may appear in person or by the party's agent or attorney at the hearing of an appeal.

D. The cost of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the board to terminate further consideration and to deny the appeal without public hearing.

Section 1006. Determination of Regional Impact

Upon receipt of an application for a Special Exception or Variance, the Board of Adjustment shall review it and determine whether or not the development, if approved, could reasonably be

construed as having the potential for impact beyond the boundaries of Easton. This regional impact could result from a number of factors, such as, but not limited to, the following:

a. relative size or number of units compared with existing housing stock;
b. transportation networks;
c. proximity to the borders of a neighboring community;
d. anticipated emissions such as light, noise, smoke, odors or particles;
e. proximity to aquifers or surface waters which transcend municipal boundaries; and
f. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

Section 1007. Fees

The Board of Adjustment may impose reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters which may be required by particular appeals or applications.

ARTICLE 11

AMENDMENTS

(1) This Ordinance may be amended in accordance with the provisions of RSA Chapter 675 as it is or may be amended.
(2) Every attempt will be made to notify all land owners of any proposed amendments to the Zoning Ordinance. (6/4/70)

ARTICLE 12

SEVERABILITY

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

ARTICLE 13

EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.

Appendix to Section 606. STEEP SLOPES, HILLSIDE & RIDGELINE DEVELOPMENT OVERLAY DISTRICT

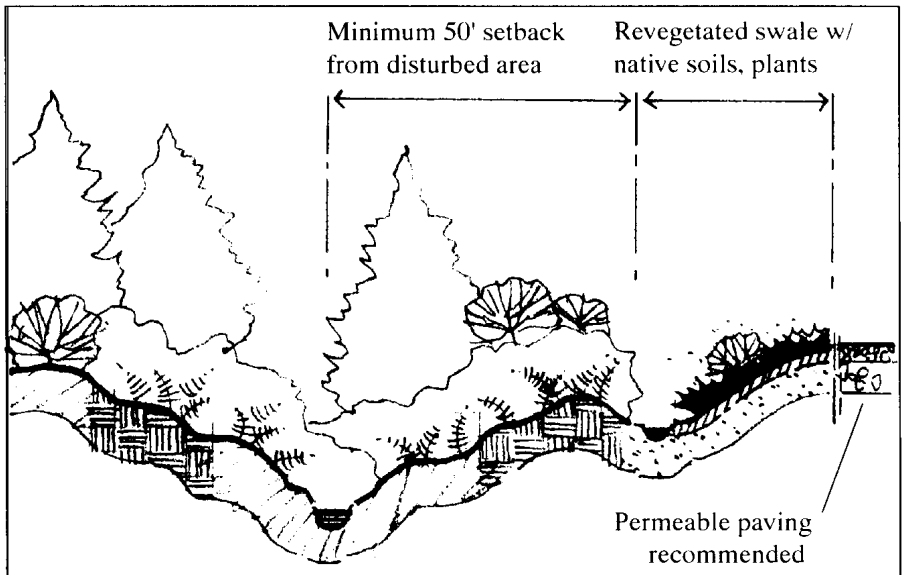

Illustration A1: Section

Use biodegradable erosion control blankets where more intensive stabilization is required

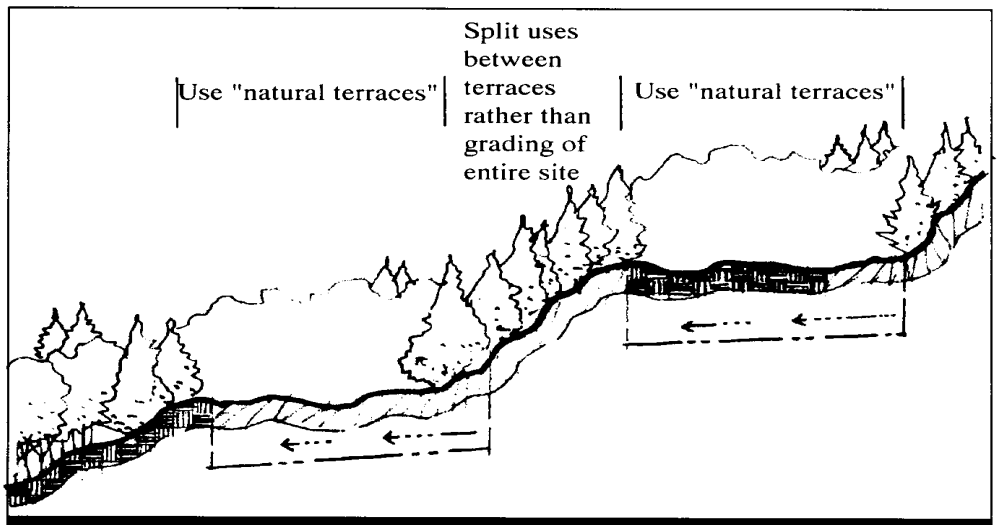

Illustration A2: Section

Maintain filter/buffer strip between terraces for runoff and visual screening. Terraced areas can be regraded w/ proper pitch and curtain/ interceptor drains as necessary

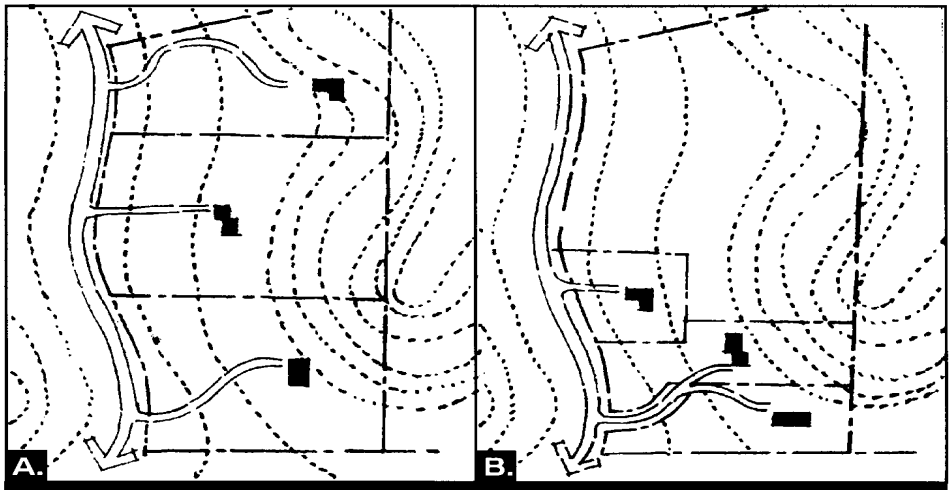

Illustration A3: Plan

Option B uses less road, provides for more open space, uses 33% less land than Option A. Option B concentrates the road cuts in one area and sites structures below the base of the ridge.

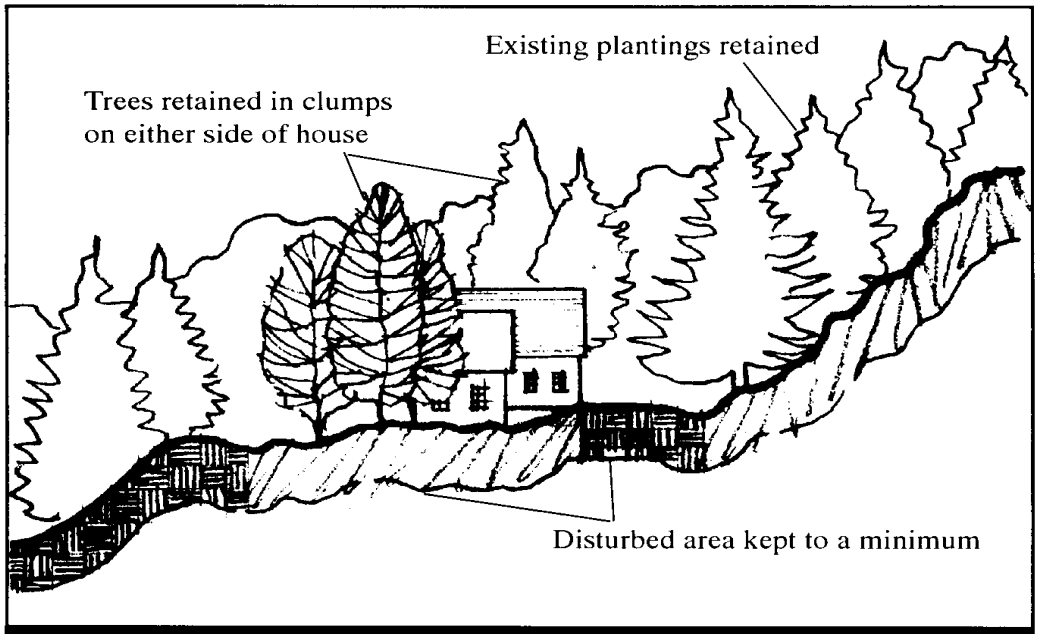

Illustration A4: Section

House is sited on natural terrace and stepped down with grade.
Lawn area is reduced in size along with maintenance requirements.

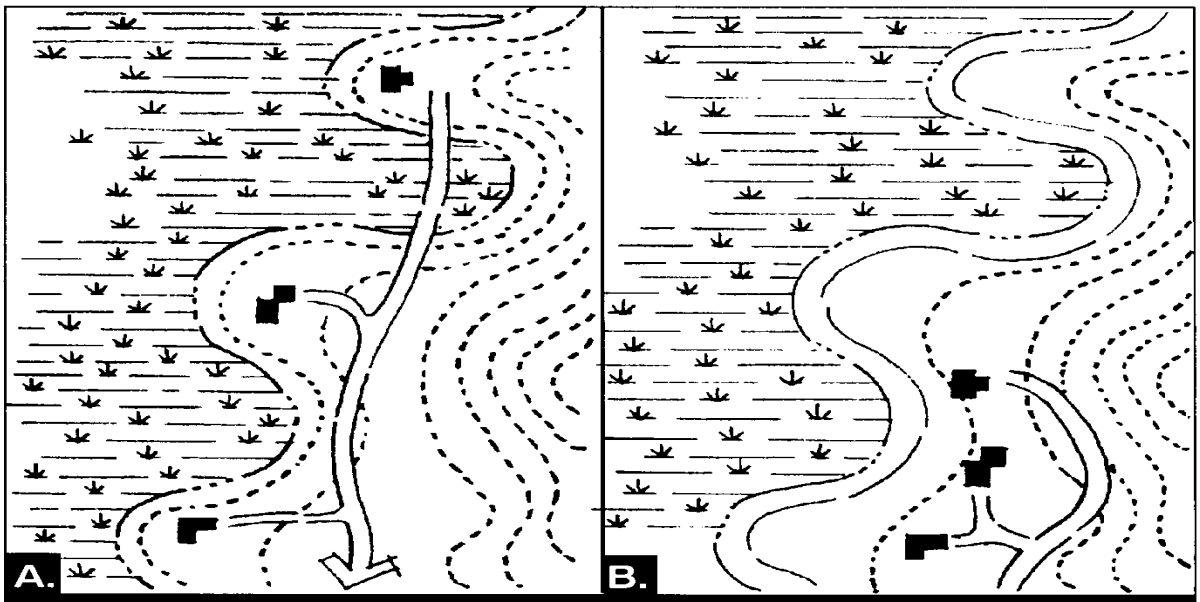

Illustration A5: Plan

Option B avoids crossing the wetlands, clusters the structures on the most suitable land, and avoids construction and road impact on the wetland

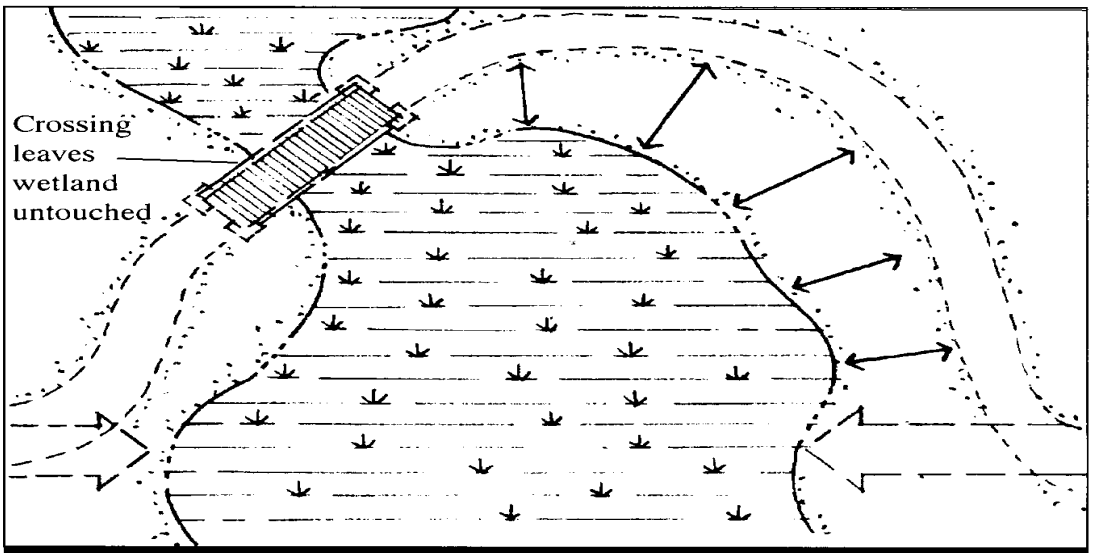

Illustration A6: Plan

Road is re-routed to avoid fill/environmental impact to wetland. A proper setback is maintained between the road and the wetland and the road narrows for wetland crossing.

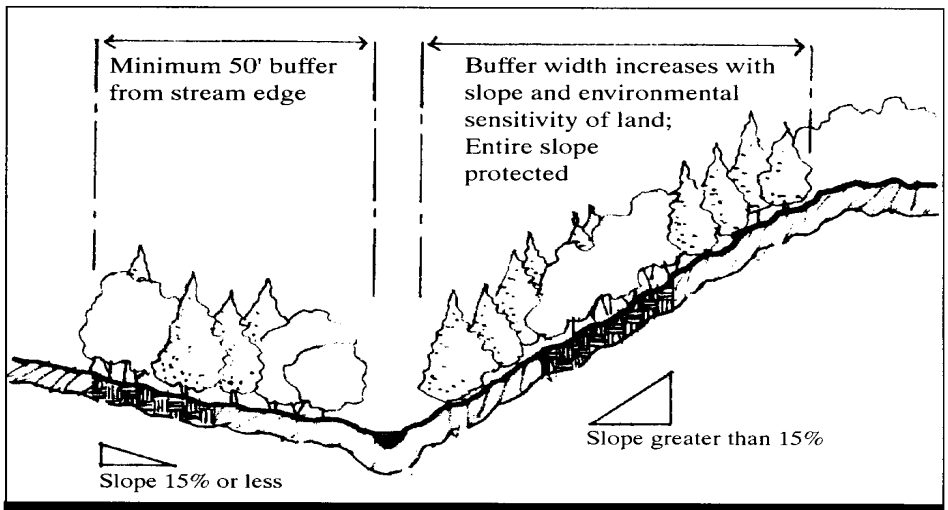

Illustration A7: Section

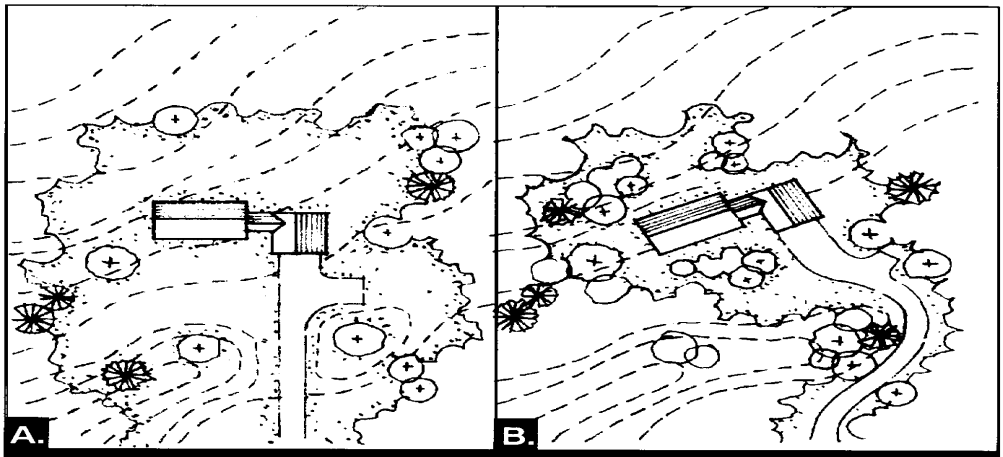

Illustration A8: Plan

In Option B trees are left in "islands" or extensions of the forest rather than as individual specimens. The driveway is routed to eliminate blasting and grading and to protect a section of woodland. The house is oriented with topography.

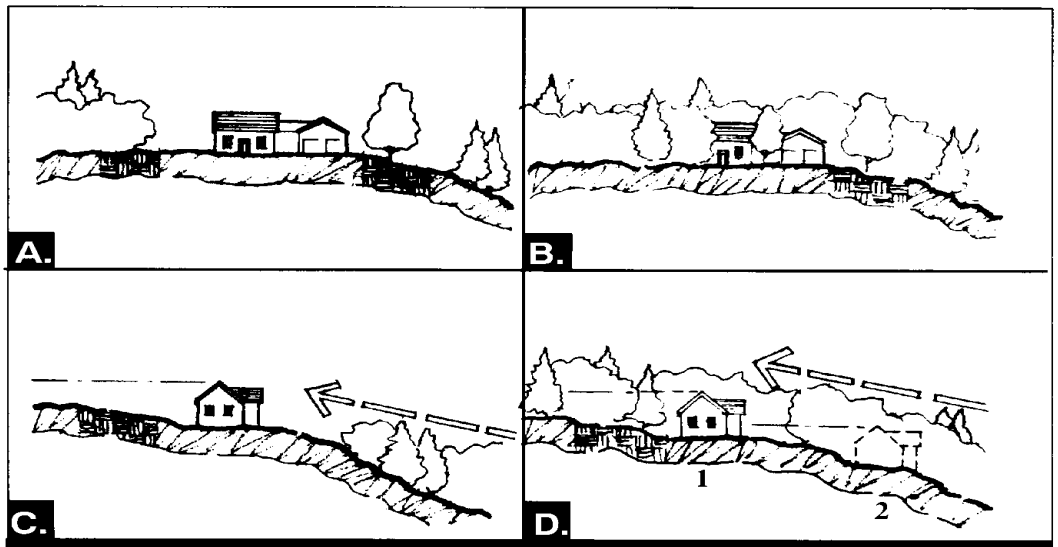

Illustration B1: Sections

In (A) the clearing for the house creates an unnatural pattern on the ridgeline and the interrupted treeline draws attention to the development, creating a visual impact. Drawing (B) shows the same house with existing vegetation retained to maintain the integrity of treeline behind and in front of the structure. In (C) the roofline of the house is visible above the height of land and he clearing has removed most of the screening/buffering trees. Drawing (D) illustrates the same house(1) with vegetation saved to mitigate visual impact, if no other siting alternatives exist. The recommended solution would be siting the house (2) below the height of land, with the treeline intact.

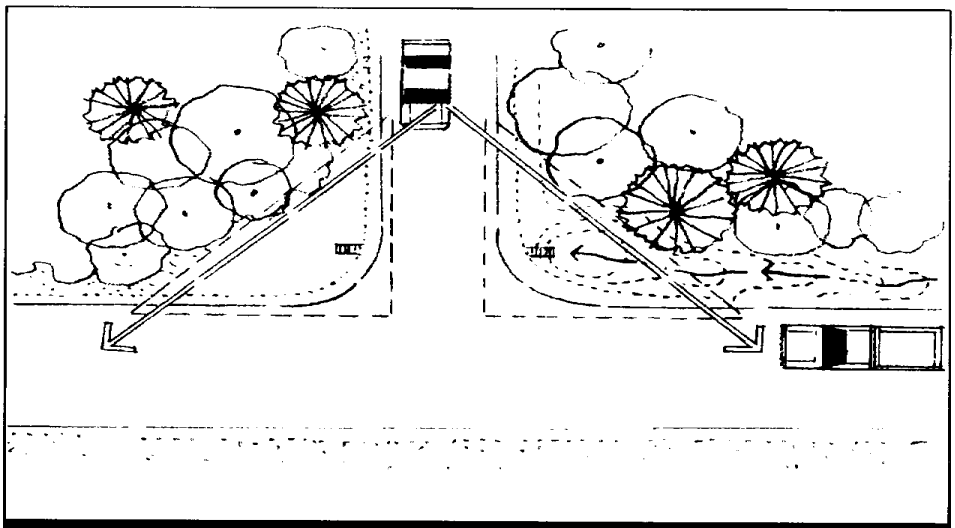

Illustration B2: Plan

It is important to maintain a cleared zone at driveway intersections with roads for safety (visibility) purposes. The clear zone also allows for snow storage and effective stormwater management measures such as small detention basins. Native groundcovers and low vegetation should be esablished in these areas

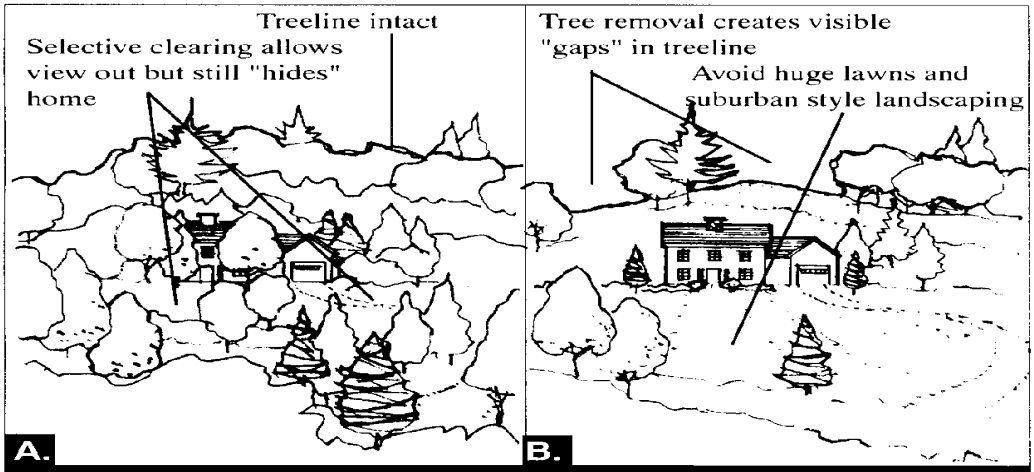

Illustration B3: Perspective

In Option A, the desired approach, existing vegetation is selectively removed and the hillside retains its natural, forested appearance. In Option B, extensive clearing, exposes the home as a visual focal point and undermines the integrity of the landscape pattern. A large lawn and suburban style landscape is not appropriate in this context.

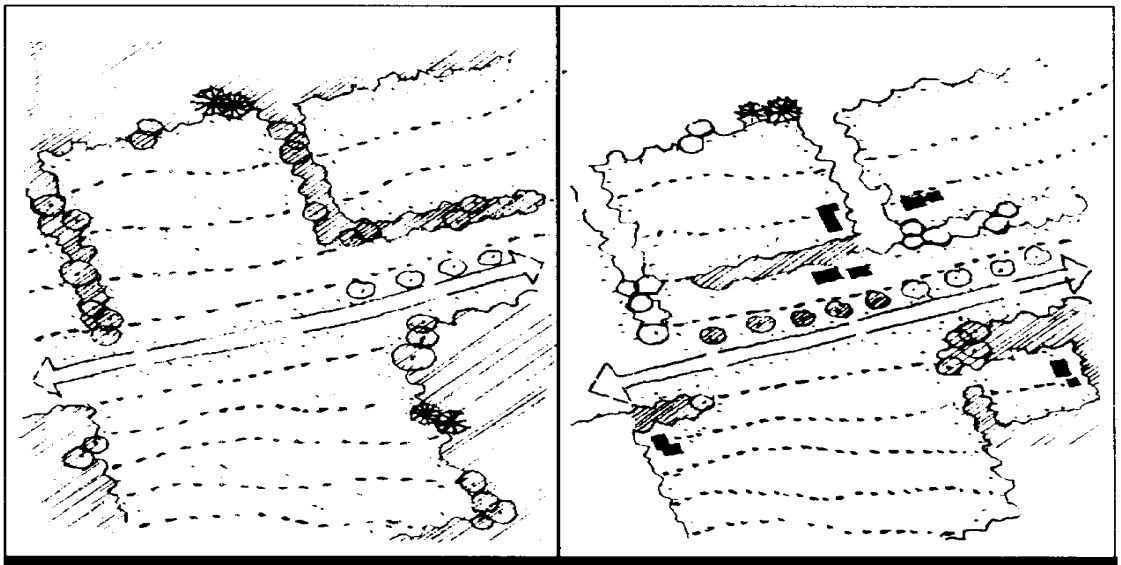

Illustration B5: Plans

These plans illustrate how reinforcing or relating to the existing vegetative conditions create siting possibilities for houses and mainatin the agricultural open space and character of an area. The extension of the treeline along the road and the hedgerow would create a potential site for a vernacular farmhouse and barn design.

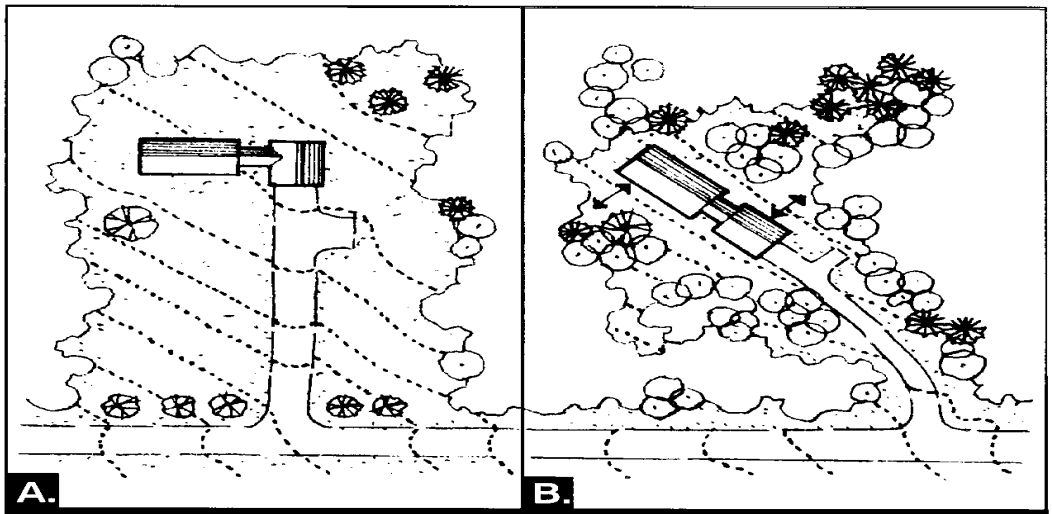

Illustration B4: Plans

Drawing (A) is plan of a typical suburban style house lot with a large lawn, wide driveway and orientation to the road. An occasional mature tree has been saved in isolated locations. The preferred plan (B) sites the house and a narrow driveway/parking area in relation to the contours and maintains existing vegetation in their native groupings, with understory intact as well. A 30 foot clearing limit from the sides of structures may be imposed on visually sensitive sites.

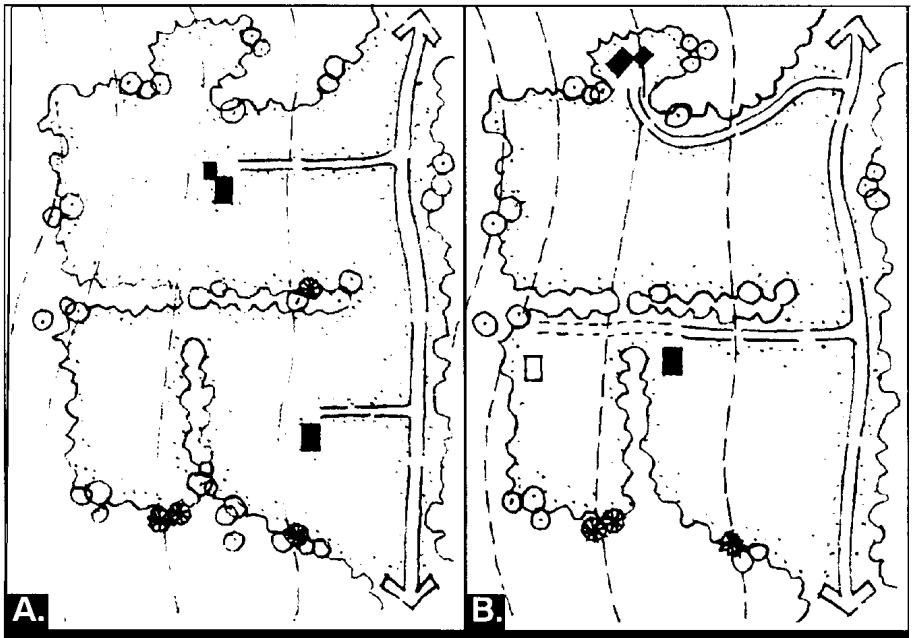

Illustration B6: Plan

In Option B, attention is given to the existing landscape patterns. Houses and driveways are sited along or within the treeline or follow existing hedgerows. Open meadows are not disrupted and future development potential exists without disturbing the open meadows.

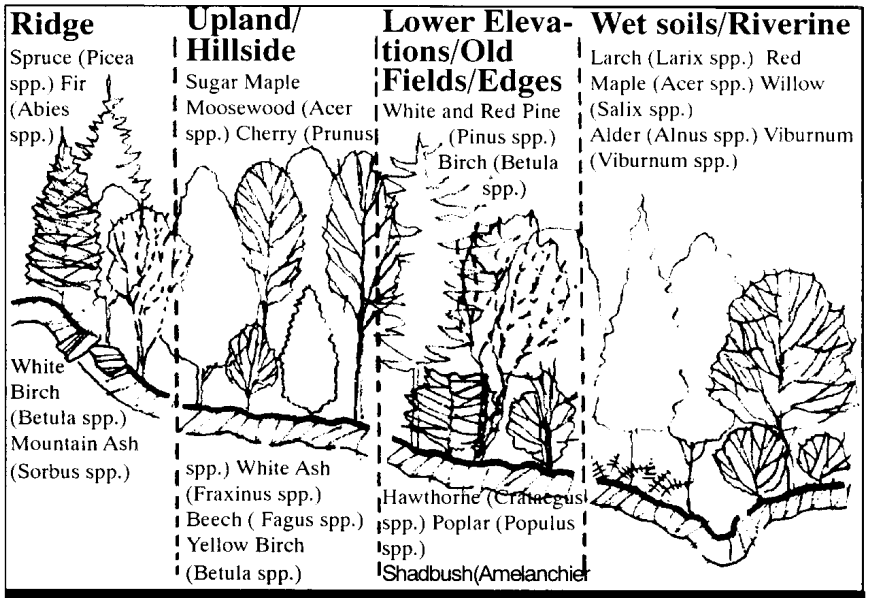

Illustration B7: Section

A site analysis will yield native vegetation patterns in any location. Typical species types and associations in relation to physiography are shown.

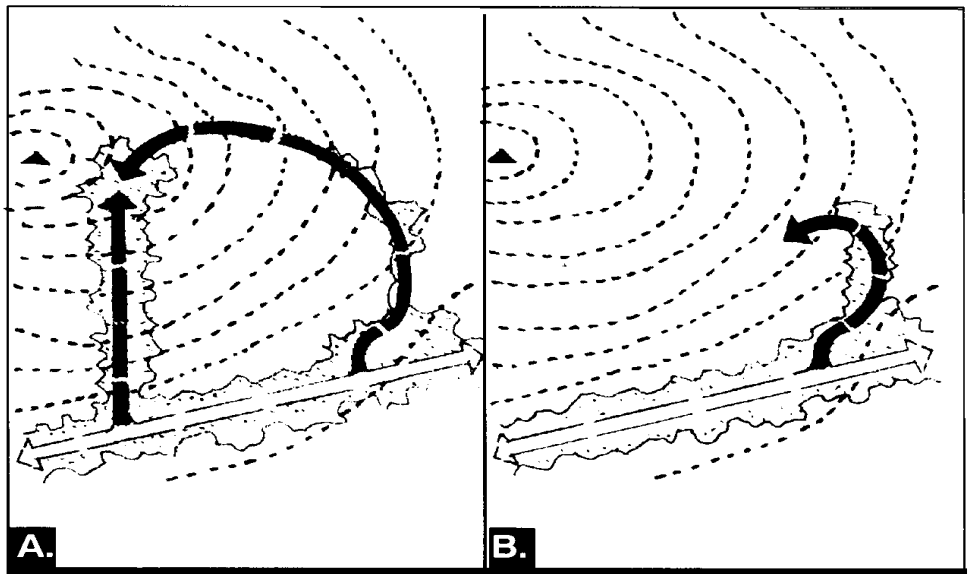

Illustration C2: Plans

If a higher site must be developed, driveways providing access should follow old woods trails/farm roads where available, and in every case, "wrap around" contours or follow a more gradual route, as shown in Road Alignment B, rather than a straight cut as shown in Alignment A. The straight cut makes the whole length of the road visible and results in more cut and fill. Option B, in all cases, is the best approach and minimizes road construction cost and removal of vegetation.

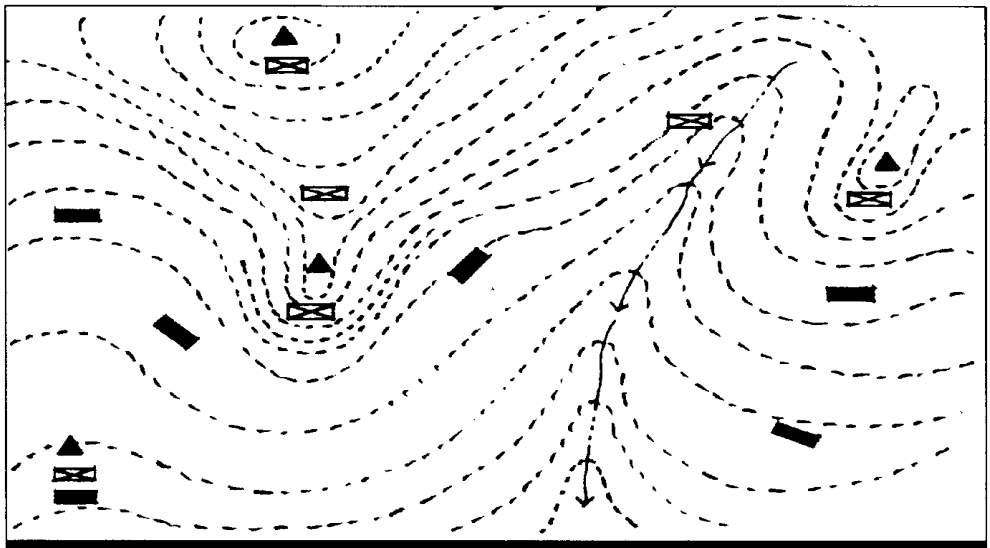

Illustration D1: Plan

Avoid siting in these locations
Indicates better siting option for buildings
High points

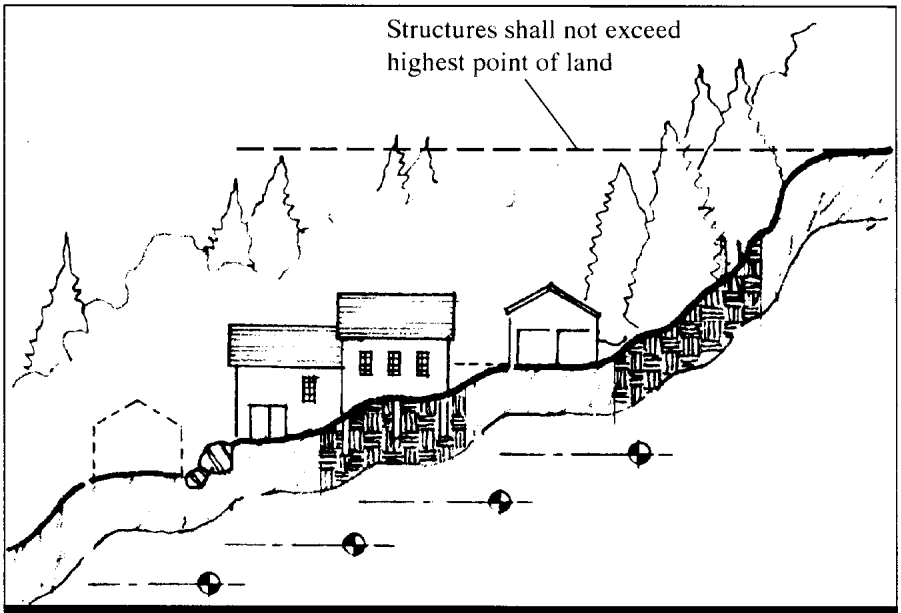

Illustration D2: Section

House is terraced down hillside and not sited on high points. This helps to reduce visual mass. It also takes advantage of the topography by having entrances at different levels. Existing bedrock is maintained as are tree groups.

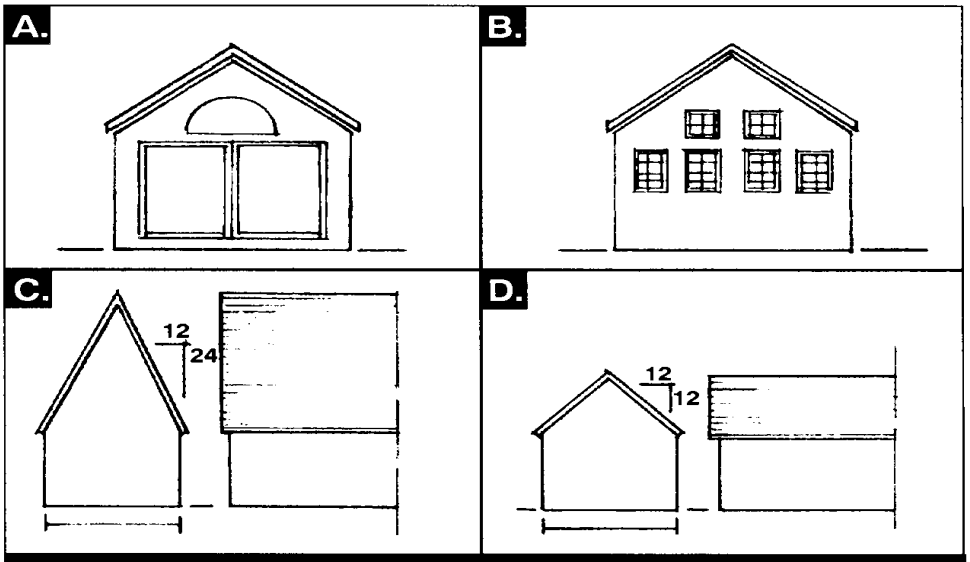

Illustration D3: Section

Options A and B show two different window treatments. Option B helps to reduce glare and reduces the impact of interior lighting or reflection when viewed from the outside. Single pane windows and facades should be avoided. Options C and D show two different roofing types. The moderate pitch illustrateed in Option D avoids the roof becoming another "wall" and decreases the massing of the building in general.

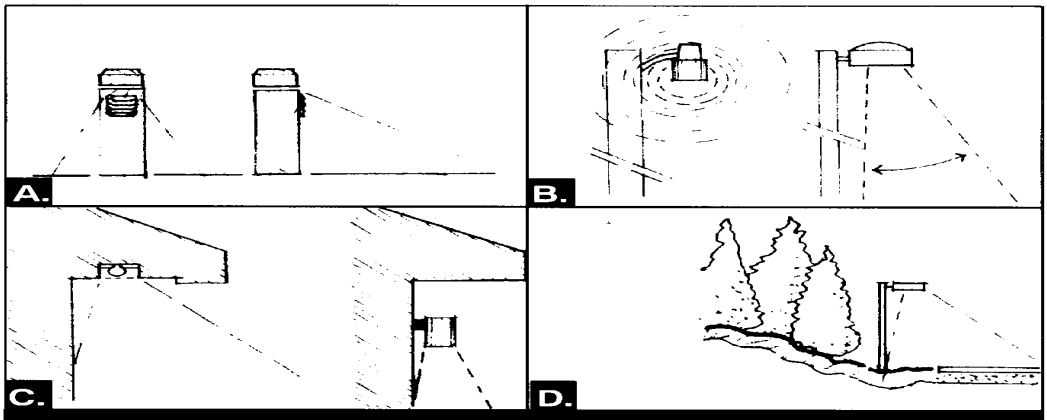

Illustration D4: Sections

Options A and C provide illustrations of low level and pedestrian lighting concepts that help reduce off-site lighting impacts. Option B illustrates a typical metal hallide light fixture that would not be ideal and a fixture with a shield to focus the light. Option D illustrates placing light fixtures using topography, plant material and structures to minimize impact.

Town of Easton, New Hampshire
Subdivision Regulations

Adopted February 23, 1981
Amended March 7, 1985
Amended March 2, 1989
Amended November 19, 1992
Amended February 7, 2007
Amended September 5, 2007
Amended February 6, 2008
Amended May 2, 2012

TABLE OF CONTENTS

TABLE OF CONTENTS (Continued)

SECTION I

AUTHORITY

A. AUTHORITY

Pursuant to the authority vested in the Easton Planning Board by the voters of the Town of Easton, New Hampshire, and in accordance with the provisions of Chapter 672-677, NH Revised Statutes Annotated, 1955, as amended, the Easton Planning Board adopts the following regulations governing the subdivision of land in the Town of Easton, New Hampshire.

B. PURPOSE

The purpose of these Regulations is to promote the development of an economically sound and stable community in a manner consistent with the Comprehensive Plan for the Town of Easton and to provide uniform procedures and standards for observance by the Planning Board and Developers. The provisions of these Regulations shall apply to all land within the boundaries of the Town of Easton and for all valid purposes for which subdivision regulations may legally be adopted including those listed in RSA 674:36.

SECTION II

DEFINITIONS

ABUTTER: Shall mean 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 Easton Planning Board, and as further defined in RSA 672:3.

APPLICANT: Shall mean the owner(s) of record, or the owner's agent duly authorized in writing at the time of application.

BOARD: Shall mean the Planning Board of the Town of Easton.

DEVELOPER: The individual, partnership or corporation which will be responsible for the construction of all improvements and subsequent sale of lots and/or dwelling units, or non-residential development.

DRIVEWAY: The vehicular access from a street. Driveways shall not be the access for more than two lots, and do not constitute a way that provides frontage.

ENGINEER: Shall mean a New Hampshire licensed engineer.

FILING; FILING AN APPLICATION: Delivery of a Subdivision Application to initiate public notification.

FINAL PLAT: The final map(s), drawing(s), or chart(s) on which the Applicant's plan of subdivision is indicated, prepared as required by the Planning Board in accordance with these Regulations and RSA 478:1-a, and which, if approved by the Board, will be submitted to the Register of Deeds of Grafton County for recording.

HEALTH OFFICER: Shall mean the Health Officer of the Town of Easton, appointed pursuant to RSA 128:1.

MAJOR SUBDIVISION: Any subdivision not meeting the definition of a Minor Subdivision or Minor Lot Line Adjustment is to be classified as a Major Subdivision.

MASTER PLAN: Shall mean the comprehensive plan or plan of development for the community approved July 2, 1991, and any subsequent revisions thereof, as prescribed by law in RSA 674:2 through 674:4.

MINOR LOT LINE ADJUSTMENT (Boundary Agreements): Involves the sale, conveyance, or exchange of land or the resolution or correction of boundary line differences among two or more owners of contiguous land which does not create additional buildable lots or increase the number or owners of parcels of land.

MINOR SUBDIVISION: Shall mean any proposal which involves the creation of not more than three lots, all fronting on existing streets, with no new streets proposed, and with no potential for resubdivision under applicable regulations and ordinances.

NOTICED APPLICATION: A filed application which has been publicly announced in accord with Section III.D.1 of these Regulations.

PLAT: See FINAL PLAT

PRELIMINARY PLAT: Shall mean a plan (plat) prepared in accordance with these Regulations and submitted to the Board prior to preparing the Final Plat.

ROAD: See Street

STREET: An existing Class V or better maintained public highway, or a way shown on a plat approved by the Planning Board, which has been constructed to standards required by the Board in accordance with these Regulations, or whose construction has been secured in accord with Section VI.D of these Regulations.

SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land for the purpose, whether immediate or future, of sale, gift or other transfer, lease, rental or of building development or condominium conveyance. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided, and as further defined by RSA 672:14.

SUBMISSION: Formal delivery of a noticed Application to the Board at a regularly scheduled meeting.

SECTION III

PROCEDURES AND APPLICATION REQUIREMENTS

A. GENERAL REQUIREMENTS FOR APPROVAL

Whenever any subdivision is proposed to be made and before any contract for the sale of, or offer to sell, such subdivision or any part thereof shall have been negotiated, and before any application for a permit for the erection of a structure thereon shall be made, the owner(s) thereof or the owner's agent, shall apply in writing to the Planning Board of the Town of Easton for approval of such subdivision. The application shall conform to the specifications contained in these Regulations.

B. PRELIMINARY STAGES OF REVIEW

1. Conceptual Consultation (Recommended)

   The Applicant may appear at a regular meeting of the Board to discuss a proposal in conceptual form and in general terms. Such consultation shall be informal and directed toward:

   a. reviewing the basic concepts of the proposal,
   b. reviewing the proposal with regard to the Town Master Plan and Zoning Ordinance,
   c. reviewing the Town's Subdivision Regulations as they may apply to this proposal, and determining whether the proposal is a Minor or Major Subdivision, and
   d. guiding the Applicant relative to necessary state and local requirements.

   Conceptual Consultations shall not bind the Applicant or the Board. Such discussions may occur without formal public notice; however, no discussions beyond the conceptual and general review shall take place without identification of and notice to Abutters and the general public

   Conceptual Consultations shall be separate from formal consideration and the time limits for acting shall not apply until a formal Completed Application is submitted.

2. Preliminary Review (Recommended)

   a. The Applicant may submit a Preliminary Plat for non-binding discussions with the Board. Such discussions shall occur only at a regularly scheduled meeting of the Board after the Applicant has filed a Preliminary Application, which has been given Notice in accord with Section III.D.
   b. The Preliminary Application shall be filed with the Secretary or the Board Chair at least twenty-one (21) days prior to a scheduled public meeting of the Board at which the Preliminary Plat will be reviewed. The Preliminary Application shall:

i. be on an official Application form, available at the Town Clerk's office,
ii. include the names and addresses of Abutters, Applicant(s) and others defined in Section III.D.1.d, as indicated in Town Records not more than 5 days prior to filing date,
iii. include three paper copies of the Preliminary Plat.

The Preliminary Plat shall be completed with respect to the format and detail required for the Final Plat, as defined in Section III.H., to the extent necessary for the Board to discuss the conformance of the proposed subdivision with these regulations, including design and engineering details. The Board may waive some of the requirements for this review.

c. Where the Preliminary Layout submitted covers only a part of the Applicant's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street system of the part not submitted.

d. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. Preliminary Reviews shall be separate from formal consideration, and time limits for acting shall not apply to this review.

e. The Board shall take no formal action on the proposal, except that, after its review and discussion with the Applicant, it shall communicate to the Applicant, in writing, specific suggestions to assist in resolving problems prior to the submission of a Completed Application

f. Preliminary Reviews may be adjourned to a later time, provided that the date, time and place of the continued meeting is announced before the close of the adjourned meeting, and is in the minutes of that meeting.

g. The Applicant may terminate the Preliminary Review at any time.

C. PUBLIC HEARINGS

No application may be denied or approved without a public hearing on the application, duly noticed in accordance with Paragraph D.

D. NOTICES (RSA 676:4,I,(d))

1. Notice of submission of a Preliminary Application or a Completed Final Application shall be given by the Board. The notice shall:
   a. give the date, time and place of the Board meeting at which the Application or other item(s) will be formally submitted to the Board,

b. include a general description of the proposal which is the subject of the Application, or of the item to be considered,
c. identify the Applicant and location of the proposed subdivision,
d. be given to the Applicant, holders of conservation, preservation, or agricultural preservation restrictions, Abutters, and the public, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any Preliminary or Final Plat submitted to the Board,
e. be sent by certified mail,
f. be mailed at least ten (10) days prior to the submission,
g. be given to the public at the same time by posting in at least two public places in the Town and publication in a newspaper of general circulation, two weeks and one week before the meeting,
h. for proposals in which any structure or building site will be within 500 feet of the top of the bank of any lake, pond, river or stream, be given to the NHDES Dam Bureau.

2. If the notice of public hearing has been included in the notice of submission or any prior notice, additional notice of the public hearing is not required, nor shall additional notice be required of any adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing.

3. Determination of Regional Impact

Upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having the potential for impact beyond the boundaries of Easton. This regional impact could result from a number of factors, such as, but not limited to, the following:

a. relative size or number of lots or units compared with existing stock;
b. transportation networks;
c. proximity to the borders of a neighboring community;
d. anticipated emissions such as light, noise, smoke, odors or particles;
e. proximity to aquifers or surface waters which transcend municipal boundaries; and
f. shared facilities such as schools and solid waste disposal facilities.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. Upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Within 72 hours of reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission with copies of the minutes of the meeting at which the decision was made and copies of the initial project plan and the affected municipalities with copies of the minutes of the meeting at which the decision was made. At least fourteen (14) days prior to the public hearing, the Board shall notify, by

certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and the right to testify concerning the development.

E. FEES

1. Applications for Subdivision shall be accompanied by a filing fee as specified in the last published Easton Town Report.

2. All costs of notices, whether mailed, posted or published, shall be paid by the Applicant at the time of filing. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration and to disapprove the plat without a public hearing.

3. Reasonable fees in addition to fees for notices described in Section III.D.1 above may be imposed by the Board to cover its administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications, per RSA 676:4, I(g).

4. The Board may require a developer to pay an exaction for the cost of off-site improvement needs determined by the Board to be necessary for the occupancy of any portion of a development, including any necessary highway, drainage, or sewer and water upgrades pertinent to the particular development. The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction. As an alternative to paying an exaction, a developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the Board. (RSA 674:21, V(j)

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F. REQUIREMENTS FOR FILING AND SUBMITTING SUBDIVISION APPLICATIONS
(Applicants are encouraged to have a Conceptual Consultation (Section III.B.1.))

1. <u>Categories of Subdivision</u>

   a. A Minor Subdivision is any proposal which involves the creation of not more than three lots, all fronting on existing streets, with no new streets proposed, and with no potential for resubdivision under applicable regulations and ordinances.

   b. A Major Subdivision is any proposal which involves the creation of four or more lots for building development, or which involves the construction of streets without regard to the number of lots created.

   c. A Minor Lot Line Adjustment and Boundary Agreement involves the sale, conveyance or exchange of adjacent land among two or more owners, or the resolution or correction of boundary line differences, which do not create buildable lots or increase the number of owners or parcels of lands.

d. In the unusual instance when lots in a subdivision are created for use other than building, such as for a woodlot or public park, and where the Town has accordingly waived or relaxed zoning or subdivision requirements which would normally be applied to building lots, the Applicant shall prepare a statement to be reviewed and approved by the Board and to be recorded at the Registry of Deeds giving the purpose of the lot, that it cannot be developed without further Board action, and that it will need to fulfill all requirements of the Zoning Ordinance and Subdivision Regulations including, but not limited to, frontage, access, suitability of terrain and so forth, before at can be approved for building purposes.

2. Because the public must have prior notice before the Board can discuss details of a proposal, Subdivision applications must first be filed, to initiate notification, before they can be formally submitted to the Board, or reviewed by the Board, at a meeting.

3. To obtain an official Board decision on a proposed subdivision, Applicants shall submit a Completed Application for Final Plat approval, in accord with Section III.G.

The Completed Application shall first be filed with the Secretary or the Board Chair at least twenty-one (21) days prior to a scheduled public meeting of the Board at which the Completed Application will be formally submitted.

The Completed Application shall:

a. be on an official Application form, available at the Town Clerk's office,
b. include the names and addresses of Abutters, Applicant(s) and others defined in Section III.D.1, as indicated in Town Records not more than 5 days prior to filing date,
c. include four paper copies and a mylar of the Final Plat as described in Section III.H below.

G. BOARD PROCEDURES FOR RECEIVING AND CONSIDERING SUBDIVISION APPLICATIONS

1. When a Completed Application is formally submitted for Final Plat approval by the Board:

a. It shall be formally submitted and accepted as a completed application only at a regularly scheduled public meeting after due notification by the Board per Section III.D.1.

b. An incomplete application, filed by the Applicant, will not be formally accepted by the Board, nor will notices of a public meeting be mailed, posted, or published.

c. Applications may be rejected by the Board without a public hearing on grounds of:

i. Failure of the Applicant to supply information required by these Regulations, including Abutters' names and addresses and information required for the Final Plat
ii. Failure to pay costs of notices or other costs and fees required by these Regulations, or
iii. Failure to meet any reasonable deadline established by these Regulations.

d. When a Completed Application is accepted by the Board, the Board shall provide a receipt to the Applicant indicating the date of formal acceptance.

e. The Board may require additional information at any stage of its consideration if it determines the information is necessary to determine whether the Regulations are met.

f. The Board shall begin consideration of the Completed Application within 30 days of its submission and acceptance. The Board will review Subdivisions with due regard to the standards and requirements of Section IV of these Regulations.

g. The Board, with proper notice, or its designated agents may visit the Subdivision site in order to thoroughly and knowledgeably review the proposal.

An application to the Board will be deemed constitute permission for whatever types of site visits or inspections the Board deems necessary, at reasonable times.

h. The Board shall act to approve or disapprove the Final Plat within sixty-five (65) days of its formal submission and acceptance.

The Planning Board may apply to the Selectmen for an extension not to exceed an additional ninety (90) days before acting to approve or disapprove a Final Plat.

The Applicant may waive the requirement for the Planning Board action within the above time periods and consent to such extension as may be mutually agreeable. The provisions of RSA 676:4, I(c) shall prevail.

i. The Board may grant conditional approval of a Final Plat, which approval shall become final without further public hearing, upon certification to the Board or based upon evidence submitted by the Applicant that there has been satisfactory compliance with the conditions imposed.

The period of time within which the conditions must be met shall be stated in the conditional approval.

Final approval of a Final Plat may occur as described above only when the conditions include one of the following:

i. minor plan changes, whether or not imposed by the Board as a result of public hearing, compliance with which is administrative and which does not involve discretionary judgment;
ii. conditions which are in themselves administrative and which involve no discretionary judgment by the Board;
iii. conditions relating to the Applicant's possession of permits and approvals of other boards or agencies.

All other conditions shall require a hearing and notice, except that additional notice shall not be required of an adjourned hearing with proper notice, if the date, time and place of the adjourned session were made known at the time of the prior hearing.

j. All conditions of approval shall be stated in writing as part of the Board's written decision, and shall specify whether the condition is: (1) a condition precedent which requires an additional hearing prior to final signing of the plat; or (2) a condition precedent which is administrative and requires no hearing, as described in (i) above, but which must be completed prior to final signing of the plat; or (3) a condition subsequent which governs the manner in which the project is to be implemented after the Final Plat has been approved and signed. In all cases, it shall be an implied condition of approval that the project must be completed and constructed in substantial conformity with the application, plans, and testimony presented by the Applicant, and that no substantive change or deviation from said plans and testimony shall be permitted in the absence of further hearing and approval of the modification by the Planning Board, as set forth in Section VI.C.3 below.

k. Before a Final Plat is signed by the Board Chair or Secretary, if the Applicant is providing a performance guarantee, the security must be finalized and approved. (See Section VI.D.4). The form of security shall be reviewed by the Town's attorney at the expense of the Applicant.

l. Approval of the Final Plat shall be certified by written endorsement on the Final Plat and signed by the Chairman or Secretary of the Board. The Chairman or Secretary of the Board shall transmit a mylar of the Final Plat with such approval endorsed in writing therein to the Register of Deeds of Grafton County, one print copy to the Selectmen, and one print copy for the Planning Board's records. The final written decision, including all conditions of approval, shall be recorded with or on the plat. The Applicant shall be responsible for the payment of all recording fees.

m. When a submitted Plat is approved or disapproved, the grounds for the Board's decision shall be adequately stated in the records of the Planning Board, and written notice given to the Applicant.

2. Board Procedures for Minor Lot Line Adjustments and Boundary Agreements

All of the provisions of Section III.G.1 above shall apply with the following exception:

The Board shall begin consideration of the Completed Application upon its submission, and shall act to approve or disapprove the Final Plat at that time, or at the next following regular meeting of the Board.

H. FINAL PLAT REQUIREMENTS

1. The Final Plat shall be drawn with material, the composition of which shall be suitable for electronic scanning and archiving by the register of deeds, at a scale of 100 feet to the inch, or at greater detail as directed by the Board. All Final Plats shall have a minimum of ½ inch margins on all sides.

A Final Plat shall be prepared in compliance with all applicable requirements of RSA 478:1-a, and shall be prepared on 22" x 34" standard sheets measured from the cutting edges. If one sheet is not of sufficient size to contain the entire area of the site and environs, the plat shall be divided into sections to be shown on separate sheets of equal size with references on each sheet to the adjoining sheets.

All text and dimensions shall be legible for reproduction and text sizes shall be no smaller than .08 of an inch for mechanical drafting, and 1/8 inch for hand drafting. The minimum line widths on plats shall not be smaller than .01 inches.

Shading over any text, bearing, or dimension is not permitted. Cross hatching or other hatching at a scale large enough not to interfere with legibility before and after reproduction may be permitted

All dimensions shall be shown to hundredths of a foot and bearings to at least the nearest thirty seconds (30 secs.). The error of closure shall not exceed 1:5000.

Certifications, seals, and approval blocks shall have original dates and signatures in a legible, permanent black ink.

2. All title blocks shall be located in the lower right hand corner, when possible, and shall indicate the following:

a. Type of survey (for example; Major Subdivision, lot line adjustment, etc.)
b. Owner(s) of record
c. Title of plat or development

d. Tax map number
e. Name of town in which parcel is located
f. Plat and revision dates.

3. The plat shall show the following detail:

References to proposed streets apply to Major Subdivisions.

For Major Subdivisions, refer also to paragraph 6 below.

For Minor Lot Line Adjustments and Boundary Agreements, refer also to paragraph 7 below.

a. North arrow, with reference to magnetic grid or astronomic north

b. Scale both as written and graphic representation

c. Total acreage to be subdivided

d. A key (or locational) map at the Town Base Map scale of one inch equals one thousand feet (1”=1000’) showing the relation of the proposed Subdivision to existing streets or roads, and other adjacent subdivisions.

e. Property lines of the entire parcel, rights-of-way lines of proposed or existing streets and easements, and lot lines with accurate dimensions, bearings, or deflection angles, and radii, arc and central angles of all curves.

f. Lots shall show acreage, be consecutively numbered, and setback lines shall be drawn on each lot. The length of private or public roads shall be noted on the map in feet.

g. The names of abutting property owners, with lot numbers.

h. Location and description of all monuments

i. All existing structures on the property to be subdivided and within 200 feet thereof, including abutting properties, showing wells, water mains, sewers, septic systems, culverts, drains, etc.

j. All significant natural features on the property to be subdivided and within 200 feet thereof, including woods, year round water courses, wetlands, streams, ponds, ledges, mines, scenic views, parks, public open spaces, etc

k. The location, purpose, acreage and conditions of all easements or parcels of land reserved, or dedicated to public use shall be designated, and the proposed use of sites other than residential shall be noted.

l. Flood hazard areas as indicated on the National Flood Insurance maps available in the Town Office.

m. Locations of all proposed improvements including improvements to roads, drainage such as storm drains, culverts, catch basins, headwalls and other drainage, erosion and sediment control structures, wells or water lines, septic systems, utilities, etc.

n. At least one bench mark established on each section or submission of a Subdivision, tied to any previously established bench mark on a previously submitted plat. Said bench mark should be plainly marked in the field and stationed on the Final Plat with its elevation. Ties to U.S.G.S. bench marks may be required.

o. Topographic contours at 5-foot intervals. The Board may waive the topographic detail, depending on the proposed Subdivision plan and parcel.

p. Certification by a surveyor licensed in the State of New Hampshire as to the accuracy of the survey and other plat details and by a New Hampshire licensed engineer for road, drainage, utilities and other related information.

q. Certification of the approval when required by the State Water Supply and Pollution Control Commission accompanied by a duplicate copy of all data submitted to them and any stipulations related to the approval.

r. Certification of approvals when required by any other officer or body of the town, state or county.

s. Approval block for Planning Board with space for signature and date.

4. Additional submissions to accompany the Final Plat:

a. In cases where the Applicant is someone other than the owner according to Town records, a certification that the Applicant is the agent of the owner, or that the owner has given consent under an option agreement.

b. A copy of any such private deed restrictions as are intended to cover part or all of the tract shall be submitted

c. Soil mapping units as available from the Soil Conservation Service. The Planning Board may require a high intensity soil map in instances in which the Grafton County soil mapping units do not appear to be accurate, or for properties whose natural characteristics appear to limit its subdivision and development potential.

The standards for the high intensity soil map are described in the Appendix.

d. Any other information, deeds, or documentation which may be required by the Board.

5. General provisions:

a. Where the topography is such as to make difficult the inclusion of any improvements mentioned above in Section III.H.3.m, within the public area so laid out, easements for these improvements over or under private property shall be not less than ten feet in width and shall have satisfactory access to existing or proposed public ways.

b. Lot locations shall be adequately flagged on the ground at the site to allow on-site evaluation of the proposed Subdivision by the Board and Engineer.

c. Any road, park, or other public open space shown shall be deemed to be dedicated to the public for acceptance as a public highway, or other named use, unless otherwise specified on the Final Plat.

Approval of the Final Plat by the Board shall not constitute an acceptance by the Town of the dedicated street, or public space.

6. Special provisions for Major Subdivisions - Plan of street construction and improvements:

a. Final cross-sections and profiles of improved and proposed streets. Cross-sections shall be at 50-foot intervals plotted with the same horizontal scale as the Final Plat and a horizontal to vertical scale ration of 5:1 respectively. Required certifications, seals and a Board approval block shall be included. All data shall be based on field survey.

b. Roads shall conform to Road Design Plan in Appendix A, and Construction Standards detailed in Section IV.C and V.D.

c. A separate soil erosion and sediment control plan shall be required for all Major Subdivisions unless the requirement is waived by the Planning Board. The requirements and standards are described in Appendix C.

d. The proposed street centerlines shall be adequately flagged on the ground at the site to allow on-site evaluation of the proposed Subdivision by the Board and Engineer.

7. Special provisions for Minor Lot Line Adjustments and Boundary Agreements Final Plat requirements:

The Board may waive portions of the Final Plat which it deems not necessary to meet the requirements of RSA 478:1-a or these Regulations.

SECTION IV

DESIGN STANDARDS AND REQUIREMENTS

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

A. GENERAL

1. Premature or Scattered Subdivision Development

Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services shall not generally be approved by the Board. The Board shall ascertain whether or not a proposed Subdivision will result in the danger or injury as set forth above, or necessitate an excessive expenditure of public funds based on the existing supply of services. If the Board determines that a proposed Subdivision does constitute a danger of injury, or will necessitate an excessive expenditure of public funds for the supply of services, then such a proposed Subdivision shall constitute a scattered or premature development, and shall not be approved.

The following items shall be considered in determining whether the proposed Subdivision is scattered or premature and the Applicant may be required to have studies made under guidelines established by the Planning Board to determine the effect that the proposed Subdivision may have:

a. The capacity of the school system and the effect on school bus transportation;

b. Adequacy of access roads and/or sidewalks;

c. Potential health problems due to on-site sewage systems and water supplies;

d. Adequacy of water supply for domestic and fire fighting purposes;

e. Potential fire protection problems due to location or special conditions relating to the type of use;

f. Potential effects on police protection and emergency medical care service;

g. Potential drainage problems on the property and downstream;

h. Potential effects on Town, state or federal expenditures necessitated by the proposed Subdivision;

i. Other potential problems within the meaning or purpose of this section.

The Planning Board may, if the situation warrants, approve an entire Subdivision and allow only a portion thereof to be developed each year. This phased development would be intended to balance the estimated positive and negative effects of the development so that orderly growth would occur matched by the Town's ability to service its increasing population.

2. 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 generally platted for residential occupancy, nor for any other use which would tend to increase the danger to health, life or property aggravate the flood hazard, until, in the opinion of the Board, appropriate measures have been taken by the Applicant to eliminate such hazards, or reduce them to reasonable risks. Land subject to periodic flooding, poor drainage or other hazardous conditions shall not ordinarily be subdivided. Land with unsuitable soil, or inadequate capacity for individual sanitary sewerage disposal systems shall not be subdivided unless connected to a common sewerage system.

3. Water Supply

Any water supply system shall be designed and installed in accordance with New Hampshire State standards.

4. Sewage Disposal, per RSA 485-A

a. It shall be the responsibility of the Applicant to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drainage field). Such information shall consist of the results of percolation tests taken in accordance with the existing State regulations and the WSPCC-approved subdivision plans.

b. The Board requires that all soil tests (test pits and percolation tests) be performed by a certified sewage disposal system designer and if required by the Board, in the presence of and certified by an official representative of the Board designated to inspect soil tests for the purposes of these Regulations. All test pits shall be carefully analyzed to determine the seasonal high water table. Seasonal high water table shall be established by (1) clear indications of mottling and other color changes, (2) soil scientist from Soil Conservation Service, or (3) digging a test pit in the wet season.

c. The Board reserves the right to determine the number and location of percolation tests and test pits.

d. Soils data consist of available survey information and soil test results. The Applicant shall also provide a high intensity soil map if required by the Board.

e. All test pits shall be dug to a minimum depth of ten (10) feet or refusal if ledge is present. Depth to ledge, clay, hardpan layers, and existing and expected seasonal high water table shall be recorded on the soil map or soil survey plan.

f. Sufficient test pits shall be dug to insure that an area of twice the design leachfield area, but not less than 4,000 square feet is present on each proposed lot with a natural soil depth of at least four (4) feet to bedrock. One-half of this area shall be reserved as a backup if the initial leachfield fails and shall not be used for buildings, sewage treatment and septic effluent disposal except in the event of field failure. If such an area is not present, the lot shall be disapproved.

g. The bottom of a proposed leaching bed or trench shall be a minimum of eight (8) feet above bedrock or other impermeable substratum.

h. The sewage disposal system must be so designed that:

i. Subsurface and surface runoff waters will be diverted from the leachbed area.

ii. No part of the sewage disposal system, including the back-up leachfield area, shall be located closer than:

- 25 feet from any roadside ditches or drainage ditches having an elevation higher than the system and 750 feet otherwise:
- 150 feet from any stream which does not flow into a pond, bog, marsh or swamp:
- 200 feet from any other surface water located downslope from the proposed system, with the distance measured horizontally from the system to the top of the ditch of the top of the bank above the surface water as the case may be. A greater setback may be required in appropriate cases to protect surface water against pollution.

i. Any soil with a seasonal high water table at or within two (2) feet of the natural ground surface shall not be used for the disposal of septic tank effluent. Drainage, where feasible and acceptable to the Board, may be utilized to overcome this solution.

j. Perc rates faster than 2 minutes/inch shall not be approved.

k. Any soil with a percolation rate slower than thirty (30) minutes per inch shall not be used for the disposal of septic tank effluent.

l. Fill may be added to meet the standards imposed by number g, i, and j above but may not be added to correct for any of the other above listed conditions.

Percolation tests will be required in undisturbed natural ground to determine design of leaching bed or trench.

m. No septic system shall be allowed which poses a threat to groundwater supplies.

n. No septic system shall be allowed within the Flood Hazard Area.

o. In aquifer recharge areas, areas of significant groundwater resources and areas where the predominant soil type has a percolation rate which is faster that five (5) minutes/inch, sanitary waste water discharge to on-site septic systems shall not average more than 350 gallons per acre per day.

5. As provided in Section III.E.4 of these Regulations, and as referenced in RSA 674:21, if the Board determines that the proposed Subdivision will adversely affect existing public facilities such as highways, sidewalks, drainage, sewer, and water so as to be inadequate to meet the additional needs created by the proposed Subdivision, then the Applicant shall pay for such upgrading of the public facilities but only to the extent necessary to protect the public interest. If other properties would also benefit from the upgrading of such off-site public improvements, the Board shall determine the amount to be paid by the Applicant, taking into consideration the following:

a. Character of the area.

b. The extent that other public and private property will be benefited by the upgrading.

c. Any other factor that the Board deems appropriate to establish a rational connection to the needs create by the Subdivision and the amount to be paid by the Applicant.

d. The amount to be paid by any Applicant shall be a proportional share of the cost of the facilities involved which is reasonably related to the needs created by the development, and to the benefits accruing to the development from the facilities being financed by the payment.

6. <u>Preservation of Existing Features</u>

The Applicant shall, to the greatest possible extent, preserve and protect the existing features, including trees, scenic points, views, brooks, streams, rock up-croppings, water bodies, stone walls, boundary markers, other natural resources and historic landmarks. The proposal shall not be approved if there exists a feasible alternative which better preserves such features while still meeting the Applicant’s permissible development objectives.

7. Open Spaces

   The Board shall indicate to what extent, if any, a plat may be required to show open space of adequate proportions, or a park or playground suitably located for recreational purposes. The park or playgrounds shall be reasonable in size and character considering the Subdivision and shall be designated for recreational purposes. Such land may be conveyed to the Town upon the conditions of use for park or playgrounds, as provided herein.

8. The Board shall determine that all plats for proposed Subdivision comply with relation to minimum lot areas and dimensions, and in all other applicable respects, with the Zoning Ordinance of the Town of Easton. If the minimum lot areas prescribed by the Ordinance are insufficient for the on-site sanitary facilities, the Board shall assure that such additional areas as may be needed for each lot are provided. Any determination made by the Planning Board concerning the application or interpretation of the terms of the Zoning Ordinance itself may be appealed to the Zoning Board of Adjustment, as provided in RSA 676:5;III.

9. Reserve Strips

   Reserve strips of land which, in the opinion of the Planning Board, show an intent on the part of the Applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.

B. LOTS

1. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance, or as required by soil or topography conditions.

2. Insofar as is practical, side lot lines shall be at right angles to straight streets, and radial to curved streets.

3. Where extra width has been dedicated for widening of existing streets, lots shall begin at such extra width line, and all setbacks shall be measured from such line.

4. Where there is a question as to the suitability of a lot or lots for its or their intended use due to the presence of such factors as rock formations, steep slopes, unusual surface configurations, tendency to periodic flooding, poor drainage, unsuitable soil or soils, and inadequate capacity for sanitary sewer disposal, the Planning Board may, after adequate investigation, withhold approval of such lot or lots.

5. Long, narrow lots with very irregular shapes shall not generally be accepted by the Board, especially if, in the opinion of the Board, these lots will create unusable or inaccessible areas of land. The ratio of lot width to lot depth shall not exceed 1:5.

6. Lot dimensions shall be adequate to allow for the lot's driveway to meet the Town Driveway Standards. See Appendix D.

C. STREETS

1. All streets shall be designed and constructed according to the minimum standards of road design adopted by the Town, as set forth in Section V of these Regulations.

   The Board shall approve the location of all proposed streets in the Subdivision, and require their proper arrangement and coordination within the Subdivision in relation to other existing or proposed streets.

   The Board shall review all street plans with the Selectmen and Road Agent.

   All streets in the Subdivision shall be designed to provide safe vehicular travel. Due consideration shall also be given to the attractiveness of the street layout in order to obtain an optimum livability and amenity of the Subdivision.

   New streets shall be so laid out as to accommodate the proper continuation of the principal streets in adjoining subdivisions.

   The Board shall further require that streets shall be suitably located, and of sufficient width, to accommodate existing and proposed traffic, including firefighting apparatus and equipment to buildings, and so coordinate as to compose a convenient system.

2. Naming: No street shall have a name which duplicates or which is substantially similar to the name of an existing street. The continuation of an existing street, however, shall have the same name.

   Every street in a Subdivision must be identified by a Town Standard Street Sign, as defined by the Selectmen.

   Street signs must be oriented parallel to the direction of the center line of the named Street.

   Streets are to be named exactly as designated on the approved Plat for the Subdivision.

   Unless formally accepted by the Town Meeting all such Streets are private. Street signs must have the letters "PVT" following the street name. Example: Jones Street PVT.

   Street signs are to be erected by the developer in a location approved by the Town Road Agent, so as to be visible at least four hundred feet (400') from the intersection in both directions of travel on all intersecting Streets in all seasons.

   All signs in a development shall be erected prior to the issuance of the first building permit in the development or sooner as the Selectmen may designate.

Signs on all other roads governed by the Town shall meet the same requirements but not be labeled "Private" and shall be the responsibility of the Selectmen for posting and maintenance.

3. Right of Way: All street right-of-way widths shall be fifty feet (50').

4. Alignment: Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicle traffic. Curves, in general, shall have a minimum radius of one hundred feet (100') and no interchange shall be acceptable at less than 60 degrees. Streets entering opposite sides of another street shall be laid out directly opposite one another or with a minimum off set of one hundred twenty-five feet (125') between their center lines. Property in corners shall reserve a twenty-foot (20') curve radius.

5. Design of Intersecting Roadway Surfaces: Intersecting roadways shall have a transitional area at all corners to accommodate turning movements to a radius of thirty feet (30').

6. Grade: Grades of all streets shall be a reasonable minimum but shall not be less than one-half of one percent (.5%) or more than ten percent (10%) unless specifically approved by the Board. The Board may modify the maximum gradient for short lengths of streets where, in its judgment, existing topographic conditions or preservation of natural features indicate that such modifications will result in the best subdivision of land. All changes in grade exceeding one-half of one percent (.5%) shall be connected by vertical curves of sufficient length to afford adequate sight distances, in the opinion of the Board.

7. Dead-end streets: Except where near future connections may be possible, dead-end or cul-de-sac streets shall not be longer than six (6) times the width of the average lot in the Subdivision. The closed end shall be either circular, T-shaped or hammerhead design with the width of pavement to be determined by the Board. Generally, for a cul-de-sac, the minimum radius from the center to the outside edge of the right-of-way shall be 60 feet.

8. Maintenance of Subdivision Streets: Maintenance of roads in an approved Subdivision will be the responsibility of the Applicant(s).

D. SPECIAL FLOOD HAZARD AREAS

1. For Subdivisions and site plans that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP):
   a. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

b. The Planning Board shall require that all proposals for development greater than 50 lots or 5 acres, whichever is the lesser, include Base Flood Elevation (BFE) data within such proposals (i.e. floodplain boundary and 100-year flood elevation).

c. The Planning Board shall require the applicant to submit sufficient evidence (construction drawings, grading and land treatment plans) so as to allow a determination that:

i. all such proposals are consistent with the need to minimize flood damage;

ii. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,

iii. adequate drainage is provided so as to reduce exposure to flood hazards.

2. In riverine situations, prior to the alteration or relocation of a watercourse, the Applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department (DES), and submit copies of such notification to the Board and the Federal Emergency Management Agency (FEMA), in addition to the copies required by RSA 482-A:3. Further, the Applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board, including all scheduled hearings before the Wetlands Board.

   Within the altered or relocated portion of any watercourse, the Applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse can and will be maintained.

3. Where new or replacement water and sewer systems (including on-site systems) are proposed in special flood hazard areas, the Applicant shall provide the Planning Board with assurances that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

E. EROSION AND SEDIMENT CONTROL

The Subdivision shall be designed to minimize soil erosion, runoff, and sedimentation, as required in Section V.F of these Regulations.

F. ADDITIONAL INFORMATION

The Board may require an Applicant to present, at the Applicant’s expense, whatever information, data, or studies may be deemed necessary by the Board in order to permit the Board to make an informed decision concerning the conformity of the proposal with any of the standards in this section.

SECTION V

REQUIRED IMPROVEMENTS AND CONSTRUCTION STANDARDS

A. GENERAL

The Planning Board may stipulate, as a condition precedent to the approval of the Final Plat, the extent to which and the manner in which, the land shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed.

B. MONUMENTS

Concrete boundary monuments shall be set on the right-of-way lines of streets, at the beginning and end of the project, beginning and end of curves, angle points, and on tangents with a maximum distance between monuments of 1,000 feet. Such monuments are to be stone or concrete 4”x 4” x 36” long. The concrete monuments are to be reinforced with 3/8-inch diameter irons bars or acceptable substitutes and will have the letter “E” engraved on the top. The monuments shall be flush with finished grade. No permanent monuments shall be set until all construction which would disturb or destroy the monuments is completed and shall be set by a registered professional engineer or land surveyor.

C. EASEMENTS

1. Easements for utilities across lots or centered on rear or side lot lines shall be provided where necessary. The widths of these easements shall be based on the requirements of the various service agencies involved (power company, telephone company, etc.) with respect to the type of Subdivision contemplated and the type of service provided (overhead, underground, etc.)

2. Where a Subdivision is traversed by a watercourse, drainage way, channel or stream, the Board may require that there be provided a storm water easement or drainage right-of-way of adequate width to conform substantially to the lines of such watercourse, drainage way, channel or stream, and provide for construction of other necessary purposes.

D. ROAD CONSTRUCTION SPECIFICATIONS

1. Clearing

The entire area of each street shall be cleared of all trees not intended for preservation, as well as stumps, brush, roots, boulders and like material. (This provision may be waived in rural settings). The provisions of Section V.F shall apply.

2. Subgrade Preparation

All loam and other yielding material shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross sectional depth of not less than twelve (12) inches below the subgrade and replaced with sand or gravel.

3. Materials

a. Construction material specifications shall be those in "Standard Specifications for Road and Bridge Construction" by the New Hampshire Department of Public Works and Highways, approved and adopted in 2003 as amended, and as detailed in Appendix A.

b. Special specifications or those which differ from the State standard will be stated explicitly in the initial submission of the design plans. Approval of materials must be made by the Board in consultation with the Selectmen or their appointed engineer prior to their use in construction.

c. A letter of certification shall be provided by the Applicant(s) that all materials meet specifications.

4. Drainage

a. Underdrains

Underdrains shall be installed where the character and composition of the soil in the roadbed and other areas of the Subdivision render such installation necessary in the opinion of the Engineer. These underdrains shall consist of perforated metal pipe or perforated fiber pipe of minimum six (6) inches in diameter and laid in the bottom of a trench at such depth and width as may be necessary. The trench shall be filled with clean bank-run gravel or equivalent material approved by the Engineer.

b. Storm Drains, Culverts, Catch Basins

Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed within or without the Subdivision as necessary to permit unimpeded flow of all natural watercourses, to ensure adequate drainage of all low points along streets, and to intercept storm-water runoff along streets at intervals reasonably related to the extent and grade of the area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals of approximately three hundred (300) feet). Drainage improvements

shall meet the specifications of AASHTO (American Association of State Highway and Transportation Officials) in regard to material and strength requirements. Catch basins and drop inlets shall be equal to New Hampshire Standard Type A or acceptable to the Engineer. Storm sewer pipes and culverts shall have a minimum diameter of twelve (12) inches and shall be of reinforced concrete, corrugated aluminum, bituminous-coated corrugated steel, or equivalent, and shall have a minimum two (2) foot cover over all pipes. Headwalls where required shall be either of concrete or rubble masonry.

c. Erosion Protection Ditches
Paving or stone shall be provided in ditches where soil or velocity conditions warrant protection from erosion as determined by the Engineer.

5. Supervision
Construction will be supervised and inspected per Section VI.C.2.

6. As-Built Plans
The Selectmen may require "as-built plans" to be prepared prior to final inspection and shall require them if the road is to be proposed for town ownership. These plans should show as-built locations and elevations in a contrasting color (preferably red ink) on a print of the original road design. The plan shall show (a) as-built centerline of street elevations, (b) as-built drainage systems including culverts, catch basins, drainage easements, and (c) as-built guard rail and sign locations.

If the road is to be deeded to the Town, a metes and bounds description prepared by a licensed surveyor shall be submitted to the Town. Accompanying the legal description shall be a certification by the Applicant's surveyor that the right-of-way bounds have been set at the locations shown on the plans.

E. WATER AND SEWER FACILITIES

1. Individual Service
Individual wells and subsurface disposal facilities shall, in all respects, comply with all applicable local and/or state requirements. The WSPCC (Water Supply and Pollution Control Commission) "subdivision" approval shall be submitted to the Planning Board, and the WSPCC "approval for construction" shall be submitted to the Board of Selectmen prior to the issuance of a building permit for each lot or site in accordance with the WSPCC regulations. Such disposal system shall be located not less than seventy-five (75) feet from any well site.

2. Common Systems
Such systems proposed by an Applicant shall be of sufficient capacity to serve the Subdivision and shall be designed and constructed for incorporation into future Town systems. All such facilities shall meet the requirements of and be approved by the state WSPCC, local and county health and public works agencies, and/or other public bodies having jurisdiction, and shall be accepted by the Engineer.

F. EROSION AND SEDIMENT CONTROL

An erosion and sediment control plan shall be required, as set forth in Appendix C. The plan shall demonstrate satisfactory compliance with the following control measures:

1. The smallest practical area of land shall be exposed at any one time during development.
2. When land is exposed during development, the exposure shall be kept to the shortest practical period of time. Land shall not be left exposed during the winter months.
3. Where necessary, temporary vegetation and/or mulching and structural measures shall be used to protect areas exposed during development.
4. Sediment basins shall be installed and maintained to remove sediment from runoff waters and from land undergoing development.
5. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.
6. The permanent final vegetation and structures shall be installed as soon as practical in the development.
7. The development plan shall be fitted to the topography and soils so as to create the least erosion potential.
8. Whenever feasible, natural vegetation shall be retained and protected.
9. Natural drainage ways shall be utilized and left open to remove excess surface water.

SECTION VI

ADMINISTRATION AND ENFORCEMENT

A. REVIEW BY OTHER TOWN OFFICIALS

Before approval of the Final Plat is given, the Planning Board may require that the Applicant obtain written comments from Town Officials as follows:

1. The Board of Selectmen as to the design of the streets, water, and drainage facilities, including the location of easements, and the relationship of the proposed facilities to existing public facilities and public ways.
2. The Chief of the Fire Department as to the location of hydrants or ponds where they are to be provided.
3. The Chief of Police as to vehicular and pedestrian traffic safety and access for emergency vehicles.

B. COMPLIANCE WITH REGULATIONS

1. Penalties
   No subdivision of land shall be made, and no land in any Subdivision shall be transferred or sold until a Final Plat, prepared in accordance with the requirements of these Regulations, has been approved by the Planning Board. As provided in RSA 676:16, any owner, or agent of the owner, of any land located within a Subdivision, who transfers or sells any land before a Final Plat of the said Subdivision has been approved by the Planning Board and recorded or filed in the Register of Deeds, shall forfeit and pay a penalty of one thousand dollars ($1,000) for each lot or parcel so transferred or sold. The Town may institute any type of enforcement permitted by statute in RSA 676:15 and following, or other applicable statutes.
2. Disclosure
   When lots in a Subdivision are subject to conditions affecting the Town, for example road maintenance agreements, the terms of the conditions or agreement shall be written into the deed for each lot.

C. CONSTRUCTION OF SUBDIVISION

1. Where an Applicant has agreed to construct improvements within a Subdivision, such as roads, drainage measures and utilities, the planned improvements shall be completed in compliance with these and other applicable Town regulations within four years of Board approval. The Board may extend the completion date an additional reasonable period of time upon written request of the Applicant if the Board finds that conditions exist which are beyond the control of the Applicant and prevent compliance within the four-year period.

A plat approved by the Board and properly recorded in the registry of deeds shall be exempt from subsequent changes to land use ordinances and regulations, except those which expressly protect public health, for a period of 5 years (or other period as provided by RSA 674:39 as amended) provided active and substantial development or building has begun within 24 months (or other period as provided by RSA 674:39 as amended).Once substantial completion of the improvements has occurred the owner or successor's rights shall vest in accord with RSA 674:39. The Board will as a condition of subdivision approval specify the threshold levels of work that shall constitute "active and substantial development or building" and "substantial completion of the improvements."

2. Construction Supervision and Inspection

a. There shall be three types of inspections by the Selectmen or their duly appointed representatives. The appointed Agent responsible for the general oversight, hereinafter called the Inspector in this Section C.2, shall be an engineer licensed in New Hampshire.

i. Initial Inspection shall take place upon submission of proposed road plans to the Planning Board. It is the responsibility of the Applicant to have roads laid out and described sufficiently on the ground. Selectmen will notify the Applicant of the date of the inspection.

ii. Inspection Procedure for New Road Construction. The inspection procedure shall be followed for any new road construction.

- The first inspection will take place when the proposed roadway has been cleared and staked for the start of construction.
- The second inspection shall be performed after stumps, ledge and all topsoil have been removed, and before the base gravel has been placed.
- The third inspection shall take place while the base gravel is being installed to assure proper depth and that compaction of the base gravel is satisfactory.
- The fourth inspection shall take place when any culverts are ready for installation so that size of pipe and depth of fill over the culverts can be checked.
- The fifth inspection shall be performed when the base layer is in place and the topcoat is ready to install to insure proper depth and compaction.
- The sixth and final inspection will be performed to assure that all slopes and water runoffs adhere to specifications and that all required erosion protection has been met.

Work may not continue on any sequence of roadway until the previous sequence has been inspected and a written approval is received by the contractor.

The town road agent or his/her designated representative shall perform all new road construction inspections and it is the responsibility of the

Applicant (or the site work contractor) to notify the road agent when each of the above steps is completed. Failure to follow this procedure will result in removal (at the contractor's expense) of the installed material to allow adequate inspection.

iii. Final project inspection shall take place when all construction is complete.

b. The Applicant shall notify the Planning Board and Selectmen in writing of the time when construction is to commence so that the Board may cause inspection to be made.

c. Prior to signing and recording of the plat, the Applicant shall pay to the Town an amount of money estimated by the Board to fully compensate the Town for all inspection and testing charges deemed necessary. Said sum shall be held in an escrow account by the Town and any unused portion, plus interest accrued if any, shall be returned to the applicant upon final inspection and acceptance.

d. If at any time during construction the Inspector and/or Selectmen feel that it is necessary to have more extensive inspection or engineering than they are capable of providing, they shall notify the Applicant in writing, and the cost of this inspection shall be paid by the Town and reimbursed in full by the Applicant.

3. Modifications of Designs and Improvements

If at any time before or during the construction of the Subdivision the Board determines that unforeseen conditions make it necessary or preferable to modify the location or design of any of the required improvements or installations, the Board may authorize such modifications which shall be set forth in writing and signed by the Chair of the Board. The Applicant shall accept the modifications in writing to the Planning Board before such modifications are made. Substantive modifications shall require a public hearing with proper notice to Abutters and the public, before an approved design can be changed.

4. Completion of Improvements and Deficiencies

The Applicant shall notify the Board in writing when all requirements have been met.

The Applicant's engineer or other representative shall certify compliance with the approval including correction to the extent necessary of any original installation.

Where a financial performance guarantee has been required and all the required improvements satisfactorily completed, the Chair shall release the guarantee in accordance with Section VI.D as provided below.

If it is determined that any of the required improvements have not been completed in accordance with the approval, the Board shall then notify the Applicant in writing of

any such deficiencies. The Applicant shall rectify all deficiencies at the expense of the Applicant.

If the Applicant does not substantially rectify all deficiencies within a reasonable time as determined by the Town, the Board shall take all necessary action to protect and preserve the Town's rights and interests, including suspension and/or revocation of the approval. In the event of legal action the Town shall be entitled to have reasonable fees of an attorney awarded by the court. The provision of RSA 676:4-a shall prevail.

D. PERFORMANCE GUARANTEE

The provisions for a performance guarantee shall comply with RSA 674:36,III(b).

1. In lieu of the completion of all required work, utility installation, and any related activity prior to the final approval of an application, the Board shall require a financial performance guarantee including either a) a bond running to the Town and issued by a surety company acceptable to the Town; b) an irrevocable letter of credit; c) a certified check payable to the Town; or d) a savings account in the name of the Town.

   The security must be finalized before the Final Plat is signed or recorded. This guarantee shall provide and secure to the Town the actual construction and installation of all improvements within three years from the recording of the Final Plat in the Grafton County Registry of Deeds.

2. Amount of Guarantee
   The Applicant's engineer shall furnish to the Board an estimate as to the full cost of all improvements. Such estimate shall be reviewed by the Selectmen or an agent of the Board of Selectmen who will recommend the amount of the guarantee to the Planning Board. The Planning Board shall then determine the amount of the guarantee.

3. Additional Amount
   The amount of the guarantee shall also include a reasonable sum for construction supervision and inspection fees which may be incurred by the Town.
   The Board may also require that following the completion of all required work a certain percent of the overall financial guarantee be kept in escrow for one full year as a maintenance account.

4. Approval of the Guarantee
   The form of the guarantee shall be approved by the Town Attorney and the Selectmen prior to the approval of the Final Plat. All documents evidencing or establishing the guarantee shall be prepared at the Applicant's expense and approved by the Town Attorney. Applicant shall assume the expense related to relating to reasonable Town Attorney fees.

5. Guarantee of Improvement Installation

For a period of one year after completion of all improvements or one year after the correction of all deficiencies, whichever occurs last, if the Board determines that the improvements have failed for any reason or do not meet the requirements as set forth in the approval, the Board shall notify the Applicant in writing of such failure and the Applicant shall rectify all failures at the expense of the Applicant. If the Applicant does not substantially rectify all deficiencies within a reasonable time as determined by the Board, then the Board shall take all necessary action to protect and preserve the Town's rights and interests. In the event of legal action the Town shall be entitled to have reasonable fees of an attorney awarded by the court.

6. Release of the Guarantee

The performance guarantee shall be released when the Selectmen and the Planning Board are satisfied that the Applicant has complied with all requirements of the approval. The decision to release the guarantee will be based upon an assessment of the plans, the engineer's preparatory work for construction, engineering inspection during construction and the final plans of the completed work.

As portions of the improvement are completed, the Board, in consultation with the Selectmen and the Inspector, shall authorize partial release of the guarantee to the extent reasonably calculated to reflect the value of the completed improvements, as defined under RSA 674:36,III(b).

7. Enforcement of the Guarantee

If the Applicant has not complied with all requirements of the approval within three years from the date of recording of the Final Plat in the Registry of Deeds, the Town shall enforce its right under the performance guarantee and the instrument given to secure it. In the event that the Town is required to enforce the guarantee then it shall be entitled to have reasonable fees of an attorney awarded by the court.

E. WAIVER OF A REGULATION

Where, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the Applicant and a waiver will not be contrary to the spirit and intent of these Regulations, or, specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations, the Board may waive, or modify certain requirements of these Regulations in accordance with RSA 674:36,II(n). The basis for any waiver granted by the Planning Board shall be recorded in the minutes of the Board. The Planning Board may set higher requirements with respect to any of the standards if conditions in the opinion of the Board, warrant such action in order to prevent a specifically-identified hazard to the public health, safety or welfare.

F. ACCEPTANCE OF STREETS AND / OR UTILITIES

Nothing herein is intended to modify the requirements of law with reference to the acceptance of streets and / or utilities by the Town. Nothing herein is intended to modify or control the construction, reconstruction, or extension of streets and / or utilities by the Town or State.

G. OTHER REGULATIONS

In any case where a provision of these Regulations is found to be in conflict with a provision of any other ordinance or regulation of the Town existing on the effective date of these Regulations, the provision which establishes the highest standard for the promotion and protection of health and safety shall prevail.

H. ENFORCEMENT

These Regulations shall be enforced by the Board of Selectmen or their duly authorized representatives pursuant to RSA 676:15-18 as amended.

I. AMENDMENTS

These Regulations may be amended by the Board under RSA 675:6 but only following a public hearing on the proposed changes. The Chair or Secretary of the Planning Board shall transmit a record of any changes so authorized to the Registrar of Deeds of Grafton County.

J. APPEALS

Any aspect of a Board decision that involves interpretation or application of the terms of the Zoning Ordinance may be appealed by any person to the Zoning Board of Adjustment within thirty (30) days of the Board's vote, under RSA 676:5,III.

Any person aggrieved by the decision of the Planning Board concerning a Final Plat or Subdivision may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days of the Board vote under RSA 677:15,I.

K. VALIDITY

The validity of any section, subsection, paragraph, sentence, clause, phrase or word of these Regulations shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of these Regulations and to this end the provisions of these Regulations are hereby declared to be severable.

L. REVOCATION

A Final Plat which has been filed with the Register of Deeds of Grafton County may not be revoked by the Board except pursuant to, and under the circumstances set forth in, RSA 676:4-a.

APPENDIX A

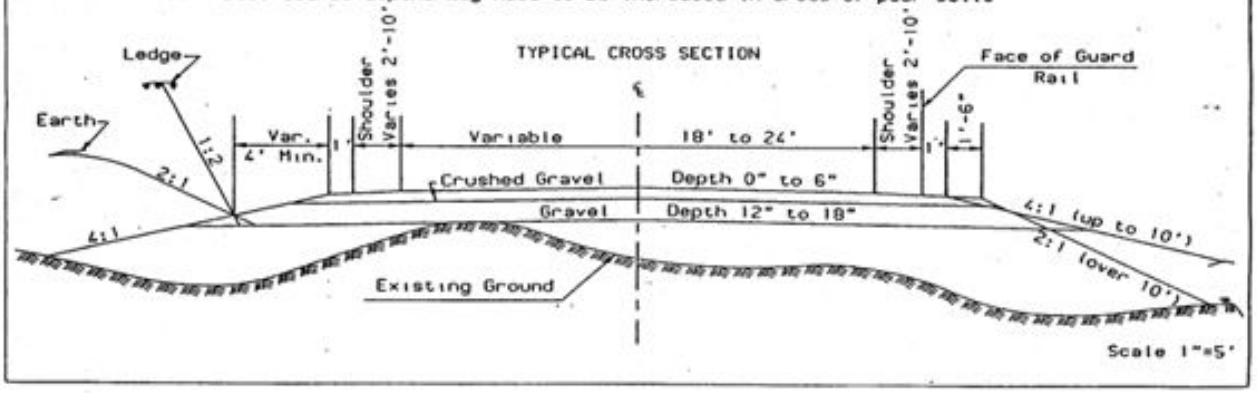
ROAD DESIGN CRITERIA

September 1990

NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION
MINIMUM GEOMETRIC & STRUCTURAL GUIDES FOR LOCAL ROADS AND STREETS

Average Daily Traffic (Veh./Day)	0-50	50-200	200-750	750-1500	1500 & OVER
Pavement Width (Feet)	18 min.	20	20	22	24
Shoulder Width (Feet)	2	2	4	4	8-10
Center of Road to Ditch Line	15	16	18	19-21	Varies
Pavement Type	Gravel	Asph. Surf. Treated	Hot Bitum.	Hot Bitum.	Hot Bitum.
Slope of Roadway	4%	3%	2%	2%	2%
Base Course Depth-(Gravel)	12"	12"	12"	12"	18"
(Cr. Gravel)	-	-	4"	6"	6"

Notes 1. Gravel surface should be paved where steep grades occur.
2. For average daily traffic over 1000 veh./day paved shoulders should be considered
3. Base course depths may need to be increased in areas of poor soils



Notes:

1. Average Daily Traffic is based on eight (8) trips per day per household.
2. The Geometric and Structural specifications in the above table shall be applied according to the provisions of Sections IV.C, and V.D and VI.C.3 of these Regulations.
3. Drainage Design standards shall conform to the AASHTO geometric guides.
4. Structural and Drainage Design may be modified in accordance with VI.E when based on sound engineering design and approved by the Board and its designated agent.
5. Crushed gravel may be used as pavement only when the grade of the road is five (5) percent or less.

APPENDIX B

MINIMUM STANDARDS FOR A HIGH INTENSITY SOIL MAP

1. The soil mapping must be based on the accompanying property survey by a Registered Land Surveyor, at a map scale of 1” = 100’ or larger and with topography at 2-foot contour intervals or less.

2. The map shall be prepared by a qualified soil scientist recommended by the Grafton County Conservation District, whose name shall appear on all maps.

3. All map unit symbols used will be derived from the Connotative Soil Legend, with only one soil type per map unit delineation.

4. The soil within an area enclosed by a soil boundary line (a map unit delineation) will have a minimum of seventy-five percent (75%) of the soil properties inferred by the soil map symbol derived from the Key to Soil Types and placed within that map unit delineation. Limiting soil type or types can make up a maximum of fifteen percent (15%) of the map unit delineation. The control section for determining soil properties is from the soil surface to a depth of forty inches (40”).

5. The minimum area of a map unit delineation is 2000 square feet.

6. Soil boundary line placement should be no more than twenty (20) feet from true.

APPENDIX C

CERTIFIED EROSION AND SEDIMENT CONTROL PLAN

A. A soil erosion and sediment control plan shall be required for all major subdivisions unless waived by the Planning Board.

B. PLAN REQUIREMENTS

1. In order to be approved, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the likelihood of storm water runoff from the proposed site, based on the best available technology. Such principles, methods and practices necessary for approval are found in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire", as amended.

2. The plan shall contain, but not be limited to:

   a. A narrative describing:
      i. the development,
      ii. the schedule for grading and construction activities including start and completion dates; sequence of grading and construction of activities; sequence for installation and / or application of soil erosion and sediment control measures; and sequence for final stabilization of the project site,
      iii. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities,
      iv. The construction details for proposed soil erosion and sediment control measures for storm water management facilities,
      v. The installation and / or application procedures,
      vi. The operations and maintenance program for the proposed measures and facilities.

   b. A site plan at a sufficient scale to show:
      i. the location of the proposed development and adjacent properties,
      ii. the existing and proposed final topography including soil types, wetlands, watercourses and water bodies,
      iii. the existing structures on the project side, if any,
      iv. the proposed area alterations including cleared, excavated, filled or graded areas and proposed utilities, roads and, if applicable, new property lines, and the general location of proposed structures and driveways,
      v. the location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities,

vi. the sequence of grading and construction activities,
vii. the sequence for installation and / or application of soil erosion and sediment control measures,
viii. the sequence for final stabilization of the development site.

c. Any other information deemed necessary and appropriate by the Applicant or requested by the Planning Board or its designated agent, including copies of all information submitted to the State of New Hampshire under RSA 149:8a

C. MINIMUM ACCEPTABLE STANDARDS

1. Plans for soil erosion and sediment control shall be developed in accordance with these Regulations using the planning considerations specified in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire", as amended.

2. The minimum standards for individual measures are those described in the above publication. The Planning Board may grant exceptions when requested by the Applicant if technically sound reasons are presented.

3. The Soil Conservation Service method as outlined in Soil Conservation Service Technical reference No. 55 (TR-55) "Urban Hydrology for Small Watersheds", as amended, shall be used in determining peak flow rates and volumes or runoff unless an alternative method is approved by the Planning Board.

D. ISSUANCE OF DENIAL OR APPROVAL

1. The Planning Board shall either approve the soil erosion and sediment control plan in compliance with the requirements and objectives of this regulation or deny it when the proposal does not comply.

2. Prior to approval, any plan submitted to the Town may be reviewed by the Grafton County Conservation District which may make recommendations concerning such plan, provided the review may be completed within thirty (30) days of the receipt of such plan.

3. The Planning Board may forward a copy of the development proposal to the Town Conservation Commission, another review agency or consultant for review and comment.

E. CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

1. The estimated costs of measures required to control erosion and sedimentation, as specified in the approved plan, shall, in lieu of completion before Final Subdivision Approval, be covered in a performance guarantee acceptable to the Planning Board.

2. Site development shall not begin unless the soil erosion and sediment control plan is approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved plan.

4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the approved plan.

F. INSPECTION

Inspections shall be made by the Planning Board or its designated agent during development to ensure compliance with the plan, and that control measures and facilities are properly performed or installed and maintained. The Planning Board may require the developer or agent to verify through progress reports that the soil erosion and sediment control measures and facilities have been performed or installed according to the plan and are being operated and maintained.

G. DEFINITIONS

DEVELOPMENT: means any construction or grading activities to improved or unimproved real estate.
DISTURBED AREA: means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
EROSION: means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
GRADING: means any excavating, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition.
SEDIMENT: means solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site or origin by erosion.
SOIL: means any unconsolidated material or organic material of any origin.
SOIL EROSION AND SEDIMENT PLAN: means a plan that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and a narrative.

APPENDIX D

DRIVEWAY REGULATIONS

A. DRIVEWAY STANDARDS

All driveways shall be constructed in accordance with RSA 236:13.

1. No driveway shall be constructed within fifty (50) feet of the intersection of two public roads.

2. When two proposed driveways on the same side of the road are within fifty (50) feet of each other, the Planning Board may require a common access to be used, for reasons of safety and topographical consideration.

3. The driveway shall be wide enough to accommodate emergency vehicles. The driveway entrance may be flared as it approaches the road.

4. The driveway entrance shall drop six (6) inches from the center of the road to a point at least six (6) feet in back of the ditch line as required, to prevent incursion of runoff onto the road.

5. A minimum of one hundred fifty (150) feet all season safe sight distance in each direction is required.

6. If a culvert is required for proper drainage, the culvert shall be of sufficient size to handle run off. The culvert shall be long enough to maintain the driveway width dimensions, or at least a 3:1 side slope.

7. Driveways shall not interrupt the natural or ditch line flow of drainage water. Where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of storm water.

8. Any driveway crossing a wetland or body of water shall have all permits required by the NH Wetlands Board of the New Hampshire Environmental Services Department (DES), a special exception from the Easton Zoning Board of Adjustment and all other relevant permits.

9. Driveways providing access for multi-unit residential, commercial, or industrial uses shall be designed to conform with good engineering practice using the NHDOT manual, Policy and Procedures for Driveways and Other Accesses to the State Highway System, as a guide.

10. The contractor shall give 24-hour notice to the Road Agent or supervising engineer before starting construction.

11. Final approval by the Select Board will be granted upon inspection and determination that all work has been satisfactorily completed.

12. Unless existing conditions prevent it, only one curb cut will be allowed for both the front and the back lot.

B. HOLD HARMLESS

The Applicant agrees to hold harmless the Town of Easton and its duly appointed agents and employees against any action for personal injury and/or property damage sustained by reason of the exercise of the driveway permit.