SUBDIVISION REGULATIONS

Town of New Castle, New Hampshire
May 13, 2014

SUBDIVISION REGULATIONS
FOR THE TOWN OF
NEW CASTE, NEW HAMPSHIRE

PLANNING BOARD CERTIFICATION

The following Subdivision Regulations were adopted by the New Castle Planning Board on 2/19/2014. These regulations were adopted in accordance with NH RSA 672 through 677 inclusive of the Revised Statutes Annotated following a public hearing held on 2/19/2014.

Darcy Horgan
Chairman, New Castle Planning Board

Date of Filing with the Office of the Town Clerk: 3/1/2014

Received by: Priscilla Hodgkin
(Town Clerk, New Castle)

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TOWN OF NEW CASTLE

SUBDIVISION REGULATIONS

- Record of Amendments -

The current set of regulations, date 2001 revise and replace the New Castle Land Subdivision Regulations as adopted on March 9, 1971, which were subsequently amended on: February 15, 1978, February 21, 1996, May 8, 2001 and May 10, 2005 and take affect upon adoption by the Board and filing with the New Castle Town Clerk in accordance with RSA 675:6.

Subsequent Amendments:

Section	**Date**	**Amendment**
7.2.1, 7.2.2, 7.2.3		Replace existing Sections 7.2.1 "Street Design", 7.2.2 "Driveways", and 7.2.3 "Sidewalks" with new language; insert a new Section 7.2.2 "Street Construction Standards" and renumber subsequent sections as required.
7.2.5		Amend existing language to Section 7.2.5 "Water Service" and renumber as required.
11.1		Amend existing Section 11.1 "Schedule of Fees" to add "lot line adjustment" to the list of applications that require a $100 filing fee.
11.1	May 8, 2001	Amend existing language to Section 11.1 "Schedule of Fees"
10.2 Penalties"	May 10, 2005	Replace existing language to Section 10.2 "Fines and
7.2.5	May 13, 2014	Amend 25 year old storm to 100 year old storm

LAND SUBDIVISION CONTROL REGULATIONS
New Castle, New Hampshire

SECTION I – AUTHORITY AND TITLE

Under the authority vested in the New Castle Planning Board by a public vote held at the Town Meeting of March 9, 1971 in accordance with the State law then in effect, and in accordance with current State laws Chapters 672 through 677 inclusive of the Revised Statutes Annotated of the State of New Hampshire, the New Castle Planning Board adopts the regulations contained herein which govern the subdivision of land within the Town of New Castle, New Hampshire.

These regulations shall be known as the "Subdivision Regulations for the Town of New Castle, New Hampshire" herein after referred to as the "Subdivision Regulations." The current set of regulations revise and replace the New Castle Land Subdivision Regulations as adopted on March 9, 1971 and subsequently amended on February 15, 1978, and take affect upon adoption by the Board and filing with the new Castle Town Clerk in accordance with RSA 675:6. A copy of the current Subdivision Regulations shall also be filed with the NH Office of State Planning in accordance with RSA 675:9.

SECTION 2 - PURPOSE

These regulations are adopted to provide for Planning Board review and approval or disapproval of all land subdivision within the Town of New Castle, and in so doing, to further the following purposes:

2.1 To protect and provide for the public health, safety, and general welfare of the municipality.

2.2 To guide the future growth and development of the municipality, in accordance with the Master Plan.

2.3 To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

2.4 To protect and conserve the value of land and buildings throughout the municipality; and to minimize conflicts among the uses of land and buildings.

2.5 To provide adequate and efficient transportation, water, sewage disposal, schools, parks, playgrounds, recreation, and other public requirements and facilities.

2.6 To provide for suitably located streets, sidewalks and accessways of sufficient width to accommodate existing and prospective traffic; to afford access for firefighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system.

2.7 To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land.

SECTION 3 – DEFINITIONS

3.1 **Abutter:** See Zoning Ordinance.

3.2 **Application:** The collection of application forms, plans and other exhibits prepared by the applicant to meet the submission requirements of the subdivision regulations.

3.3 **Application, Acceptance:** Determination by the Planning Board that the submitted subdivision application constitutes a completed application sufficient to invoke jurisdiction of the Board to obtain approval.

3.4 **Application, Completed:** The completed application form provided by the Town with all supporting documents and information as specified in these regulations (exclusive of approved waivers) that contains all the information the planning board needs to review the proposed subdivision and make an informed decision. All fees as indicated in the regulations must be included.

3.5 **Applicant:** The owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

3.6 **Approval:** Recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations.

3.7 **Board:** The Planning Board of the Town of New Castle, New Hampshire as established under the provisions of RSA 673:2, as amended.

3.8 **Certified Soil Scientist:** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists under RSA 310-A:75.

3.9 **Condominium:** A building or group of buildings in which units are owned individually, and the structure, common areas, and facilities improvements and/or land areas are owned by all the owners on a proportional, undivided basis. The creation of a condominium shall be considered a subdivision under the requirements of RSA 356-B and reviewed accordingly.

3.10 **Cul-de-sac:** A minor local street, having only one end open for vehicular traffic with the other end terminated by a turn-around for vehicles.

3.11 **Easement:** See Zoning Ordinance.

3.12 **Improvement:** Site grading, landscaping, street or road construction, and utilities to be installed by the applicant on land to be used for public or private streets and easements or other purposes as are necessary for general development of the subdivision.

3.13 **Individual Waste Disposal System:** Any sewage disposal and/or treatment system, other than the municipal sewage disposal system or a public sewage disposal system.

3.14 **Individual Water Supply System:** Any water supply system which provides potable water, other than the municipal water system or a public water system.

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

3.16 **Lot:** See Zoning Ordinance.

3.17 **Lot Line:** See Zoning Ordinance.

3.18 **Lot Line Adjustment:** The movement of a property boundary line which involves the exchange of abutting land among two or more parcels, without increasing the number of lots. For the purpose of these regulations, the merging of lots is considered a lot line adjustment. A lot line adjustment may not create a non-conforming lot where a lot was previously conforming, and a lot line adjustment may not increase the non-conformity of an already non-conforming lot.

3.19 **Minor Subdivision:** The division of a lot, tract, or parcel of land which would create three or less building lots, and which does not require the installation of any new streets or roads (public or private) or the extension of any municipally owned utilities (sewer and water).

3.20 **Plat:** The final map or drawing on which the applicant's plan of subdivision is presented to the New Castle Planning Board for approval and which, if approved, shall be submitted to the Rockingham County Registry of Deeds for recording. For the purpose of these regulations, the term "plan" will be used instead of "plat"; these two terms shall be considered synonymous throughout these regulations.

3.21 **Street:** See Zoning Ordinance.

3.22 **Subdivision:** As set forth in RSA 672:14, subdivision means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. The term includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision. The grant of utility easements to a public utility for the purpose of maintaining transmission or distribution facilities shall not be construed as a subdivision.

3.23 **Submission:** The presentation of the subdivision application to the planning board. Submission must take place at a public meeting of the board, following required notice to the abutters and the general public.

3.24 **Town Engineer:** The duly designated engineer of the Town of New Castle or, if there is no such official, the planning consultant or official assigned by the selectmen.

3.25 **Watercourse:** a natural stream channel through which water flows.

3.26 **Wetlands:** See Zoning Ordinance.

SECTION 4 – GENERAL PROVISIONS

4.1 The provisions of these regulations shall apply to all land within the boundaries of the Town of New Castle. No newly subdivided lots shall be conveyed or sold within the corporate limits of the municipality until:

4.1.1 The Planning Board has given final approval of the subdivision plan after a public hearing and after the Board Chairman (or designee) has affixed his/her signature on the approved plan;

4.1.2 The applicant has complied with all of the regulations herein, including the posting of appropriate performance guarantees; and

4.1.3 The approved plan is filed with the Rockingham County Registry of Deeds.

4.2 Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided unless connected to a municipal sewerage system.

SECTION 5 – SUBDIVISION PROCEDURES

5.1 PRE-APPLICATION REVIEW (OPTIONAL)

5.1.1 General

Pre-application review consists of one or both of two review stages; conceptual consultation and design review. Both stages are optional, and are non-binding on both the applicant and the planning board. Both stages are strongly encouraged by the planning board in that they provide opportunities for the applicant to identify potential problems with the development concept and their potential solutions, before investments are made on the design and engineering plans for a specific proposal.

The purpose of the pre-application review is to provide an opportunity for the board and the applicant to discuss a proposal without any binding decisions being made by either the board or the applicant. Statements made by planning board members at pre-application discussions cannot be used to disqualify them during review of the completed application or as the basis for invalidating any future action of the board.

The applicant may decline to participate in the pre-application phases and begin the review process by filing a completed application. There are no statutory time limits for these phases but the applicant may choose, at any time, to curtail the pre-application process and file a completed application to trigger the required review.

5.1.2 Conceptual Consultation

1. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such pre-application consultation shall be informal and directed toward:

    a. Reviewing the basic concepts of the proposal.

    b. Reviewing the proposal with regard to the master plan and zoning ordinance.

    c. Explaining the local regulations that may apply to the proposal.

    d. Determination of the proposal as a major or minor subdivision.

    e. Guiding the applicant relative to state and local requirements.

    f. Describing the procedures to be followed for the filing, submission, acceptance and review of a completed application.

2. Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.

3. Neither the applicant nor the planning board may proceed beyond a general conceptual discussion of the proposal until the abutters and the general public have been notified.

5.1.3 Design Review

1. Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions beyond the conceptual and general, involving more specific design and engineering details of the potential application.

2. Design review is intended to assure that the essential characteristics of the site and specific requirements of local regulations are thoroughly reviewed and understood before the final design is prepared.

3. The design review phase may proceed only after identification of and notice to abutters and the general public as required by RSA 676:4,I(d).

4. Those wishing to engage in pre-application design review shall submit a "Request for Pre-application Review" (Attachment 1) and associated fees not less than 21 days before a regularly scheduled meeting of the Board. The request shall include:

    a. List of abutters and their addresses from municipal records not more than 5 days before submission,

    b. fees to cover abutter notification and advertising costs,

c. a site location map placing the parcel in the larger context of the community (Exhibit 1);

d. a site survey showing pertinent features of the site;

e. an indication of any future subdivisions contemplated in or adjacent to the proposal;

f. a topographic map of the area;

g. any soils information, percolation, or boring data that has been gathered; and

h. a sketch showing the proposed layout of lots, streets, and recreations areas; water- courses; natural features; and easements.

5. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

6. The Board shall not accept a completed application by the Applicant at a meeting that was noticed and posted only for design review.

5.2 FORMAL APPLICATION

5.2.1 Application Filing, Submission and Acceptance Procedures

Applications for subdivision shall be filed with the Planning Board. (See "Application Form for Subdivision of Land", Attachment 2). Additional forms are available at the Town Hall. A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board (or its designee) at least 21 days prior to the next scheduled meeting of the Board. Applications determined to be incomplete shall not be accepted by the Board for jurisdiction.

A completed application shall include all information required by these regulations and necessary to allow the Board to proceed with consideration and to make an informed decision. The completed application shall also include all required fees as set forth in Section 11.

Subsequent to filing, applications that are determined to be complete shall be submitted to and accepted by the Board only at a regular meeting after due notification has been given to the applicant, abutters and the general public as required by RSA 676:4, I(d). The acceptance of the application by the Board shall be made by affirmative vote of the majority of members present.

Applications that have been accepted may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations or to meet reasonable deadlines established by the Board.

5.2.2 Public Hearing and Notice Requirements

Before acting on a completed subdivision application, the Board shall hold a public hearing to discuss the merits of the application and receive testimony from abutters or any person with a direct interest in the matter. Per RSA 676:4, I(d) the public notice for public hearing shall be carried out as follows:

1. The Board shall notify the abutters, the applicant, and any engineer, land surveyor, or soil scientist whose professional seal appears on the plat, by certified mail of the date that the application will be considered for acceptance by the Board. Notice shall be mailed at least ten (10) days prior to the meeting date.

2. The public shall be given notice at the same time by posting the hearing notice at the New Castle Town Hall and at the Town Bulletin Board at the New Castle Post Office and shall be published in the Portsmouth Herald or other newspaper of general circulation in the Town.

3. The notice shall give the date, time, and place of the Planning Board meeting at which the Application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the applicant and the location of the proposal.

4. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place for continuation of the session were made known at the prior meeting.

5. It shall be the Applicant's responsibility to supply the names and addresses of all abutters (current within 5 days of the application filing) upon filing the application with the Board. All costs of the notice, whether mailed, posted or published shall be paid in advance by the Applicant.

6. The planning board may elect to continue a public hearing for further deliberation and consideration of testimony from one meeting to another. For more than one continuance, the Planning Board may consider renotifying abutters as considered necessary. Whenever there has been an extension of the 90 day review period, the Planning Board shall renotify abutters and the public of the meeting at which final action on the application is anticipated.

5.2.3 Procedures for Minor Subdivisions

1. The Applicant may meet the Board for pre-application consultation to determine if the proposal qualifies as a Minor Subdivision as defined in Section 3.0 of these regulations. If so, the applicant shall submit a Completed Application as required in Section 5.2.

2. Notice of Submission shall be given and may be combined with the Notice of Public Hearing, if one is to be held.

3. The Completed Application under this Section may be submitted and approved at one or more Board meetings but no application shall be approved without notice to abutters and

the public. A public hearing shall be held only if requested by the applicant or abutters, or if the Board determines to hold a hearing.

5.2.4 Board Action on Completed Application

The Board shall begin formal consideration of a subdivision application within thirty (30) days after submission and acceptance of the completed application. This consideration may begin on the same night as the application is accepted by the Board. Within ninety (90) days after submission and acceptance of a completed subdivision application, the Board shall act to either, approve, conditionally approve or disapprove said application. In cases where a subdivision application has been disapproved, the grounds for such disapproval shall be clearly stated in the minutes of the Board's meeting and in written notice to the applicant.

5.2.5 Extensions

The Board may apply to the Board of Selectmen for an extension not to exceed an additional ninety (90) days before acting on an accepted subdivision application. An applicant may waive the requirement for Planning Board action within the time periods specified in Section 5.2.4, and consent in writing, to such extensions as may be mutually agreeable to both the Board and the applicant. In such an event, no application to the Board of Selectmen is required.

Whenever there has been any extension(s) of the 90 day review period, the Planning Board shall renotify abutters and the public when final action of the application is anticipated.

5.2.6 Failure to Act

Upon failure of the Board to act on a subdivision application in accordance with Section 6.2.3 of these regulations, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Planning Board to act on the application within thirty (30) days as per RSA 676:4,I,(c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Board of Selectmen shall certify on the application that the plan is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Certification of approval by the Selectmen under this section shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

5.2.7 Conditional Approval

1. In accordance with RSA 676:4,I(i), the Board may grant conditional approval which shall become final upon certification by the Board that the applicant has satisfied the conditions imposed. Plans receiving conditional approval shall not be signed or recorded until the conditions imposed are met, including any required Federal, State or local permits or approvals. Unless another timeframe has been approved by the Board, applicants shall comply with such conditions within ninety (90) days from the date of receiving conditional approval from the Board. Unless an extension is granted by the Board, plan approval will lapse at the conclusion of said 90 day period.

2. Certification of final approval of a plan that has been conditionally approved will require a further public hearing to demonstrate compliance with the terms of the conditions except in the following circumstances.

    a. Minor plan changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and which does not involve discretionary judgment; or

    b. Conditions which are themselves administrative and which involve no discretionary judgment on the part of the Board; or

    c. Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies such as the NH Department of Transportation, Wetlands Board or NH Department of Environmental Services.

3. The Board may impose fair and reasonable stipulations to their subdivision approval as necessary to the purposes identified in Section 2 of these regulations. Such stipulations may include the installation of utilities and roadways, the provision of drinking water supply and the installation and maintenance of drainage structures.

4. Any conditions or stipulations imposed by the actions of other boards or agencies with approval or permit authority shall be considered as stipulations of the Town of New Castle. Failure to meet such stipulations shall be grounds for the Board to revoke the subdivision approval.

5.2.8 Recording of the Subdivision Plan

Approval of the plan (Plat) shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Planning Board. The Planning Board shall convey a copy of the Plan with such approval endorsement to the Rockingham County Register of Deeds. The subdivider shall be responsible for the payment of all recording fees. A copy of all approved subdivision plans shall be filed with the Town Clerk and Building Inspector.

SECTION 6 - PLAN REQUIREMENTS

6.1 GENERAL REQUIREMENTS

6.1.1 Professional Standards

All surveyed plans shall be stamped by a land surveyor licensed in the State of New Hampshire. Plans for streets, utilities, bridges and culverts, drainage, sanitary plans and other construction plans shall be prepared and stamped by qualified registered professional engineer(s) licensed in the State of New Hampshire.

6.1.2 Plan Medium

The final plat shall be in permanent black ink, on a permanent reproducible linen or polyester film. It shall be submitted in three (3) originals in a form acceptable for filing with the Registry of Deeds and ten (10) blue (black) line prints on paper. Sheet Plan sizes shall be in accordance with requirements of the Register of Deeds, but not smaller than 20" x 30". Space shall be reserved on the plat for endorsement by all appropriate agencies.

6.2 PLAN SUBMISSION REQUIREMENTS

6.2.1 List of Abutters

The names and addresses of all abutters shall be provided, as shown on Town Tax Assessor records, current to not more than five (5) days before the day of filing.

6.2.2 Fees

Payment shall be made to cover filing fees, mailing, advertising, recording as set forth in Section 11 and costs for special investigative studies, document review and other professional services as determined by the board to be necessary for adequate plan review. (See Section 11.3)

6.2.3 Special Studies

Special reports or studies as may be required by the Board as set forth in Section 11.3

6.2.4 Required Information

The following information shall accompany the subdivision plan:

1. Name of the subdivision.

2. Name, address, and telephone number of the applicant and of the owner, if other than the applicant.

3. Name, license number and seal of the surveyor who prepared the plan.

4. Locus plan showing general location of the total tract within the Town.

5. North arrow, scale bar, date of plan and all revisions thereto, space reserved for endorsements by all appropriate agencies.

6. Boundary survey including bearings, distances and the location of permanent monuments; the subdivision plat shall be based on a boundary survey with a maximum error of closure of 1 in 10,000; distances shall be to the nearest 100th of a foot and bearings to the nearest 10 seconds.

7. Location, dimensions and area of existing and proposed property and lot lines, including the entire undivided lot, and dimension of frontage on a public street.

8. Names, addresses and current Town tax map identifier of all owners of record of abutting properties. (See definition of "abutter" - Section 3.1 of the Subdivision Regulations.)

9. Location, shape and size of all existing buildings within 200 feet of the parcel to be subdivided, and of intersecting roads and driveways within 400 feet of the subdivision frontage on existing roads. Sight lines and distances shall be identified for new street and driveway access points.

10. Location and dimensions of existing and proposed streets, rights-of-way, sidewalks, other public ways and easements; proposed names of new streets and numbering of lots.

11. Identification of existing and proposed easements, deed restrictions, building setback lines, parks or other open space.

12. Location of all natural and man-made features important to the site design, including but not limited to watercourses, open water, ledge outcrops, stone walls, large trees (over 8" dbh) and foliage lines, water mains, sewers and other utilities, drainage structures and features.

13. Existing zoning districts, including overlay zones, shown in relation to the property to be subdivided;

14. Existing contours at intervals not to exceed two (2) feet with spot elevations provided when the grade is less than five (5) percent. All datum provided shall reference the latest applicable US Coast and Geodetic Survey datum and shall be noted on the plan.

15. High Intensity Soil Survey (HISS) of the entire site, or portion thereof, as stipulated by the Planning Board. Such soil surveys shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District.

16. The location and extent of wetlands as defined under New Castle, State and Federal jurisdiction, including the total area of wetlands proposed to be filled. (See Section 9.2 of the New Castle Zoning Ordinance.)

17. All floodplain information, including contours of the 100 year flood elevation, based upon the most recently amended and accepted Flood Insurance Rate Map for New Castle, as prepared by the Federal Emergency Management Agency, dated May 17, 2005.
Map # 33015C0279E

18. A utilities plan, where appropriate to the scope of the subdivision, showing:

    a. Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply, sewage disposal and stormwater drainage.

    b. Scope and layout of other proposed utilities, including fire hydrants, fire alarm boxes, street lighting (including cones of illumination), electric utilities and location and size of all water, gas or other underground utilities or structures.

19. A road construction plan or profile, where appropriate to the scope of the subdivision, showing:

    a. Existing and proposed elevations along center lines of all roads. Where a proposed road intersects an existing road(s), the elevation along the center line of the existing road(s) within three hundred (300) feet of the intersection, shall be shown.

    b. Radii of all curves, lengths of tangents and central angles on all streets.

    c. Plans and profiles showing the locations and typical cross-sections of new and existing street pavements including curbs and gutters, sidewalks, drainage easements, rights-of- way, manholes, and catch basins.

    d. Construction plans for any bridges or culverts required.

20. If access to the public sewer system will not be provided, the location of all test pits for each created lot and the location of septic reserve areas as required by the NH Water Supply and Pollution Control Division.

21. Indication of which trees in excess of 8" DBH shall be removed for the purpose of construction and/or site design.

22. Sample architectural renderings of typical building construction including elevation and typical materials.

23. The location and dimensions of all property proposed to be set aside for open space, parks, playgrounds or other public or private recreation uses. The plan shall describe the purpose of the dedications or reservations and the accompanying conditions thereof (if any).

24. Indication of the dimensions, area and use of all lots. Indication and location of all parcels of land or easements thereto proposed to be dedicated to public use, including the conditions of such dedications and a copy of such private deed restrictions as are intended to cover part or all of the tract.

25. Newly created lots shall be consecutively numbered or lettered in alphabetical order. Street address numbers shall be assigned in accordance with Section 7.2.1.6 of these regulations.

26. Signature block for endorsement by the Board as follows:

Town of New Castle Planning Board

_____ _____

Chairman Date

6.2.5 Grading, Drainage and Erosion and Sediment Control Plan

1. Where Required: The applicant shall submit an Erosion and Sediment Control Plan for any tract of land being subdivided, where one or more of the following conditions will be caused by the subdivision:

    a. The subdivision will result in a cumulative disturbed area exceeding 20,000 square feet.

    b. The subdivision will require the construction of a street or road.

    c. The subdivision will result in 4 or more lots.

    d. The subdivision will involve construction in close proximity to environmentally sensitive areas, such as wetlands and streams.

The Board may waive the requirement for all or part of the erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural conditions of a site.

2. Design Standards and Plan Requirements: All erosion and sediment control measures proposed shall meet the design standards and specifications set forth in the Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire as adopted and amended by the Rockingham County Conservation District. Erosion and Sediment Control Plans shall be subject to the design standards, plan requirements and other criteria contained in Appendix A of these regulations.

6.2.6 Stormwater Management Plan

Submission of a Stormwater Management Plan may be required by the Board when determined necessary due to the size and scope of the proposed development and on the natural conditions of the site. All stormwater management plans shall be prepared in accordance with the design standards as outlined in Section 7.2.4 of these regulations.

6.2.7 Landscaping Plan

Submission of a landscaping plan may not be applicable in all cases. The necessity of such a plan will be determined by the Board. All landscaping plans shall be prepared in accordance with the design standards as outlined in Section 9.2.9 of these regulations.

6.2.8 Other Required Submissions

1. Traffic Impact Study: All developments shall be reviewed by the Planning Board to ascertain that adequate provisions have been made for traffic safety. For development proposals were the potential to cause traffic congestion or safety problems, the applicant may be required to provide a traffic impact study.

2. Other Studies: Where appropriate due to the size, location or other characteristic of the proposed development, the Planning Board may request other studies be provided as part of the subdivision application submission, including environmental and fiscal impact analyses. In accordance with RSA 676:4,I(g), the Board may require that the cost of preparing such studies or exhibits be borne by the applicant.

6.3 ADDITIONAL ITEMS REQUIRED FOR FINAL APPROVAL

The Board will not give final approval to a subdivision application until the following items, if applicable, have been submitted and/or reviewed by the Board or its designated agent:

6.3.1 Legal Data Required: Where applicable to a specific subdivision, the following are required, in form as approved by the Town Attorney, prior to approval of a subdivision plat:

1. Agreement to convey to the Town land to be used for streets and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts such land;

2. Easements, protective covenants and rights-of-way over property to remain in private ownership;
3. Rights to drain onto or across other property, whether public or private, including a street;

4. Performance bond, described in Section 8.0 of these regulations.

6.3.2 Preparation and execution of a "Subdivision Agreement" where required by the Planning Board which specifies the terms and understandings between the Board and the applicant with respect to the approval.

6.3.3 For subdivisions which do not involve the construction of a roadway, all monumentation shall be in place prior to final Board signature of the subdivision plan in accordance with Section 9.2.12 of these regulations. For subdivisions which involve the construction of a roadway, monumentation shall be installed as part of the installation of other required improvements as set forth in Section 9.2.12.

6.3.4 Any required performance guarantee, and deposit of inspection fee.

6.3.5 All administrative, engineering review, recording fees and public notice fees.

6.3.6 Any required Federal, State, or local approvals and/or permits. Any conditions stipulated in these approvals or permits shall be included and made part of the subdivision approval.

SECTION 7 - SUBDIVISION DESIGN STANDARDS

7.1 GENERAL PRINCIPLES

An applicant shall adhere to the following general principles when designing and laying out a proposed subdivision plan. These principles and requirements shall be construed as the minimum requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

7.1.1 Conformity with Master Plan, Zoning Ordinance and Official Zoning Map: The subdivision plan shall be in harmony and consistent with the Master Plan, Zoning Ordinance and Official Zoning Map of New Castle.

7.1.2 Conformity to Other Laws: Subdivision plans shall conform with all regulations of the Board and other applicable Town by-laws, ordinances, regulations, and statutes of the local, State and federal governments.

7.1.3 Character of Land: All land to be subdivided shall be, in the judgment of the Board, of such character that it can be used for building purposes without danger to public health, safety, or the environment. Land subject to periodic flooding, poor drainage or other hazardous conditions, shall not ordinarily be subdivided. Land with inadequate capacity for sanitary sewage disposal shall not be subdivided unless connected to the municipal sewage system.

7.1.4 Preservation of Existing Features: Subdivision plans shall endeavor to preserve existing natural and cultural features such as wetlands, watercourses, waterbodies, floodplains, steep slopes, aquifer recharge areas, large or unique trees, wildlife habitats, scenic views and historic landmarks. The street and lot layout shall bear a logical relationship and be adapted to the topography of the site. Extensive grading and filling is discouraged and should be avoided to the greatest extent possible.

7.1.5 Restrictions and/or Covenants: If the owner places restrictions and/or covenants on any portion of the land within the subdivision greater than those required by these regulations or the Zoning Ordinance, such restrictions and/or covenants shall be referenced on the plan. The Board reserves the right to review, or have its attorney review, the proposed restrictions and/or covenants to ensure that they are not adverse to the public health, safety and general welfare and that such restrictions and/or covenants do not violate any local regulations or ordinances. All costs of legal review shall be paid by the applicant per RSA 676:4,I(g).

7.2 DESIGN STANDARDS

An applicant shall use the following design standards when designing and laying out a subdivision plan. These principles and requirements shall be construed as the minimum requirements. The Board, at its discretion, may require higher standards in individual cases, or may waive certain requirements for good cause in accordance with the procedures outlined in these regulations.

7.2.1 Street Design

1. **Platting of Streets:** The arrangement of streets in a subdivision shall provide for the logical and safe continuation of the existing street network, or of their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing streets, but no less than a forty (40) foot right-of-way. Where, in the opinion of the Board, topographical conditions make such continuance or conformity impractical, the Board may permit dead-end streets as described below.

2. **Rights-of-Way:** No street or highway right-of-way shall be less than 30 feet in width and may be required to be wider if warranted in the opinion of the Board. The roadway surface shall not be less than 20 feet in width. In addition, the apportioning of the right-of-way between roadway and possible sidewalks, bike paths and grass strips shall be subject to the approval of the Planning Board.

3. **Dead-End Streets and Cul-De-Sacs:** Permanent dead-end streets shall not exceed 600 feet in length, and shall terminate in a turn-around with a minimum radius of 50ft. from the center to the outside edge of the right of way, or with other design acceptable to the Board.

4. **Future Subdivision:** Where the plan submitted covers only a part of the subdivider's entire tract or landholding, a sketch of the prospective future street system of the unsubmitted part shall be furnished to the Board and the street system of the part submitted shall be considered in light of the street system of the part not yet submitted.

5. **Access:** Reserve strips controlling access to streets shall not be permitted. The subdividing of land shall provide each lot with access to an existing street.

6. **Street Signs, Names and Numbers:**

   (a) Street signs shall be provided and installed by the developer at all intersections.

   (b) Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Street names shall not duplicate or have strong phonetic resemblance to existing street names within the Town and shall be consistent with street naming requirements of the statewide enhanced 911 system.

   (c) Street address numbers shall be assigned by the Town.

7. **Intersections:** Except where it is impracticable because of the character of the land, streets shall intersect so that, within 50 feet of the intersection, the street lines are at right angles, and the grade within 25 feet does not exceed three percent. Nothing shall impair corner visibility.

8. **Existing Streets:**

   (a) Where a subdivision abuts an existing public street with an inadequate alignment, or right- of-way width, the subdivision plat shall include a dedication of land required to meet the standards established in these regulations.

   (b) Where access to a subdivision depends on use of an existing public street or streets which, in the opinion of the Planning Board, is (are) sufficiently substandard to not safely accommodate the additional traffic caused by the proposed development, the subdivider shall improve such public street(s) or contribute to the improvement of such public street(s), in a sum equal to the proportionate use his subdivision will impose on said public street(s) assuming that all lands served by said public street(s) will eventually be similarly subdivided.

7.2.2 Street Construction Standards

1. **General:** Street profiles and drainage facilities shall be subject to the approval of the Planning Board. Roadways shall have sufficient crown and grade for good storm drainage and means of its disposal shall be provided. Grades shall conform in general to the terrain and shall not be excessive. The roadway shall be constructed in accordance with the specifications below.
2. **Grade:** Grades of all streets shall conform in general to the terrain and shall so far as practicable not exceed eight percent (8%). No street shall have a grade of less than one-half of one percent (.05%). Where practical, lots shall be graded toward the streets.

3. **Subgrade:** All topsoil and loam shall be removed from the limits of the roadbed to a depth of at least twelve (12) inches. Topsoil shall be removed from areas that will be filled. Where loam or improper road foundation material exceeds twelve (12) inches in depth, such material must be excavated and replaced with bank run gravel or broken rock in lifts not greater than 6 inches in depth.

4. **Base Course:** The base course shall consist of bank run gravel free from loam or organic matter, rolled and compacted with a ten ton roller to a depth of at least twelve (12) inches and applied in lifts not greater than 6 inches in depth.

5. **Finish course:** Which shall bring the roadway surface to the approved profile ready for surfacing, shall consist of well graded gravel, 100% of which shall pass through a two inch (2") mesh screen and compacted in the same manner as the base course.

6. **Pavement Material:** For the base course there shall be at least 2 inches of paving material conforming with type B of the NHDOT Specifications; for the wearing course, there shall be at least 1 inch of paving material conforming with Type F of the NHDOT Specifications.

7.2.3 Driveways

1. All permits for driveways and other access points onto a State highway shall be obtained from the NH Department of Transportation prior to final approval of the subdivision. The Planning Board shall review and approve the proposed location of driveway access points on streets.

2. No driveway shall be constructed within 50 feet of the intersection of two public roads;

3. When two proposed driveways on the same side of the road are within 50 feet of each other, the Planning Board may require a common access to be used, for reasons of safety and topographical considerations.

4. Driveways shall not interrupt the natural or ditch line flow of drainage water. The installation of culverts may be required at the ditch line to ensure proper drainage.

7.2.4 Sidewalks

The applicant may be required to install sidewalks on one or both sides of each newly created street. The planning board will determine the need for sidewalks based on existing or anticipated pedestrian traffic, the volume of vehicular traffic, safety considerations and connections to existing sidewalks.

7.2.5 Drainage Improvements and Stormwater Management Plans

The Board may require the subdivider to provide engineering studies on the effect of such subdivision activity on the existing downstream drainage facilities outside the subdivision boundaries. Unless an exception is granted by the Board, the post-development surface water runoff rate(s) shall be equal to the pre-development runoff rate(s).

Where it is determined that the additional runoff incidental to the development will overload or significantly increase an existing downstream drainage facility, the Board may require the provision of drainage easements or other improvements necessary to alleviate such problems. All required drainage improvements and/or facilities shall be designed to accommodate a 100-year storm event. Drainage calculations shall be prepared in conformance with the document, Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas of New Hampshire, prepared by the USDA Soil Conservation Service, as amended.

Plans shall include appropriate methods to extend and/or connect the proposed drainage system to adjacent land whether or not such land is developed. Such plans shall also reasonably anticipate upstream development and preserve natural watercourses within the basin.

7.2.6 Water Service

Municipal Water: All subdivisions shall provide public municipal water service. Design and installation of a minimum of 8" water mains are subject to the approval of the Portsmouth or New Castle Department of Public Works as appropriate to the water service area. The number and location of fire hydrants shall be determined by the Fire Department. The Board shall reserve the right to inspect, or have its designated agent inspect the installation of all water mains.

7.2.7 Sewage Disposal

1. **Municipal Sewage Disposal:** All subdivisions shall provide municipal sewage disposal when available or required by the Board. Installation of sewer lines is subject to the approval of the New Castle Department of Public Works.

2. **On-Site Sewage Disposal Systems:** Per RSA 485-A:29, no subdivision of land will be approved where it creates a lot that will not meet the minimum standards imposed by the Water Supply and Pollution Control Division of the NH Department of Environmental Services. For on-site sewage disposal systems, the following design standards shall apply:

    a. Each lot shall accommodate its own sewage. For cluster developments each building shall have its own septic system.

    b. Systems are to be constructed in accordance with the most recent edition of the Subdivision and Individual Sewage Disposal System Design Rules as published by the NH Water Supply and Pollution Control Division of the Department of Environmental Services.

7.2.8 Installation of Utilities

In all subdivision developments, the developer shall install all electric, telephone and other utility distribution lines per specifications of the public utility companies involved. All utility services including electric and telephone shall be placed underground, within the subdivision, in accordance with current standards. The developer shall provide such easements as are necessary for the installation of such utilities.

7.2.9 Easements

All easements shall be laid out on the subdivision plan and referenced in each affected deed, granting necessary rights of access and maintenance. The following additional provisions shall apply:

1. **Utilities:** Where the topography is such as to make difficult the inclusion of any utilities or other facilities within the road rights-of-way, the subdivision plan shall show the boundaries of the proposed permanent easements over or under private property. Such easements shall not be less than ten (10) feet in width and shall have satisfactory access to existing or proposed public rights- of way. The Planning Board may require wider easements when deemed necessary.

2. **Drainage:** Where a proposed subdivision is traversed by a watercourse or drainage way, the Board may require a storm water easement or drainage right-of-way of at least ten (10) feet in width. The Planning Board may require wider easement where deemed necessary.

7.2.10 Flood Hazard Areas

Subdivisions involving land designated as flood hazard areas shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements.

1. **Permits:** The Board shall review the proposal to assure that all necessary permits have been received from those government 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.

2. **Minimization of Flood Damage:** Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow the Board to determine that:

   a. All such proposals are consistent with the need to minimize flood damage;

   b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;

   c. Adequate drainage is provided so as to reduce exposure to flood hazards; and,
   d. New and replacement water and sewer systems (including on-site systems) are located, designed and constructed to minimize infiltration and avoid impairment.

3. **Elevation and Flood-Proofing Records:** The applicant shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures, whether or not such structures contain a basement.

   Alteration of Watercourses: The State Wetlands Board shall be notified prior to any alteration or relocation of a watercourse and copies of such notifications shall be submitted to the National Flood Insurance Program. The flood carrying capacity shall be maintained within the altered or relocated portion of any watercourse.

4. **Floodplain Delineation:** The base flood elevation (100-year flood) shall be delineated on all plans.

7.2.11 Open Space

1. **Buffer Strips:** The Board may require the designation of buffer strips of at least fifty (50) feet width around surface water, wetlands or other natural features which may be adversely affected by erosion or stormwater runoff. The Board may require a vegetative buffer to provide screening.

2. **Parks:** The Board may, where it deems essential, and where the need for the facility is reasonably related to the needs of the subdivision, require that the plat show one or more sites of character, size, shape and location suitable to be used as community open space or park, in area not to exceed 15 percent of the total area of the subdivision. In the case of cluster subdivision or planned unit development open space shall be not less in area than as provided in the zoning ordinance. Such areas of open space, whether privately or publicly owned, shall have a sufficient legal restriction recorded in the Town land records

to assure permanence of use as open space. Open space land in private ownership shall be deeded in such a way that will assure operation or maintenance of the land in an orderly manner suitable for the purpose intended.

3. **Trees and Planting:** Due regard shall be given to preservation of existing features, trees, scenic points and other natural and historic resources within the subdivision. The Board may require additional tree planting and other landscaping appropriate to the area being developed. Removal of stripped top soil or surplus materials from the subdivision area shall not be permitted unless in accord with the zoning ordinance. Existing trees on lots and open space land shall be preserved wherever feasible, or unless otherwise directed by the Board. At its discretion, the Board may require the developer to plant shade trees within the street rights-of-way of a subdivision layout. The developer shall supply planting plans to the Board, who will seek an advisory opinion on said plans from the Conservation Commission.

7.2.12 Monuments and Benchmarks

1. **Monuments:** Granite bounds shall be set on one sideline at all points of curvature and points of tangency. Such bounds shall also be set at the intersection of sidelines of existing or proposed streets.

   The size of said bounds shall be four inches by four inches by thirty inches (4" x 4" x 30"), with a three-eights inch (3/8") drill hole in the center. The developer shall excavate a hole sufficiently large enough to properly place the bounds securely in the ground. Iron pipes are to be furnished at all property line corners and angles. The size of said pipes shall be half an inch by thirty inches (1/2" x 30"). Said pipes shall be driven into the ground at accurate locations, leaving two inches (2") exposed. All newly installed iron pins shall include a surveyor's "cap" in an effort to facilitate their location in the field.

   The locations of all bounds and pipes shall be shown on the subdivision plan, along with a note on the plan stating the date of installation. The applicant's surveyor shall certify in writing that the bounds and pipes have been installed according to the submitted plan.

2. **Benchmarks:** As part of the subdivision plan a permanent reinforced granite marker may be required by the Board.

SECTION 8 - PERFORMANCE AND MAINTENANCE GUARANTEES

8.1 POSTING OF PERFORMANCE GUARANTEES

The Board of Selectmen shall set the amount of the performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Town prior to any of the following actions: (1) issuance of a building permit; (2) the commencement of site work, or (3) the recording the approved plan with the Rockingham County Registry of Deeds. The guarantee shall cover the estimated cost of constructing and installing all required site improvements, including, but not limited to: street work, drainage facilities, water mains, sewer lines and other utilities.

The basis for determining the performance guarantee shall be one hundred percent (100%) of the cost of all required site improvements, plus any other funds necessary for the completion of ancillary site work as conditioned by the Selectmen's approval. The Selectmen will accept the following methods of posting a performance guarantee:

1. Cash or a savings passbook held in the name of the Town and deposited with the Town Treasurer;

2. A bond issued by a guarantee company authorized to do business within the State of New Hampshire, in an amount and manner acceptable to the Board; or

3. A letter of credit in an amount and manner acceptable to the Board of Selectmen after consultation with Town Counsel.

As an alternative to posting a performance guarantee with the Town, the applicant may request approval of the final plan on the condition that all required improvements be constructed to Town standards prior to the Planning Board's signing of the plan. The Board, in granting this conditional approval, shall sign a covenant signifying its approval and intent to sign the plan once the improvements have been installed by the developer and inspected and approved by the Town. In this case, the applicant shall still be required to follow the procedure for the posting of an inspection fee, as set forth in Section 11.4 of these regulations.

8.2 RELEASE OF PERFORMANCE GUARANTEES

Upon inspection of a partial completion of required improvements, the Board of Selectmen may authorize a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the cost to complete the remaining improvements as indicated by a qualified contractor's bid estimate approved by the Board of Selectmen, plus a retainage of 20% of the original performance guarantee which shall be kept until all required improvements have been inspected and accepted by the Town. If the costs for completing the required improvements exceed the amount of the performance guarantee held by the Town, additional funds shall be required in order to ensure completion before the development proceeds any further. The developer shall post such guarantee within thirty (30) days of notice thereof. The retainage shall be held until the completion of all required improvements have been inspected and approved by the Board.

Should progress toward the completion of all required improvements fall substantially behind the mutually agreed upon timetable, the Board of Selectmen may obtain a completion cost estimate from:

1. The developer's contractor; or

2. A qualified contractor of the Board's choice.

Installation of all required improvements shall be completed within two (2) years of the date of the final plan's approval unless the time frame is extended by mutual consent of the applicant and the Board. If the required improvements are not satisfactorily installed within the mutually agreed upon timetable, the posted performance guarantee shall be forfeited by the applicant.

Prior to the return of the balance of the performance guarantee, the subdivider shall submit to the Board "as-built" plans for newly constructed public and/or private roads. The plans must include the provisions made for road drainage and any changes or additions subsequent to final Board approval. Submission of "as-built" plans is required before a street is formally accepted by the Town.

8.3 MAINTENANCE GUARANTEES

For roads intended to be turned over to the Town, the Selectmen will not release the performance guarantee until a maintenance guarantee is in place. The maintenance guarantee will cover the maintenance of public roads and other public improvements for a period of two (2) years from the date of street acceptance by the Town, in an amount not to exceed 20% of the

improvement costs. If repair or unusual maintenance is needed or additional improvements are required then such costs shall be drawn against said guarantee. Maintenance guarantees are permissible in any one of the accepted methods for securing performance guarantees as stipulated in Section 8.1 above.

SECTION 9 - WAIVERS AND MODIFICATIONS

Specific requirements of the foregoing regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations. The applicant must request the modification or waiver in writing and state the reasons for the request. The Board's action and rational relative to the request shall be documented in the minutes of the meeting at which the request was considered.

SECTION 10 - ENFORCEMENT, FINES, PENALTIES AND APPEALS

10.1 ENFORCEMENT

These regulations shall be enforced by the Board or its duly authorized agent. Should the Board or its duly authorized enforcement authority determine that a developer is proceeding contrary to these regulations or the terms of the "Subdivision Agreement" signed by the Developer and Planning Board, the Board or its authorized representative shall notify the developer of the specifics of such violation(s) and the appropriate steps, including a timetable, for remedying said violation(s). This notification procedure may include the issuance of a "cease and desist order", in accordance with the terms of RSA 676:17-a, as amended.

10.2 FINES AND PENALTIES

Any person, firm or corporation violating a provision of these regulations or the conditions of an approved subdivision plan or Subdivision Agreement, shall, in accordance with the terms of RSA 676:17, be subject to a civil penalty not to exceed $275.00 for each day that the violation has taken place.

10.3 APPEALS

In accordance with the terms of RSA 677:15, any person(s) aggrieved by any decision of the Board concerning a subdivision plan application may present to the superior court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding the subdivision application in question.

SECTION 11 - FEES

11.1 SCHEDULE OF FEES

An Application filed for major subdivision (more than three lots) shall be accompanied by a filing fee of $500 plus $100 per lot (or dwelling unit in the case of a cluster development). An application filed for minor subdivision (three or fewer lots), or a pre-application for design review, shall be accompanied by the filing fee of $250. In addition, the applicant is responsible for required legal notices and may be responsible for other outside costs incurred by the Town.

11.2 PAYMENT OF FEES

Filing fees shall be paid in advance by the Applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the Plat without a public hearing.

11.3 COSTS FOR SPECIAL STUDIES

Pursuant to RSA 676.4,I(g) it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application. The Planning Board may require the periodic deposit of fees to cover ongoing costs incurred by the Board for the conduct of special studies.

11.4 INSPECTION SERVICE FEES

For all site improvements required as part of any subdivision approval by the Board, there shall be deposited an inspection fee prior to final Board approval. This fee shall cover the cost of inspection services to be provided by a Town appointed inspector (or his designated agent). The Town's inspector shall monitor and inspect all required site improvements for compliance with the approved plans and required engineering standards. The amount of said fee shall be determined by the Board based upon a reasonable estimate of anticipated inspection costs. Site inspections shall be conducted for up to the amount of the fee collected. Should the inspection fee collected be insufficient to cover the remaining required site inspections, the Town will notify the developer to cease further site development until additional funds have been deposited with the Town. Once all required site development and all required site inspections have been completed, any unused portion of the inspection fee shall be returned to the applicant.

SECTION 12 - VALIDITY

12.1 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

12.2 CONFLICTING PROVISIONS

Where any section of these regulations conflicts with another, or with any other local regulation or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under these regulations is less restrictive than a federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

12.3 SAVING CLAUSE

If any section, clause, provision or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, clause, provision or portion of these regulations.

12.4 AMENDMENTS

12.4.1 These regulations may be amended by the Planning Board following a public hearing on the proposed change. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the Town Clerk.

12.4.2 A copy of any amendments to these regulations shall also be filed with the Office of State Planning in Concord, New Hampshire (RSA 675:9).

APPENDIX A
GRADING, DRAINAGE, AND EROSION AND SEDIMENT CONTROL PLAN SPECIFICATIONS

1. DESIGN STANDARDS

The following standards shall be applied in planning for erosion and sediment control:

A. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" as amended and adopted by the Rockingham County Conservation District.

B. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion. Whenever practical natural vegetation shall be retained, protected and supplemented.

C. Appropriate control measures shall be installed prior to removal of vegetation.

D. Disturbed areas shall be kept to a minimum. Disturbed areas not in active development shall be adequately stabilized.

E. Measures shall be taken to control sediment and retain it within the project area. Provisions must be made to accommodate increased runoff caused by changed soil conditions during and after development. Sediment in the runoff water shall be trapped by the use of sediment basins or other acceptable methods until the disturbed area is stabilized. Diversions, sediment retention basins and other such devices shall be constructed prior to any on-site grading or disturbance of existing surface material.

F. Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas where feasible.

G. Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area.

H. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days.

2. PLAN REQUIREMENTS

A. Plan Requirements

The Board shall require each of the following in the plan unless specifically waived:

1. Site drawing of existing and proposed conditions:
   (a) Locus map showing property boundaries.
   (b) North arrow, scale and date.
   (c) Property lines.
   (d) Structures, roads, utilities, earth stockpiles, equipment storage and on-site stump disposal locations.
   (e) Topographic contours at two-foot intervals.
   (f) Extent of 100-year floodplain boundaries as determined by the Town's Flood Insurance Rate Maps.
   (g) Soils information based on High Intensity Soil Maps as prepared by a Certified Soil Scientist.
   (h) Easements.
   (I) State and Federal wetlands information.
   (j) The total area of soil disturbance, including cut and fill.
   (k) Total area of wetlands to be disturbed or filled within local, State and Federal jurisdiction.
   (l) Location of all proposed structural and vegetative erosion and sediment control measures (both during the construction phase and after).
   (m) Identification of all permanent erosion and sediment control measures.
   (n) Narrative section including:

2. A detailed description of the construction sequence including a timing schedule which indicates the starting and completion dates of the measures.
3. An earth movement schedule.
4. A description of temporary and permanent vegetative measures including seeding specifications.
5. A description of all structural erosion and sediment control measures, with detailed drawings of each.
6. A proposed schedule for the inspection and maintenance of all measures.
7. Identification of all permanent erosion and sediment control measures and a description of plans for their continued maintenance.
8. Calculations showing volume, peak discharge, and velocity of present and future runoff.
9. A note indicating that all erosion and sediment control measures have been installed in accordance with the design standards and specifications set forth in the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire" as amended and adopted by the Rockingham County Conservation District.

3. RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION

The applicant shall bear final responsibility for the installation, construction and disposition of all grading, drainage, and erosion and sediment control measures required by the provisions of these regulations. The Board may require a performance guarantee to ensure the actual construction and installation of all grading, drainage and erosion and sedimentation control measures within a period specified by the Board. Site development shall not begin before the grading, drainage, and erosion and sediment control plan is approved by the Board.

4. MAINTENANCE

The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. If the owner fails to maintain such measures, the Town shall have the authority to perform the required maintenance in accordance with the terms of the approved plan. The cost of such work shall be borne by the owner.

5. PLAN APPROVAL AND REVIEW

The Board shall indicate its approval of the grading, drainage, and erosion and sediment control plan, as filed, if it complies with the requirements and objectives of these regulations. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

6. INSPECTION

Inspection shall be made during development to ensure compliance with the approved plan and that control measures are properly installed or performed and maintained.

7. OTHER REQUIRED PERMITS

In addition to local approval, the following may be required:

A. RSA 149:8-a requires a permit from the NH Water Supply and Pollution Control Division for "...any person proposing to significantly alter the characteristics of the terrain, in such a manner as to impede natural runoff or create unnatural runoff...". Regulations require this permit for any project involving more than 100,000 square feet of disturbance or if such activity occurs in or on the border of the surface waters of the State.