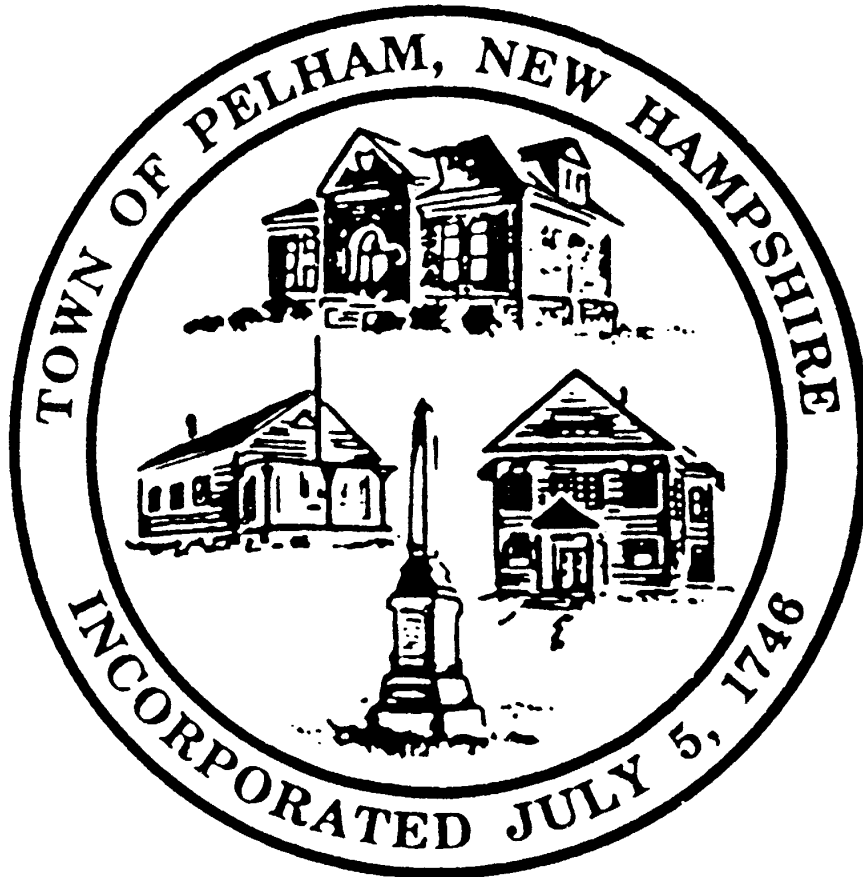


**TOWN OF PELHAM
NEW HAMPSHIRE**



**RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF
LAND CHAPTER 260
HISTORIC DOCUMENT**

New subdivision regulations were adopted in November 2001

Disclaimer:

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These regulations are effective as of 10-19-99 which day they have been filed with the Town Clerk in accordance with RSA 675:6, III and also filed with the Office of State Planning in accordance with RSA 675:9, I

Reviewed by the Nashua Regional Planning Commission on 3/18/98.

Reviewed by the Town Counsel on 7-7-98.

The Following Amendments to the Subdivision Regulations has been adopted by a majority vote on the Planning Board on 10-18-99 following a duly noticed public hearing on 10-18-99.

SECTION I. AUTHORITY AND PURPOSE

Under the authority vested in the Pelham Planning Board by the voters of the Town of Pelham, New Hampshire on May 24, 1955, and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, as amended, the Pelham Planning Board adopts the following regulations governing the subdivision of land in the Town of Pelham, New Hampshire. These regulations are designed to accomplish the purposes set forth in RSA 674:36.

SECTION II. SEVERABILITY

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

SECTION III. CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those prescribed by any statute, ordinance or other regulations, that provision which imposes the greater restrictions or the higher standard shall apply.

SECTION IV. GENERAL

A. Definitions

ABUTTER.-As per RSA 672:3, “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 local land use board. For purposes of receiving testimony, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII.”

APPLICANT-The owner of record of the land to be subdivided, or his/her designated agent.

APPROVAL-Recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgement of the Board satisfies all criteria of good planning and design.

APPROVAL CONDITIONAL-Recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met.

BOARD-The Planning Board of the Town of Pelham.

BOARD AGENT-Town employee or consultant authorized by the Planning Board to review subdivisions and administer regulations.

CERTIFIED SOIL SCIENTIST-A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

HIGH-INTENSITY SOIL SURVEY (HISS)-A soils map of a parcel of land being considered for development on a perimeter survey, with a scale of one (1) inch equals fifty (50) feet, where soils are identified and mapped by a certified soil scientist in accordance with the high-intensity soils mapping standards as adopted by the Hillsborough County Conservation District.

LOT-A parcel of land capable of being occupied by one principal use that is of sufficient size to meet the minimum requirements for use, building coverage and area.

LOT OF RECORD-A parcel, the plot or description of which has been recorded at the Hillsborough County Registry of Deeds.

LOT LINE ADJUSTMENT-Adjustments to the boundary between adjoining properties, where no new lots are created.

MANUFACTURED HOUSING-As defined in RSA 674:31 and used herein, any structure transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length or, when erected on the site, is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed for use as a dwelling with or without a permanent foundation, when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein.

MONUMENT-A granite or reinforced concrete bound at least six (6) inches in width and depth and at least thirty-six (36) inches in length. The bound shall be buried to a depth of thirty (30) inches.

PLAT-The final plan on which the subdivider's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Registry of Deeds of Hillsborough County for recording.

PUBLIC HEARING-A meeting, notice of which must be given per RSA 675:7 and 676:4.I(d). at which the public is allowed to offer testimony

PUBLIC MEETING-The regular business meeting of the Planning Board as required per RSA 673:10. Notice must be posted at least 24 hours in advance in accordance with RSA 91-A, the Right-to-Know - Law, and the meeting must be open to the public, although participation by the public is at the discretion of the Board.

STREET-Shall mean a public way that is lawfully existing and is maintained for vehicular travel.

- A. **STREET, MAJOR** Used primarily for through traffic, local or regional.
- B. **STREET, SECONDARY** Used to connect residential and other service streets to through traffic facilities.
- C. **STREET, SERVICE** Used exclusively for access to abutting properties.

SUBDIVISION-As Per RSA 672:14, "The division of a lot, tract or parcel of land into 2 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. It includes subdivisions and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided."

WETLAND-A wetland is an area that is inundated or saturated by surface 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. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas. Wetlands shall be delineated by either a certified soil scientist or a professional wetland scientist according to the Corps of Engineers Wetlands Delineation Manual, 1987, and the Regional Field Indicators for Identifying Hydric Soils in New England, 1995.

B. APPLICATION REQUIRED.

No owner of any land shall subdivide, within the meaning of the law, any land within the Town of Pelham or proceed with the improvement or sale of lots in a subdivision, unless and until a complete subdivision application (as defined in Section VI) has been submitted to, accepted and approved by the Board as hereinafter provided.

C. PRE-APPROVAL CONSTRUCTION PROHIBITED.

No person, corporation or other entity shall do any of the following acts on any land in the Town of Pelham until a subdivision plan of that land has been submitted to and approved by the Board:

- A. Cut any trees or foliage on any land proposed or intended for use as a subdivision street;
- B. Remove any stumps, topsoil or other material from any land proposed or intended for use as a subdivision street;
- C. Bury any stumps, topsoil or other yielding material on any land proposed or intended for use as a subdivision street;
- D. Level or otherwise change the grade of any land proposed or intended for use as a subdivision street;
- E. Construct a street to service a proposed subdivision;

F. Install utilities to service a proposed subdivision.

D. SUBMISSION OF STATE AND FEDERAL AGENCIES.

Copies of all applications, drawings and supporting data submitted to State and Federal Agencies or Commissions that are necessary for subdivision approval, shall be submitted to the Town at the time the documents are submitted to the State or Federal Agencies.

E SEPTIC SYSTEMS AND WATER SUPPLY

1. In all areas not currently served by public sewer systems, it shall be the responsibility of the subdivider or his agent to provide the necessary state approvals for the installation and operation of an individual sewage disposal system. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the Board that the existing septic system is in good working order.
2. Prior to refilling, all test pits and percolation tests shall be inspected and approved by the Town Health Agent.
3. All new wells shall have a radius of seventy-five (75) feet.

SECTION V - PROCEDURE FOR THE SUBMISSION AND APPROVAL OF PLANS.

A. Preliminary Conceptual Consultation (Optional)

- 1) The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. 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 state and local regulations that may apply to the proposal;
 - d) 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.
 - e) The applicant may meet with the Planning Director and the Planning Board Engineer prior to meeting with the Board. However the applicant needs to sign a form agreeing to pay all costs incurred by the Planning Board Engineer review.

B. Submission of Completed Application (Required)

- 1) A completed application shall be filed with the Planning Board or its designee at least 15 days before a regular meeting at which the application will be accepted. A completed application shall consist of all the data required in Section VI of these regulations. A completed application sufficient to invoke jurisdiction of the Board shall be submitted to and accepted by the Board only at a public meeting of the Board, with notice as required by RSA 676:4,I(d).
- 2) All plans will be reviewed for completeness by the Planning Board or its designee. If the plan is incomplete, the applicant will need to provide the missing submission items before the Planning Board will accept the application. The Planning Board or its designee will give the applicant a form indicating whether or not the application is complete, or incomplete, in writing, within five (5) days of submission of the application.

C. Board Action on Completed Application

- 1) The Board shall begin consideration of the completed application within 30 days of its acceptance. The Board shall act to approve, conditionally approve, or disapprove the accepted application within 90 days of acceptance of the application.

- 2) The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve, or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.
- 3) Approval of the application shall be certified by written endorsement on every page of the plat and signed and dated by the Chairman of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant within 72 hours of the decision.
- 4) An approved plan shall be recorded by the applicant with the Hillsborough County Register of Deeds within 90 days of approval, if the plan is not recorded within that time, the approval is void. If the plan is granted conditional approval, the applicant must record the plan within 90 days after all the conditions have been met. Any subdivision plan not filed within this time frame shall be considered void.

D. Failure of the Planning Board to Act.

- 1) In the event that the Planning Board does not act on an accepted application within the prescribed 90 days, the applicant may petition the Selectmen to issue an order directing the Planning Board to act within 30 days.
- 2) If the Planning Board fails to act within 40 days of this directive, the Selectmen must approve the application unless they find in writing that the plan does not comply with a local regulation. In the event the Selectmen fail to act, the applicant may petition superior court to approve the plan.

E. Conditional Approval.

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

- 1) Are administrative in nature;
- 2) Involve no discretionary judgment on the part of the Board;
- 3) Involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, or the Wetlands Board; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.

F. Expedited Review.

- 1) The Planning Board may allow for an expedited review of applications for lot line adjustments.
- 2) The completed application may be voted on at the public hearing, provided that public notice so indicates and notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions shall be given in accordance with RSA 676:4,I(d). Any abutter or holder of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon request.
- 3) The board may waive certain plat requirements for lot line adjustments.

G. Public Hearing.

Prior to the approval of a subdivision, a public hearing shall be held pursuant to RSA 676:4.I(d) with notice given to the applicant, abutters, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Board and the public. Public hearings may be waived for lot line adjustments if the conditions set forth in Paragraph F above have been met. Public hearings may only be held after the notification provision set forth in Paragraph H have been followed.

H. Notification.

- 1) Notice of a submission of a completed application, or a public hearing, shall be given by the Board to the abutters, applicant, holders of conservation, preservation or agricultural preservation restrictions and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the Board by certified mail at least ten (10) days prior to the meeting at which the application is to be submitted. The public will be given notice at the same time, by posting at the Town Hall, the Town Library and the Town Post Office.
- 2) 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 and shall include a general description of the proposal which is to be considered, and identify the applicant and the location of the proposal.
- 3) Additional notice is not required of an adjourned session of a hearing provided that the date, time and place of the adjourned session was announced at the prior meeting.

Fees

- 1) **Application Fees** - Filing fees in accordance with the schedule below shall be charged and shall accompany submission of subdivision plans. Failure to pay such cost shall constitute valid grounds for the Planning Board to terminate further consideration of the application. Each subsection will require a separate check.
 - a. \$250.00 per lot or \$1000.00 per subdivision plan, whichever is greater;
 - b. \$10.00 per abutter for the mailing cost for notification of abutters;
 - c. \$50.00 per lot for tax map revision fees.
 - d. \$100.00 per lot line adjustment.

- 2) **Expenses for Review of Plans** - Pursuant to RSA 676:4,I(g), all expenses incurred by the Board in having the proposed subdivision plans reviewed by the Town Engineer or other planning consultant; in making environmental impact, hydrological impact, ground water quality impact, traffic impact, school impact, and other special studies, or any other study deemed necessary by the Board in order to make an informed decision on the subject plan; and in preparing or reviewing performance bonds, deeds and other documents shall be borne by the applicant. All plan reviews, impact studies and document reviews shall be made by surveyors, engineers, consultants, lawyers and other professionals retained by the Board. All work performed and all opinions rendered by these professionals shall be solely for the use and benefit of the Board. No employment or other contractual relationship shall exist between the professional and the applicant. The amounts to be paid to any surveyor, engineer, consultant, lawyer or other professional shall be based on the same rates of compensation as is normally paid by the town to the surveyor, engineer, consultant, lawyer or other professional for similar work performed for the town. All expenses incurred by the Board and the Town of Pelham in processing an application for subdivision approval and inspections of such subdivisions by the Planning Board Engineer shall be borne by the applicant.

- 3) **Variations** - Variations from the regulations and requirements may be permitted when, in the opinion of the Board, topography or other considerations warrant. All waiver requirements from the regulations and requirements shall be submitted in writing. The written request shall list the reasons which in the applicant's view, justify the granting of a variation. No variation shall be granted until it has been considered at two (2) separate Board meetings. When a variation is granted, the reason or reasons therefore shall be set forth in full in the minutes of the Board.

- 4) **Payment of Fees and Expenses** - No application for subdivision approval shall be deemed complete until all required fees and expenses have been paid. Whenever any required fees and expenses are not paid after written demand

therefore is made, the Board shall refer the matter to Town Counsel for legal action.

- 5) **Interpretation** - In matters of judgment or interpretation of the above general requirements, the opinion of the Board shall prevail.
- 6) **Amendments** - Section I may be amended or rescinded by the Board, but only following a public hearing on the proposed change. Any amendment must be certified by a majority of the Board and filed with the Town Clerk, Clerk for the County Commissioners, the Registry of Deeds for Hillsborough County and with the Office of State Planning. All amendments shall be effective upon filing with the Town Clerk and shall apply immediately to all subdivisions and required improvements except:
 - a) Required improvements that have been completed prior to the date of the amendment; and;
 - b) Required improvements described in a fully executed bond agreement pursuant to Section IX, but only if the bond agreement was executed on behalf of the Town prior to the amendment.
- 7) **Violations and Penalties** - Violations and penalties will be enforced in accordance with RSA 676:17.
- 8) **Escrow Account for Engineering Inspections for Subdivisions.** After an approved plan has been recorded at the Registry of Deeds, the Planning Board will instruct the Planning Board Engineer to provide an estimate of costs for engineering inspections. The subdivider must then post that amount in an escrow account with the Planning Director to be held by the Town Treasurer who may release monies at the direction of the Planning Director. If subdivider does not post the amount, no inspections will be allowed and the Planning Director is so directed by the Planning Board through virtue of this Section V-I-8 to issue a cease-and-desist stop work order on the subdivision.

J. Site Inspections

- 1) Whenever the Board deems it necessary to visit the site prior to approval, the Board shall request permission from the applicant.
- 2) Such a pre-approval site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
- 3) All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

SECTION VI - SUBMISSION REQUIREMENTS

A. A completed application shall consist of the following items unless a written waiver from the applicant has been granted by the Board: a completed application form, accompanied by (1) names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing, and payment to cover the filing and notification fees. Eight (8) prints of the plat which includes all the information set forth in Paragraph B below, are required, prepared at a scale of 1" = 50'. Three (3) reproducible mylars of each plat are required, together with an Approval for Subdivision issued by the New Hampshire Water Supply and Pollution Control Commission. The outside dimensions of the mylar shall be 17 x 22 inches, or 22 x 34 inches, except as may be otherwise specified by the Hillsborough County Registry of Deeds. One (1) mylar and two (2) prints will be returned to the subdivider after the Board reaches a final decision on the proposed subdivision.

B. The plat shall show the following information:

1. Proposed subdivision name or identifying title; name and address of the applicant and the owner, if other than the applicant; name, address and signature of engineer and/or surveyor; scale of drawing; title of drawing sheet (No.) of (No.); and WSPCC subdivision approval date and number.
2. North arrow, scale, date of the plan; name, license number and seal of the engineer and/or surveyor.
3. Names of all abutting subdivisions, streets (width of adjacent streets is required), easements, building lines, parks and public places, and similar facts regarding abutting properties.
4. Locus plan showing general location of the total tract within the town and the zoning district(s). Shall include all property lines of all adjacent lots and be shown in the scale of one (1) inch equals four hundred (400) feet.
5. Proposed use of each lot.
6. The boundaries of the entire parcel of property being subdivided and the location of all permanent monuments identified as to whether existing or proposed.
7. Location and profiles with elevations of existing and proposed water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
8. Existing and proposed easements, rights-of-way, driveways and buildings or other structures.
9. Location of property lines, including entire undivided lot, lot areas in square feet and acres, frontage on public rights-of-way, and building setback lines. Each lot shall be numbered according to the Town tax map and lot numbering system. Where wetland soils constitute any part of the lot, the plan shall show the total area, in square feet, of each lot and the total, in square feet, of non-wetland soil. In addition, lot sizing calculations are required by Section XIII-B-c&d.

10. An approval block in the lower left-hand corner and a title block in the lower right-hand corner of each sheet. The approval block and the title block shall be drawn in accordance with those shown in Appendix A of these regulations.
11. Water courses, ponds, standing water, rock ledges, stone walls and other natural features; existing and proposed foliage lines; and open space to be preserved.
12. Existing and proposed streets with names, classification, travel surface widths and right-of-way widths.
13. Sufficient data to determine the location, bearing the length of every street line, right-of-way line, lot line, easement line and public area line and to permit the reproduction of such lines upon the ground. The scale shall be one (1) inch equals fifty (50) feet. All dimensions shall be shown to the nearest hundredth of a foot and all bearings to the nearest half-minute in arc. The error in closure of the field survey and of the final plans shall not exceed one (1) part in ten thousand (10,000). The signed and dated certificate of the engineer or surveyor, as to the accuracy of the survey, shall, by reference to this section of this chapter, be presumed by the Board to have been made to a minimum accuracy not less than as shown therein.
14. Final road plan and profiles, and stationing every fifty feet (50) with appropriate curve information, to include the following:
 - A. A plan view, drawn to a scale of one (1) inch equals fifty (50) feet showing:
 - 1) The boundaries of all proposed streets and street stubs;
 - 2) The location of all existing and proposed bounds;
 - 3) The boundaries of all drainage and pedestrian easements;
 - 4) The location, elevation and description of at least two (2) benchmarks per plan view, in locations not likely to be disturbed during construction;
 - 5) The horizontal location of all drainage structures and required curbing;
 - 6) Erosion control plans shall be submitted as set forth in Section XII-F- (i) of this chapter and as set forth by RSA 149:8-A where applicable.
 - 7) Horizontal and vertical centerline curve information.
 - B. A profile view, drawn to a scale of one (1) inch equals fifty (50) feet on the horizontal and one (1) inch equals five (5) feet on the vertical showing:
 - 1) The existing and proposed center-line profiles of all streets, street stubs, culverts, catch basins and other drainage structures;
 - 2) The size, slope and type of all drainage piping;
 - 3) The rim and invert elevations of all catch basins, culverts, headers and other drainage structures. In appropriate cases, the Board may require street cross sections at fifty-foot intervals (drawn to a true scale of one (1) inch equals ten (10) feet on the horizontal and one (1) inch equals five (5) feet on the vertical)

showing the existing and proposed street cross section elevations.

15. If any part of the proposed development falls within the one-hundred-foot zone, as defined by the Federal Emergency Management Agency, the location of the flood zone must be shown on the plan of development showing the flood zone, the floodway and the floodplain.
16. On any lot where an underground storage tank is existing or proposed, said tank must be shown on the plan with a note explaining present or proposed use, size and material content.
17. A final drainage and utilities plan to contain the following information:
 - 1) A system of drainage designed in accordance with Section XII-F of these regulations.
 - 2) A topographical plan, based on an on-the-ground survey, showing two-foot contour intervals with spot elevations to the nearest 1/10th (one-tenth) of a foot. The plan shall be drawn to a scale of one (1) inch equals fifty (50) feet and shall show the location of all elevation points and horizontal control points including topographical traverse control points.
 - 3) Location of test pits and percolation test holes; location of 75 foot well radius.
 - 4) The test pit log, which shall include map symbols, soil names, depth to bedrock, seasonal high-water table, permeability and soil limitations, and the percolation test rates and the dates observed.
 - 5) When the water table is encountered, a water sample is to be taken from at least one (1) test pit per lot and analyzed for content. A copy of the water sample results shall be submitted to the Board for review.
18. Driveway location and designs shall be shown on the plans for every lot proposed.
19. Source of Soils Information.
 - 1) The subdivision or site plan shall provide soil maps and information in accordance with Site Specific Soil Maps for New Hampshire and Vermont SSSNNE Special publication No. 3, June, 1997.
 - 2) Map prepared by field examination shall be prepared and stamped by a Certified Soil Scientist.
 - 3) All costs of preparing soil data shall be borne by the applicant.
 - 4) HISS Mapping will be permitted to be utilized by applicants with accepted applications that pre-date December 31, 1998. All applicable regulations to HISS Mapping Standards, Section 260-11 in the Town of Pelham Subdivision Regulations dated 5-5-94, must be adhered to if this soil mapping is chosen to be utilized prior to December 31, 1998.
20. Waiver Requests shall be submitted in writing as specified in Section VI herein.

C. Other Information

1. State highway/Town driveway permit, as applicable;
2. Any other state and/or federal permits.
3. Any deed restrictions, and all deeds covering land to be used for public purposes, easements and rights-of-ways over property to remain in private ownership, and rights of drainage across private property are submitted in a form satisfactory to the Board's Town Counsel.
4. Economic, traffic and environmental impact studies shall be provided for all subdivisions containing ten (10) or more lots.
5. Any additional reports or studies deemed necessary by the board to make an informed decision, including but not limited to: traffic, school, fiscal, and environmental impact analyses. The board reserves the right to request such information after an application has been accepted as complete.

SECTION VII - DEVELOPMENTS HAVING REGIONAL IMPACT

- A. All applications shall be reviewed for potential regional impacts. Upon such a finding, the Board shall furnish the regional planning commission and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 72 hours of the meeting.
- B. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

SECTION VIII - SPECIAL FLOOD HAZARD AREAS

- 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 Act Amendments of 1972, 33 U.S.C. 1334.
- B. The Board shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals base flood elevation data. Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:
 - 1) All such proposals are consistent with the need to minimize flood damage;
 - 2) All public utilities and facilities, such as gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - 3) Adequate drainage is provided so as to reduce exposure to flood hazards.

SECTION IX - PERFORMANCE GUARANTEE

- A. As a condition of approval, the Planning Board shall require the posting of a performance guarantee in an amount sufficient to cover the costs of construction of streets, public improvements, drainage structures, extension of water and sewer drains, and other improvements of a public utility nature. The amount of the security shall be based on an estimate of costs provided by the subdivider and reviewed by a licensed engineer retained by the Planning Board. The applicant shall pay all costs for that review. The applicant shall either file a performance bond, a deposit of money or a bank passport, or any other security determined by the Planning Board to be sufficient to cover the costs of all required improvements. The amount of the required security shall be based upon the present construction costs of all required

improvements and an additional 10% per year as a cost escalation factor. The security shall be approved as to form and sureties by the Board and Town Counsel. Each approved plan shall be granted a time period not to exceed two years unless extended by mutual consent of the applicant and the Town for the completion of street and other public improvements. Extension of the time period must be acted upon by the Planning Board at a properly noticed public meeting. All securities shall be held by the Treasurer of the Town and in accordance with RSA 673:16. The Treasurer shall not draw upon or release any security until the Treasurer is in receipt of a statement from the Planning Board or its designees stating the purpose and amount to be drawn or released.

- 1) Completion of all required improvements except the installation of curbing as required by the plans and XII-F; Class A crushed gravel as required by the plans and XIV-H; bituminous concrete as required by the plans and XIV-I; topsoil as required by the plans and XIV-B-2; and fertilizer and seed as required by the plans and XIV-B-3 within six months of the execution date of the bond agreement.
- 2) Curbing as required by the plans and XII-F; the Class A crushed gravel as required by the plans and XIV-H; the bituminous concrete as required by the plans and XIV-I; the topsoil as required by the plans and XIV-B-3 and shall not be installed until all other improvements have weathered one (1) complete winter and shall not be installed between November 1 and May 1 of the following years. These items must be completed within two years (2) of the execution date of the bond agreement.
- 3) An amount sufficient to guarantee the installation of curbing as required by the plans and XII-F; Class A crushed gravel as required by the plans and XIV-H; bituminous concrete as required by the plans and XIV-I; topsoil as required by the plans and XIV-B-2; and fertilizer and seed as required by the plans and XIV-B-3.
- 4) Delivery of one (1) mylar plan and two (2) copies signed by the Chairman and Secretary, upon completion and approval by the Board of the improvements required to be completed within six (6) months.
- 5) The completion of all improvements by the town, if the developer fails to complete any of the improvements. If the developer defaults on the improvements required to be completed within six (6) months, the Board shall have the option to extend the period or revoke all approvals and use the bond money to restore the land, to the extent feasible, to its original state.
- 6) The submission of written required improvements status reports to the Board.
- 7) The withholding of all building permits until the signed plans are delivered to the developer.
- 8) Additional clauses deemed necessary by the circumstances of the particular subdivision for the adequate protection of the town.
- 9) Street signs stop signs and any other signs needed shall be installed by the subdivider before any building permit is issued. The signs are to be the same

design and material that is used by the Pelham Highway Department at the time the subdivision is constructed.

SECTION X - RELEASE OF PERFORMANCE GUARANTEE

- A. Upon completion of all improvements, the applicant may send by registered mail to the Town Clerk and the Planning Board a written statement that the said improvements in connection with which such bond, or deposit has been completed in accordance with the Town's requirements. If the Planning Board determines that said construction of installation has been completed, it shall notify the Town Treasurer that it releases the interest of the Town in such a bond or deposit and that it shall be returned to the person or persons who furnished same. However, ten percent (10%) of the value of the bond shall be held by the Town for a period of twelve (12) months after the completion of construction and installation of the improvements. Prior to the final release, the "as-built" plan and description shall be submitted.

The Planning Board shall request, approximately sixty (60) days before the expiration of the twelve (12) months, an inspection of said street or way or portion thereof by the Planning Board Engineer to determine whether or not defects have developed therein, and determine whether or not it should recommend the layout out of said street or way or portion thereof as a public way. If the recommendation is in the affirmative, the Planning Board would recommend to the Town that these street(s) be accepted at Town Meetings.

Prior to releasing the Town's interest in a performance bond or deposit the Planning Board shall receive from the developer an Acceptance Plan (See Section XI) and from the following Town Officials written statements of approval.

- 1) From the Town's Consulting Engineer (hired by Planning Board) as to construction of all ways and sidewalks, installation of monuments, street signs, traffic signs, lane pavement, lights, gutters and curbs, required grading and drainage, and planting and seeding;
- 2) From the Town Engineer (hired by Planning Board) as to the installation of adequate lot drainage.

If the Planning Board determines that said construction or installation has not been completed, it shall specify to the developer, in writing, by registered mail, the details wherein said construction and installation shall have failed to comply with the required improvements.

SECTION XI - ACCEPTANCE BY THE TOWN

- A. The subdivider shall file with the Planning Board a final plan on tracing cloth of completed street or streets, together with proper legal descriptions for initiating an article in Town Warrant pursuant to the acceptance of the streets by the Town Meeting. The developer shall have prepared and certified by a Registered Land Surveyor an "As-built" plan drawn with India ink on tracing cloth (size 18" x 24" or 24" x 36") showing widths, lengths, bearings of all boundary lines of streets and easements and radii, tangents and central angles of all curves in street lines and shall show all utilities. It shall show that all stone bounds have been set. A blank space (4" x 8") shall be provided on the lower right hand corner of the plan for a title block to be filled in by the developer. The surveyor shall place a certification on the plan stating "The street (or way or portion thereof) is laid out and the bounds have been set as shown on this plan" and shall be dated, signed and the surveyor's stamp affixed thereon. The plan shall be submitted and signed by the Board of Selectmen. Upon acceptance by the Town, the subdivider shall grant a deed to the Town of the streets as contained in the plan, said deed to be recorded by the Town Clerk upon acceptance of the streets by the Town meeting.

SECTION XII - DESIGN STANDARDS.

A. STREETS.

1. Location.

- a. The street system shall conform to the Master Plan, if any, of the principal streets, as adopted in whole or in part by the Board;
- b. The creation of street layouts shall allow for proper access to adjoining property which is not yet subdivided. Unless approved by the board, all layouts shall continue to property lines. Street construction within these layouts may not be mandatory, but the ways shall be laid out and bounded for acceptance along with these roadways being constructed.
- c. Reserve strips which prohibit access and or contiguous streets to abutting property shall not be allowed.
- d. Streets that cannot be extended and will be permanently terminated will not have a greater centerline length than 560 feet prior to the beginning of the termination.

2. Alignment.

- a. Streets shall be continuous and in alignment with existing streets as far as possible. Centerline offsets of less than one hundred fifty (150) feet will not be allowed. The subdivision street system before leaving the confines of Pelham shall connect directly with a pre-existing paved public way. Such pre-existing paved public way shall itself, before leaving the confines of Pelham, connect with another paved public way. Additionally, such paved ways must have the capability of

reasonably serving the increased traffic that will be generated by development of the proposed subdivision. No subdivision street shall connect with any unpaved public way.

- b. The minimum allowable centerline radius of curvature of a street shall be one hundred fifty (150) feet. Greater radius may be required on major streets. All plan curves must be designed and constructed at a constant radius. Reverse curves of less than three hundred (300) feet radius shall be separated by tangents of not less than three hundred (300) feet. Where a plan curve and vertical curve are to occur at the same point along any street, the engineer or surveyor shall certify that the sight line distance shall not be less than three hundred (300) feet from any point in either direction.

3. Width.

- a. The minimum width of street rights-of-way shall be fifty (50) feet. The Board may, however, require a greater width of right-of-way for major streets or where slopes may factor to maintain cul-de-sacs. Cul-de-sacs shall be permitted only with approval of the Board. When permitted, all cul-de-sacs shall terminate in turnarounds as required by the Board (See appendix).

4. Grade.

- a. Streets shall intersect at right angles, and the grade at the intersection shall be not more than two percent (2%) for a distance of one hundred (100) feet from the intersection, or as approved by the Board; however, in no case may the grade exceed three (3%) percent at the intersection.
- b. The grade of streets shall be not less than one percent (1%) any more than eight percent (8%) for a major street or a grade of ten percent (10%) for a secondary street. No street shall have a grade in excess of eight percent (8%) for a distance in excess of one thousand (1,000) feet, except that a 10% grade may be allowed at the discretion of the Planning Board where its distance is not greater than 1,000 (one-thousand) feet. In what the Board determines to be a severe slope condition, the Board may accept waiver requests for a maximum grade of twelve percent (12%) for a distance not greater than three hundred (300) feet and not to exceed the average grade greater than ten percent (10%) for one thousand (1,000) feet provided by a professional engineer. Changes in grade shall be accomplished by vertical curves of suitable dimensions.

5. Monuments.

- a. Granite stone bounds (See Appendix) shall be installed at all intersections or streets, at all points of change in direction or curvature of streets, also at the front lot corners of each lot and along all property lines direction change where drill holes cannot be placed in existing stone walls. The Board may require further monuments necessary to control the lines of streets. Monuments shall be installed and shown on each plan whether or not the subdivision involves street construction. Stone walls existing as boundaries shall not be removed or altered except to gain access to abutting properties and then shall be removed only for the minimum distance. Care should be given for interior stone walls within the subdivision. Boundaries to incorporate these walls in proposed future lot lines. The Board may consider “no cut zones” to preserve the heritage of these stone walls.

6. Signs.

- a. The subdivider shall provide sufficient funds for the Town to install street signs and pavement markings.

7. Lights.

- a. Street lights, of such number and design, and in such locations as may be specified by the Board, shall be installed by the subdivider. All lights shall be sodium-vapor lamps and shall turn on and turn off by light-sensitivity.
- b. The subdivider shall be responsible for the installation and operation of all the lights until the final bond is released.

8. Trees. All deciduous street trees shall be clear of any branches from the level of approved grade to a point of seven (7) feet above the ground.

- a. Street trees of approved species and size, (12) twelve feet in height, two inches (2) in caliper, measured four (4) feet above approved grade, planted with a minimum of one-half (1/2) cubic yard of topsoil, shall be placed two (2) feet behind the back of the sidewalk, and every seventy five (75) feet of running center line length of roadway on both sides of the road.
- b. Recommended street trees of four (4) different species shall be used on an even proportion of all the street. The list of recommended street trees are as follows:

Fraxinus Ornus

Flowering ash

Fraxinus Americana

White ash	Tilia Tomentosum	Silver Linden
Liquidambar Styraciflua	Sweet Gum	Plantanus Acerifolia
London Planetree	Acer Campestre	Norway Maple
Acer Saccharum	Sugar Maple	

B. LOTS

1. Frontage

- a. All lots, except those for the use of industrial buildings, shall have at least two hundred (200) continuous feet of frontage on a publicly approved street. A publicly approved street is a Class V street that has been approved by the Planning Board and the Town. Streets which have been discontinued as an open highway and made subject to gates and bars by a vote of the Town, pursuant to RSA 238:2, shall not have the status of a publicly approved street and shall not be used to meet frontage requirements. Frontage requirements cannot be met by private easements or rights-of-ways. Lots for the use of industrial buildings shall have at least two hundred (200) continuous feet of frontage on a publicly approved street, or at least two hundred (200) continuous feet of frontage on a clearly defined fifty-foot wide privately owned right-of-way. Whenever a lot for the use of an industrial building has its frontage on a privately owned right-of-way, all setback lines will be measured from the edge of the privately owned right-of-way. All required frontage shall be located entirely within the Town of Pelham. Proposed subdivision activity is not allowed to landlock another parcel. Developers must provide at least a fifty-foot frontage to adjacent parcels when deemed necessary by the Board at locations to be approved by the Board.

2. Street Re-Alignments.

- a. The front lot line of every lot shall be set back at least twenty-five (25) feet from the centerline of the publicly approved streets serving the lot. All lots on roads having less than a fifty-foot right-of-way shall have a separate plot plan for each lot showing the exact location of the house, septic system and well to be at least fifty-five (55) feet from the center line of the road. If the subdivider deeds to the town, as a donation, the amount of land necessary to bring the road to a fifty-foot right-of-way, the separate plot plans will not be required.

3. Sizes.

- a. **Residential Lots.** For subdivision purposes, minimum lot sizes for residential lots shall be not less than one (1) acre [forty-three thousand, five hundred sixty (43,560) square feet], containing the 35,000 square feet of contiguous high and dry area. For the purposes of this Section, a “dwelling unit” is defined as one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. Whenever the average slope of thirty percent (30%) or more of any lot exceeds a grade of fifteen percent (15%) minimum land area required by this section shall be increased by fifty percent (50%). Whenever any part of any leach field will be located within two hundred fifty (250) feet of Little Island Pond, Gumpus Pond, Long Pond, Harris Pond, Beaver Brook, Golden Brook, New Meadow Brook, Little Island Pond (Gage) Brook, Gumpus Pond Brook, Tony’s Brook or Harris Brook, the minimum land areas required above shall be increased by thirty-three (33%). All calculations used to determine lot sizes to meet the requirements of this section must be submitted as part of the complete subdivision application.
- b. **Industrial Lots.** No lot for the use of an industrial building shall be less than two (2) acres in size.
- c. **Commercial Lots.** No lot for the use of one (1) or more commercial buildings shall be less than sixty thousand (60,000) square feet in size.
- d. **Computation.** In computing the minimum lot sizes required by Section XII-B-3(a), (b), & (c) above, the following land areas shall not be counted but shall be shown on the plan giving the total square footage of such non-usable land:
 - 1. Land areas located outside of the geographical boundaries of the Town of Pelham;
 - 2. Land areas located within any Recreational-Conservation-Agricultural District;
 - 3. Land areas having wetland soils symbols as defined in Section A of Definitions;
 - 4. Land areas that would be flooded by a one-hundred-year flood, the scope of said one-hundred-year flood to be determined by the United States Department of Housing and Urban Development and the Federal Insurance Administration;
 - 5. Land areas that are deemed hazardous by the Planning Board. “Hazardous Land” is defined as land that is of such a character that it cannot be safely used for building purposes because of potential danger to health and safety from flooding, explosion, fire pollution, ledge, landslides, lack of water, unstable soils, soil erosion, inadequate access or other menace. “Hazardous Land” includes, but shall not be limited to, land areas within the New England Power Company’s high-voltage power line

easements and land areas with a slope in excess of twenty-five percent (25%).

6. Land areas that are or have been the subject of an excavation, as defined by RSA 155-E, I and II, and which have not been restored in accordance with the Pelham Hazardous Pits Ordinance, [Editor's Note: See Chapter 208, Excavations.] RSA 155-E and regulations adopted subsequently by the Board, whether or not such restoration is or was required by the Pelham Hazardous Pits Ordinance or RSA 155-E or the regulations adopted subsequently by the Board.
- e. **Additional Requirements.** In addition to meeting the minimum lot size requirements contained herein, the subdivider shall meet all minimum lot size requirements imposed by the regulations established by the New Hampshire Water Supply and Pollution Control Commission, imposed by the Pelham Zoning Ordinance and imposed by the Pelham Health Ordinance. No waiver of minimum lot size requirements by the New Hampshire Water Supply and Pollution Control Commission, the Pelham Board of Adjustment or the Pelham Health Officers shall be binding upon the Pelham Planning Board for subdivision purposes. In appropriate cases, the Planning Board may vote to concur with such a waiver by granting a variation pursuant to Section V of these regulations.

4. Shape.

- a. Lots will be shaped to form a residential neighborhood that is attractive to the eye, which takes advantage of natural topography, best preserves environmentally sensitive areas, and contributes to maintaining the rural atmosphere of the Town. Lots of exactly the same shape are acceptable but sub-dividers are encouraged to use creativity to maximize the value and attractiveness of the neighborhood for future residents and to the town. If lots are proposed which are all the same shape, the sub-divider must demonstrate to the Planning Board how this configuration benefits the sub-divider, the neighborhood, and the town. Pie shaped lots and shapes that, in the judgment of the Planning Board, have the potential for creating problems between neighbors are to be avoided. They will generally not be approved.

5. Steep-Sloped Lots.

- a. Whenever the average slope of more than twenty-five percent (25%) of a proposed lot exceeds fifteen percent (15%), a separate topographical plan of the lot, drawn to a scale of one (1) inch equals twenty (20) feet

or to such other scale as the Board may designate, shall be prepared, and six (6) copies shall be submitted to the Board. The separate topographical plan shall be based on an on-the-ground topographical survey with at least one (1) elevation point taken for every two thousand (2,000) square feet of land. The elevation points shall be evenly distributed over the lot and the elevation points, and numbers shall be shown on the plan. The separate topographical plan shall show existing contours, using two-foot contour lines, the actual location of at least one (1) benchmark, all exposed ledge and all ledge within two (2) feet of the ground surface; and the proposed location of all driveways, buildings, septic systems and wells to be constructed or installed on the lot. In addition, six (6) copies of the proposed profile of each driveway shall be submitted to the Board. Whenever, in the opinion of the Board, the topography so requires, the Board may request such additional information as it deems necessary to determine whether a proposed lot may be properly developed.

C. SIDEWALKS

Sidewalks of not less than four (4) feet in width, and conforming to the grades of the street, shall be constructed on one (1) or both sides of streets when, in the opinion of the Board, such sidewalks are necessary. Sidewalks shall be constructed in all new subdivisions within one (1) mile of a church or school. If sidewalks are required, specifications are as follows: The sidewalk shall be constructed five (5) feet behind the curb line of the street with a base of eight (8) inches of crushed gravel and having a minimum thickness of two and one-half (2 ½) inches after compression of bituminous concrete applied in two (2) courses. Handicap ramps shall be provided at street intersections and at the point of termination and constructed to state specifications.

D. WATER SUPPLY

- a. No lot in a proposed subdivision shall be approved until it is established to the satisfaction of the Board that the lot can be provided with an adequate economic supply of potable and palatable water. Where, in the opinion of the Board, the geology or elevation of the land so requires, the Board may require drilling and pumping of test wells before granting subdivision approval.
- b. When each lot is to be supplied by its own individual well, the proposed location of the well shall be shown on the plans by an appropriate symbol. Individual wells must be located in a minimum of seventy-five (75) feet from any leach field and septic tank. All wells shall be set back a minimum of forty (40) feet from the edge of the road right-of-way.
- c. When more than one (1) lot is to be supplied by a single well or a group of wells, that is, when a water system is to be utilized to supply the subdivision, plans and specifications showing the site and location of the wells, storage

tanks, water mains, fire hydrants, etc. shall be submitted in triplicate to the Board for approval. Those plans and specifications shall be in conformance with the American Water Works Association's standards for municipal water systems and meet all applicable Federal and State standards for public water systems. All water mains shall be made of ductile iron and shall have a minimum inside diameter of eight (8) inches. Water main sizes and hydrant spacing shall meet the minimum fire flow requirements established by the New Hampshire Board of Fire Underwriters.

E NATURAL FEATURES.

1. Where a proposed park, playground, school or other public use shown in the Master Plan is located in whole or in part in a subdivision, the Board may require that dedication or reservation of such area within the subdivision in those cases in which the Board deems such requirement to be reasonable.
2. Upon consideration of the particular type and size of the subdivision, especially in developments not anticipated in the Master Plan, the Board may require the dedication or reservation of such other areas or sites of a character, extent and location suitable to the needs created by such development for open space, schools, parks and other public facilities.

F. DRAINAGE.

- a. **Storm Drains, Culverts, Underdrains & Related Installations.** Storm drains, culverts, underdrains and related installations, including catch basins, gutters, ditches and manholes, shall be installed within the subdivision, as necessary, to permit the unimpeded flow of all natural watercourses; to ensure adequate drainage of all low points, sags in roadway, upstream corners of the roadway at intersections; to control erosion; and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained. Such drainage facilities shall be located in the street right-of-way, where feasible, or in perpetual unobstructed easements of appropriate width.
- b. **Drainage Structures and Class IV Reinforced Concrete Pipe.** Drainage structures, culverts or other drainage facilities shall, in every case, be large enough to accommodate potential runoff. At no time shall the minimum pipe size be less than fifteen (15) inches of Class IV reinforced concrete pipe (RCP). All RCP shall be laid on a minimum of six (6) inches of crushed stone no smaller than three-fourths (3/4) inch. Backfill must be gravel or sand. At no time shall corrugated pipe be used. Where adjacent property is not subdivided, pipe sizing, grades and location shall be in such a manner as to facilitate the proper extension of the drainage system.
- c. **Acceptable Drainage Method.** For normal drainage, peak runoff rates shall be estimated using the acceptable drainage method approved by the Planning Board with a twenty-five year storm frequency. All culverts shall be designed to ensure that there will be no washout of the road during a fifty-year

frequency storm. Culverts crossing street rights-of-way shall extend from one edge of the right-of-way to the other.

- d. **Responsibility for Drainage Downstream.** The subdivider's engineer shall provide such information as the Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside of the area of the subdivision. Where the Board anticipates that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility so that there will be damage to private property or an increase in the expenditure of public funds, the Board shall not approve the subdivision until the subdivider makes adequate provisions at the subdivider's expense for all downstream drainage. Open drainage ditches shall be properly stabilized.
- e. **Catch Basins.** Catch basins will be required on both sides of the roadway on continuous grade at intervals of not more than four hundred (400) feet and shall conform to the Town's standard details. The use of catch basins is to accept surface water and channel it into the storm drainage system, therefore each catch basin will be independent of each other and the drain manholes will be used in the storm drainage system. At the low point on all vertical curves of the street and at all intersections, double grated catch basins will be used. Storm drains and culverts shall not be less than twelve (12) inches inside diameter. The subdivider's engineer shall be responsible in determining if, for the particular system, shorter spacing of catch basins and/or larger pipe sizing is required. Where ditches are utilized, provision must be made at all driveways to ensure even uninterrupted flow of drainage. (The catch basin standard details are located in the Appendix).
- f. **Curbing.** Curbing is required lining for both sides of all streets where grades are in excess of four percent (4%), and the roadway is to conform to the town's typical cross section with curb."
- g. **Natural Waterways.** Natural waterways shall be utilized to the fullest extent feasible.
- h. **Culvert Cover.** There shall be at least twenty-four (24) inches of cover over culverts crossing roadways, and for culverts over fifteen (15) inches in diameter, the Board may specify additional depth of cover. All culverts shall have headers of pre-approved design.
- i. **Erosion and Sedimentation Control.** A subdivider's engineer shall provide adequate control of soil erosion and sedimentation in the development of land. The following provisions shall apply:
 - 1. **Definitions.** As used in this section, the following terms shall have the meanings indicated:
 - a. **County Conservation District** - The Hillsborough County Conservation District (hereafter HCCD).
 - b. **Development** - Any construction or grading activities to improved or unimproved real estate.

- c. **Disturbed Area** - An area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
- d. **Erosion** - The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- e. **Grading** - 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.
- f. **Inspection** - The periodic review of sediment and erosion control measures shown on the certified plan.
- g. **Sediment** - Solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.
- h. **Soil** - Any unconsolidated mineral or organic material of any origin.
- i. **Soil Erosion and Sediment Control Plan** - A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

2. **Certified Erosion and Sediment Control Plan.** A soil erosion and sediment control plan shall be provided for all subdivisions. Additionally, applicants may request the Board to waive this requirement upon recommendation of the HCCD.

3. **Exemptions.** A single-family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

4. **Contents of Erosion & Sediment Control Plan.**

- a. To be eligible for certification, 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 certification are found in the most recent edition of the book entitled “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”. Alternative principles, methods and practices may be used with prior approval of the Planning Board.
- b. Said plan shall contain, but not be limited to, a narrative describing:
 - 1. The development.

** Information taken from “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”, Rockingham County Conservation District, August 1992.*

- a. The schedule for grading and construction activities, including start and completion dates, sequence of grading and construction activities, sequence for installation and/or application of soil erosion and sediment control measures and the sequence for final stabilization of the project site.
- b. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
- c. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
- d. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
- e. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management.
- f. Detention/Retention Basins. All surface water collected in the storm water drainage system shall be discharged into a detention/retention area so that volume of flows, rates of discharges, pollutants, erosion may all be regulated to minimize downstream impacts. Detention area storage volume shall be at least two and one half (2 ½) the times the volume runoff from the design storm (twenty-five years per Section XII-F-C). Release rate from the detention/retention area should be three to one (3 to 1) draw down time to allow time for pollutant removal. Design of these systems shall use “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”.
- g. Any other information deemed necessary and appropriate by the applicant or requested by the Planning Board or its designated agent.

5. Minimum Acceptable Standards.

- a. Plans for soil erosion and sediment control shall be developed in accordance with this chapter using the planning considerations specified in the most recent edition of the book entitled “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire” Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.
- b. The minimum standards for individual measures are those in the most recent edition of the book entitled “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire” *. The Planning Board may grant exceptions when requested by the applicant if technically sound reasons are presented.

** Information taken from “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”, Rockingham County Conservation District, August 1992.*

- c. The most recent edition of the book entitled “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire” *, shall be used in determining peak flow rates and volumes of runoff, unless an alternative method is approved by the Planning Board.

6. Issuance of Denial of Certification.

- a. The Planning Board shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of this chapter or deny certification when the development proposal does not comply with this chapter.
- b. Prior to certification, any plan submitted to the municipality may be reviewed by HCCD which may make recommendations concerning such plan; provided that such review shall be completed within thirty (30) days of the receipt of such plan.
- c. The Planning Board may forward a copy of the development proposal to the Conservation Commission, other review agency or consultant for review and comment.

7. Conditions Relating to Soil Erosion and Sediment Control.

- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, may be covered in a performance bond or other assurance acceptable to the Planning Board.
- b. Development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to development are installed and functional.
- c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.
- d. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

SECTION XIII UNDERGROUND UTILITIES.

- A. Underground utilities shall be required in all new subdivisions. Underground utilities shall not be installed until the subgrade construction is complete. They shall, however, be completed before the gravel is placed on top of the subgrade. For the installation of underground utilities, New Hampshire Public Utilities Commission Policy Number Ten, entitled "Policy Utilities Commission Policy Number Ten", entitled "Policy for Installation of Underground Distribution, Equipment for Residential Developments and Mobile Home Parks", shall be followed. As-builts shall be provided for all underground utilities prior to release of bond.

** Information taken from "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire", Rockingham County Conservation District, August 1992.*

SECTION XIV - ROAD CONSTRUCTION.

- A. **General Rules.** Each of the following operations shall be completed, inspected and approved in writing before the next step is begun.
 1. After clearing, stumping and mulch removal, all work required prior to subgrade construction.

2. After the subgrade has been completed;
3. After the underground utilities and drainage have been completed. (No work is to be covered until inspection is completed).
4. After application of the gravel, prior to paving and loaming.
5. All paving.
6. Final inspection.

B. Preparation of Rights-of-Way.

1. All stumps, soft clay, mulch, loam, peat and all other yielding material or material subject to organic decomposition shall be removed from the entire limit of the right-of-way.
2. When on-site disposal of stumps and rocks is proposed, all rock and stump dumps must be shown on all plans. All dumps will be located on side lot lines and shall not exceed ten (10) feet on either side of the side lot line and shall be no longer than one hundred (100) feet in length.
3. All excavating and filling required for construction of improvements shall be as specified herein. The entire area of work shall be brought to the required lines and grades by excavation or filling. Excavating material, if suitable, may be used in making embankments and in filling low areas. A minimum of four (4) inches of topsoil shall be provided to cover over all finished slopes. All streets shall be graded from property line to property line to approved grade and cross section.
4. All topsoil within the right-of-way shall be fertilized and seeded in accordance with standards and specifications found in the most recent edition of the book entitled “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”.

C. Stumps, Wood, Roots, Sod.

1. No stumps, wood, roots, sod or other fibrous material shall be placed in any embankment. The materials so removed shall not be placed in embankments, but may be used in flattening embankment slopes or for filling low spots outside the road section. The Board may require the developer to submit evidence of boring and/or other soil investigations to determine the depth, composition and stability of the subgrade within the road section.

** Information taken from “Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire”, Rockingham County Conservation District, August 1992.*

D. Embankments.

1. Embankments shall be formed of suitable and acceptable excavated materials and brought to the required lines and grades. The material for embankments and subgrades shall be placed in successive compacted horizontal layers, not exceeding six (6) inches in depth, extending across the entire fill area. They shall be spread by a bulldozer or by other acceptable methods and shall be thoroughly compacted. Successive layers shall not be placed until the layer under construction has been thoroughly compacted. Where embankments are made of rock, the rock shall be so deposited that all voids are filled with earth and in such a way that the compaction specified above may be secured.

E. Subgrade.

1. Upon completion of filling and excavating, the subgrade shall be formed to the required grade and contour, and the entire surface again rolled as specified above. High spots shall be removed and low spots filled with an acceptable material and the process of leveling and rolling continued until no further depression results. The subgrade shall be 2 ½ feet above seasonal high water mark.

F. Side Slopes.

1. Side slopes in embankment and on roadside drainage ditches shall descend one (1) foot vertically for at least three (3) feet horizontally [three (3) on one (1)]. Surplus material resulting from excavation of the road prism shall be used to flatten slopes of embankment so that they ascend one (1) foot vertically for at least three (3) feet horizontally [three (3) on one (1)]. Side slopes in excavation rock shall ascend six (6) feet vertically for at least each one (1) foot horizontally [one (1) on six (6)]. Where rock cuts have a face higher than ten (10) feet vertically, a three (3) foot berm shall be provided at each ten (10) foot level above the grade at the edge of the pavement. Side slope cuts and fills shall not extend more than twenty-five (25) feet beyond either side of the street right-of-way, and shall not create resulting slopes in excess of [three (3) on one (1)]. When, in order to meet the foregoing side slope requirements, it is necessary to extend the side slopes beyond the limits of the street right-of-way or onto land not part of the subdivision, suitable slope easements must be properly established and granted by the affected property owner.

G. Base of Road.

1. The base of the road shall be composed of a minimum of twelve (12) inches of bank-run gravel, including material up to three (3) inches in diameter, with a maximum of ten percent (10%) passing a No. 200 sieve. The base shall be laid in separate six (6) inch compacted layers to a minimum width of thirty (30) feet, centered within the right-of-way. The source of all gravel shall be reviewed by the Town Engineer and must be approved in writing prior to placement in any street.

H. Crushed Gravel on Base.

1. On the base shall be laid a minimum of six (6) inches of crushed gravel, spread to a minimum width of twenty-eight (28) feet on streets. The crushed gravel shall meet the specifications for crushed gravel set forth in Sections 2.1.3.1 and 2.1.3.2 of the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Public Works and Highways, approved and adopted 1974.

I. Pavement.

1. The pavement shall be a two-course Type I-1 bituminous concrete, laid to a minimum of twenty-six (26) feet with a two (2) inch base course and a one and one half (1 ½) inch wearing surface. (See Town's Standard Road Sections - the Standard Road Sections are located in the Appendix).

J. Construction Not Covered by Specifications Set Forth in This Section XIV.

1. All construction not covered by specifications set forth in this chapter shall be done in accordance with the Standard Specifications for Road and Bridge Construction, State of New Hampshire, Department of Public Works and Highways, approved and adopted 1974. The owner, contractor or subdivider is responsible for all engineering work, and all references to measurement and payment therein are for the convenience of the owners and subdividers in dealing with their own contractors and shall not refer to the Town of Pelham cross sections and details, are a minimum for residential subdivisions and may be changed in the case of streets for commercial or industrial areas that would receive heavy truck traffic. Said cross sections and details are on file in the office of the Town Clerk and are available from the Planning Department.

SECTION XV - REQUIRED INSPECTIONS.

A. General Rules and Requirements. Each of the following operations shall be completed, inspected and approved in writing before the next step is begun. There shall be at least three unannounced inspections of each project and if deemed necessary by the Planning Director additional inspections shall be authorized. Any inspection that is rejected must be reinspected before the work can continue. Authority for compaction tests and staking of the road - the Planning Board Engineer and/or Planning Director has the authority to request compaction tests when deemed necessary.

1. Prior to the start of construction the erosion and sediment controls are in place;
2. After clearing, stumping and mulch removal, all work required prior to subgrade construction;
3. After the subgrade has been completed;
4. After the underground utilities and drainage have been completed. No work is to be covered until the inspection has been inspected and approved.
5. After application of each level of gravel
6. After binder course;
7. After wear course.
8. The subdivider shall be responsible for showing any substantial deviation from plans originally approved by the Planning Board.
9. The Planning Board Engineer and/or Planning Director reserves the right to secure an as-built plan if, in his/her opinion, substantial deviation from the plans originally approved by the Planning Board has occurred.

B. Final Inspection.

1. A final inspection may be requested, pursuant to Section X (Performance Guarantee) of these Subdivision Regulations. This inspection shall be a visual inspection to determine compliance with the approved plans, where a punch list shall be generated to the Planning Board for compliance. The developer shall have a final as-built plan made showing all utilities, finish grades, bounds, drainage showing location and inverts and all other required documents must have been submitted to the Town at this time.

SECTION XVI - RESERVATION STRIPS.

- A.** No plan which incorporates so-called reservation strips which would prevent further extension of development shall be approved.

SECTION XVII - COMPREHENSIVE PLAN-PREMATURE DEVELOPMENT.

- A. Comprehensive Plan.** The Pelham Zoning Ordinance, the Pelham Building Code, the Pelham Health Regulations, the Pelham Land Subdivision Regulations, the Pelham Site Development Regulations, the Pelham Capital Improvements Program, the Pelham Master Plan and applicable state statutes and regulations constitute and provide a Comprehensive Plan for the orderly development of the Town of Pelham.
- B. Objectives of Comprehensive Plan.** Among the many objectives of the Comprehensive Plan for the orderly development of the Town of Pelham are the following:
1. The preservation of the rural environment, small town character, open spaces and cultural heritage now attached to the Town;
 2. The development of the town in a reasonable, orderly attractive manner, rather than in a completely haphazard and unattractive manner.
 3. The development of the Town at a rate of growth which will allow the Town to provide adequate police and fire protection; adequate, safe, well-maintained streets and highways; uncrowded, adequately equipped and staffed schools and other public services without overburdening the financial resources of the Town and its residents;
 4. The development of the Town in a manner that will not make residency in the Town financially unattainable to low and moderate-income families;
 5. The development of the Town at a rate of growth that will not outdistance the Town's ability to adjust to the growth.
- C. Findings.** The Pelham Planning Board makes the following findings with respect to the Comprehensive Plan for the orderly development of the Town of Pelham:
1. The Board finds that the premature development of large tracts of land will hinder the Town in its effort to accomplish and fulfill the many objectives of its Comprehensive Plan.
 2. The Board finds that the complete subdivision of large tracts of land within a relatively short time period would endanger or injure the health, safety and prosperity of the Town of Pelham and would necessitate an excessive expenditure of public funds to provide public services;
 3. The Board finds that the complete subdivision of large tracts of land within a relatively short time period would place an unacceptable burden upon the Town's school system and the financial resources of the residents of Pelham who must support that system;

4. The Board finds that the complete subdivision of large tracts of land within a relatively short time period would have an adverse impact on the quality of the education being provided by the Pelham School System.
5. The Board finds that the complete subdivision of large tracts of land within a relatively short time period would have an adverse impact on the Town's effort to provide adequate police and fire protection and safe, well-maintained streets and highways.
6. The Board finds that, while there is a need to provide housing for the expanding population of this nation, this need is not best served by the rapid premature growth that results from the complete subdivision of large tracts of land within a relatively short time period.
7. The Board finds that the complete subdivision of large tracts within a relatively short time period constitutes premature subdivision of land.

D. Authority. New Hampshire Revised Statutes Annotated 647:36II (a) provides that land subdivision regulations may provide against such scattered premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason or the lack of water supply, drainage, transportation, schools, fire department or other public services; or necessitate an excessive expenditure of public funds for the supply of such services.

E. LIMITATIONS ON THE PREMATURE SUBDIVISION OF LAND. No separate lot of land shall be subdivided into more than ten (10) new separate lots of land during any one (1) calendar year. Any subdivision of more than ten (10) lots shall be built in phases of not more than ten (10) lots per year. For the purposes of this subsection, a separate lot of land is a lot of land which, on January 1, 1978, was carried on the real estate tax assessment records of the Town of Pelham as a separate lot of land.

F. LIMITATION OF COMPUTATION OF NO SUBDIVIDER DESIGNATION. The numerical limitation on the premature subdivision of land imposed by Subsection E above shall apply to the entire original separate lot of land as shown on the January 1, 1978, real estate tax assessment records of the Town of Pelham regardless of how many times the original lot may be subdivided after January 1, 1978. Therefore, in the absence of a designation made by the subdivider, whenever a lot in excess of ten (10) acres is subdivided, each new lot created will carry with it its proportional share of the lot approvals permitted by Section XII. Each lot's proportional share shall be completed by dividing the total acreage of the original lot as of January 1, 1978, into the separate acreage of each new lot. The resulting number, rounded to the next higher whole number, shall determine the number of additional lots that may be created out of the original January 1, 1978 lot. For example, if the original lot, which contained sixty (60) acres on January 1, 1978, were to be subdivided in July of 1978 into two (2) lots, one forty (40) acres and the other twenty (20) acres, in 1979 the forty-acre lot could be

subdivided into seven (7) lots and the twenty-acre lot could be subdivided into four (4) lots.

G. LIMITATION OF COMPUTATION IF DESIGNATED BY SUBDIVIDER. A subdivider, at the time subdivision approval is sought, may designate what proportion of the premature subdivision limitation number shall be conveyed with each new lot. The designated proportion, stated in terms of a percentage of each new lot, shall be clearly shown on the original and each copy of the subdivision plan. The stated percentages shall also be recorded in the minutes of the Board.

20. **High Intensity Soil Survey** - This regulation applies to subdivisions on which an on-site septic tank and leach field system is to be used for sewage disposal and where wetland identification is required. In addition to any other town and state sewage disposal requirements for local subdivision plan reviews or wetland zoning compliance, the following regulations shall apply:
- 1) A base map consisting of an on-the-ground survey shall be prepared using a scale of one (1) inch equals fifty (50) feet, showing all dimensions to the nearest hundredth of a foot, showing a North arrow and having the error or closure not more than one (1) part in eight thousand (8,000).
 - 2) Ground control shall be marked, by the applicant, both on the site and on the plat map(s). The ground control shall consist of numbered flags, stakes, walls, trees, or other easily identifiable points on the property. These points shall be well distributed throughout the site at a density of not less than four (4) points per acres. The numbered points must be identified, by number, on the plat plan. The purpose of this requirement is to provide easy identification for all parties required or interested in examining the site.
 - 3) The location shall be shown of all major site features, such as existing stone walls, fences, buildings, large trees, wooded areas, cleared areas, rock outcropping and ledges, swamps, brooks, streams and other bodies of water.
 - 4) High-intensity soil survey (HISS) maps are to be provided for all subdivisions. Applicants may request the board to waive this requirement upon recommendation of the Hillsborough County Conservation District. Applicants request waiver of the Board, the Board requests recommendation of HCCD and the Board acts upon HCCD recommendation.
 - 5) The HISS maps shall be prepared by a licensed soils scientist in the State of New Hampshire.
 - 6) Eight (8) copies of the HISS maps shall be provided to the Board. In addition to the soils information provided by the survey, the map shall have on it the following:
 - a) The signature of the qualified soils scientist;
 - b) Any qualifying notes made by the soils scientist.
 - 7) If a soils classification provided on the HISS map is in dispute, the Planning Board may request an evaluation of the soils designations by the HCDD.
 - 8) A leach field area of four thousand (4,000) square feet or an area two (2) times the required leach field area, whichever is greater, shall be designated and reserved on each lot.
 - 9) The designated leach field area must be left open and is not to be used for the siting of any incompatible purpose, including but not limited to a driveway or parking area, or structures of any type. Driveways or parking areas may be located over the designated leach field area when chambered systems are to be used.

21. **Site Specific Soil Mapping Standards** - The Board informally requests of applicants, if they so choose, to also delineate soil information required by the Site Specific Soil Mapping Standards. The Board wishes to incorporate these standards by the year 2002, and in the transition would informally request this information. However, this information is not required by these subdivision regulations as it has not yet been formally adopted.