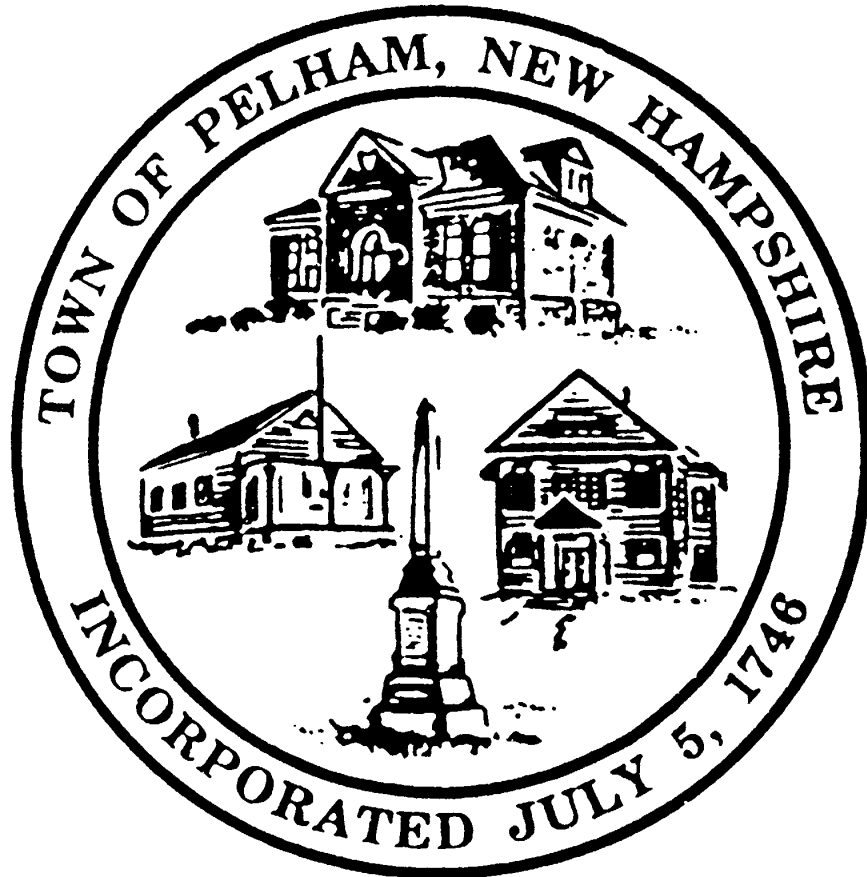


# TOWN OF PELHAM NEW HAMPSHIRE



## RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND CHAPTER 260

**Disclaimer:**

The rules on this page are provided for the convenience of the interested parties. The Pelham Planning Department has taken care with the accuracy of the files accessible here, they are not the "official" administrative rules. Administrative rules are periodically revised and readopted. Although every effort is made to see that the rules on this page are the most current versions available, some lapse in time may occur between adoption and the electronic posting of new rules or other files which may alter the meaning or context of those files. An "official" hard copy of all the Town of Pelham's electronic rules may be obtained at the Planning Department, (603) 635-7811.

These regulations are effective as of November 8<sup>th</sup>, 2001 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.

---

---

# Table of Contents

SECTION 1 - Authority .....	1
SECTION 2 - Purpose .....	2
SECTION 3 - Jurisdiction.....	3
SECTION 4 - Definitions .....	4
SECTION 5 - Administration .....	8
5.01 Communications between the Town and the Applicant.....	8
5.02 Applicant's Authorized Representative .....	8
5.03 Town .....	8
SECTION 6 - Validity .....	9
6.01 Interpretation.....	9
6.02 Conflicting Provisions .....	9
6.03 Saving Clause .....	9
SECTION 7 - Application Process / General Guidance .....	10
SECTION 8 - Preliminary Conceptual Review .....	12
8.01 Conceptual Review .....	12
8.02 Design Review .....	12
8.03 Developments of Regional Impact.....	13
SECTION 9 - Submission of Application, Fees & Forms .....	14
9.01 Application Forms .....	14
9.02 Application Fees .....	14
9.03 Application for Subdivision Review.....	14
9.04 Additional Town Review.....	16
SECTION 10 - Plan Requirements .....	17
10.01 General Principals and Standards .....	17
10.02 Completed Application .....	17
10.03 Specific Plan Information – Existing Site Conditions .....	18
10.04 Specific Plan Information – Proposed Site Conditions .....	19
10.05 Waivers For Specific Plan Submission Requirements .....	21
SECTION 11 - Action on Applications .....	23
11.01 Procedure for Review .....	23
11.02 General Principles and Standards .....	24
11.03 General Design Principles and Standards .....	27
11.04 Lot Shape .....	27
11.05 Driveway, Access, and Road Design .....	29
11.06 Sidewalks and Bikeways.....	31
11.07 Landscaping Design and Plan .....	32
11.08 Protection of Natural and Historic Features .....	32
11.09 Bridges.....	33
11.10 Fire Protection.....	33
11.11 Water, Wells, On-site Sewage, and Hydrogeological Studies .....	33
11.12 Utilities .....	34
11.13 Utility Easements .....	34
11.14 Open Space Design and Requirements .....	35
11.15 Signage .....	36
SECTION 12 - Additional Information and Studies .....	37
12.01 General Requirements for Additional Information .....	37
12.02 Grading, Erosion and Sediment Control and Plan .....	37
12.03 Stormwater Management & Plan .....	38
12.04 Traffic Impact Analysis .....	39
12.05 Environmental Impact Assessment.....	39

SECTION 13 - Action on Applications .....	41
13.01 General Waiver Provision .....	41
13.02 Decisions Of The Board.....	41
13.03 Performance and Maintenance Guarantee .....	42
13.04 Off Site Improvements.....	44
13.05 Recording Procedures .....	45
13.06 Issuance of Building Permits and Certificates of Occupancy .....	45
13.07 Active and Substantial Development.....	45
13.08 As Built Plans .....	45
13.09 Monumentation.....	45
13.10 Expiration of Approved Plans.....	45
Appendix I - Roadway Design.....	47
A. Street Layout, Plan, and Construction.....	47
B. Half-Streets .....	47
C. Reserve Strips.....	47
D. Monument .....	47
E. Metal Pin With an I.D. Marker.....	47
F. Street Names.....	47
G. Street Signs/Traffic Control Devices .....	48
H. Cul-De-Sacs .....	48
I. Alley Ways .....	48
J. Sidewalks, Pedestrian Ways, and Bicycle Paths .....	48
K. Curbs and Gutters .....	48
L. Driveways and Other Accesses .....	48
M. Utilities.....	48
N. Future Utilities .....	49
O. Clearing and Grubbing.....	49
P. Cut and Fill in Street Construction .....	49
Q. Roadway Grades .....	49
R. Grade Stakes.....	49
S. Erosion Control.....	49
T. Drainage .....	50
U. Bridges.....	50
V. Landscaping .....	50
W. Clean-Up.....	50
X. Inspections .....	50
Y. Safety .....	51
Z. Traffic Impact Studies .....	51
AA. Acceptance .....	52
BB. Street Construction Standards.....	52
Appendix II - Cul-De-Sac Design.....	54
Appendix III - Subsurface Sewerage Design.....	55
Appendix IV - Drainage, Erosion and Sedimentation Control .....	56
Appendix V - Stormwater Management Plan .....	59
Appendix VI - Traffic Analysis .....	60
Appendix VII - Hydrogeologic Study.....	61
Appendix VIII - Abutter Notification Form.....	62
Appendix IX - Application Completion Checklist.....	64

## **SECTION 1 - Authority**

Under the authority vested in the Pelham Planning Board by Town Meeting vote, and in accordance with current New Hampshire State Law, including, but not limited to, Chapters 672 through 677 (as amended), particularly sections 674:35 and 674:36 of the Revised Statutes Annotated (RSA) of the State of New Hampshire (as amended), the Pelham Planning Board, herein after referred to as "Board", adopts the following Regulations governing the Review of the subdivision of land within the Town of Pelham, New Hampshire. These regulations repeal and replace all previously adopted Subdivision regulations.

## SECTION 2 - Purpose

The general purpose of this Regulation is to protect the public health, safety, convenience, prosperity and general welfare of the Town, consistent with the policies of the Master Plan, as lots are divided, new land use patterns are established, and new roads and other infrastructure are built. Throughout these Regulations, the Board seeks to balance the process of growth, development, and change with the need to protect and enhance those qualities, which make Pelham a safe and desirable place to live, work, and visit. In keeping with this general purpose, the following are specific objectives:

- Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- Subdivision and development shall be harmonious with the Town and its environs. Developments must contribute to a rational and safe transportation system, provision of appropriate recreational opportunities, and must not be inconsistent with the recommendations of the Pelham Master Plan.
- Provide adequate and coordinated open space, neighborhood parks, and other recreation areas with adequate public access; (See § 11.14 for guidance).
- Provide for proper spacing and patterns of properties and buildings to insure adequate sunlight and air circulation, access for firefighting apparatus and equipment to buildings, and establishment of land use patterns compatible with traditional New England design, especially in new residential neighborhoods.
- Insure that land is of sufficient character to be used for building purposes without danger to health, and additionally ensuring that development does not exceed the capability of the land to safely provide on-site water supply and sewage disposal in areas not served by municipal water and sewer systems.
- Require proper arrangement, design, and construction of streets, sidewalks, pedestrian and bicycle paths, and other transportation improvements to compose a safe, convenient and environmentally compatible system of vehicular and pedestrian travel which integrates with the overall Town and regional systems and provides access for fire-fighting apparatus and equipment to buildings and building sites.
- Insure that proposed streets shall be properly arranged and coordinated in relation to other existing or planned streets.
- Subdivision of land and development shall be provided with adequate services and utilities. (See § 11.10-11.13 for specific requirements).
- Insure that subdivisions that show new streets or narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational uses purposes. (See § 11.14 for specific requirements).

## **SECTION 3 - Jurisdiction**

These provisions shall govern all subdivision of land, as defined herein, within the Town of Pelham. The Board shall require the submission of plans and application and board approval prior to the transfer, sale, lease or rent of lots or any other portion of a subdivision of land; before construction, land clearing, or building development is begun; and furthermore, prior to any plat or plan showing the subdivision of land is recorded at the Hillsborough Registry of Deeds

In all cases, no building permit shall be issued by the building inspector for the construction of any building on land subject to these regulations, until final approval is granted by the Board, and no certificate of occupancy shall be issued until the terms and conditions of the Board's subdivision approval have been fulfilled.

## SECTION 4 - Definitions

**Abutter:** abutter shall mean any person whose property is located in New Hampshire adjoins, or is directly across a street or stream from, the land under consideration by the Board. For purposes of receiving testimony only and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration, for purposes of these regulations anyone who owns land within 200' of the exterior lot line of the subject parcel shall also be considered an abutter.

**Applicant:** applicant shall mean the owner of record of the land which is proposed to be subdivided, including any subsequent owner of record who proposes such development, or the duly authorized, in writing, agent of any such owner.

**Approval:** action by a majority of the planning board signifying that the proposal meets all applicable regulations and that there are no unresolved concerns requiring further board consideration.

**Approval with Conditions Precedent:** action by a majority of the board that signifies that not all of the applicable regulations have been met but that require only minor revisions or non-discretionary issues such as receiving state permits, bonds to be posted with the town, or payment of fees. This action is not a final action of the board and plats shall not be signed. Such approvals may have reasonable time limits for compliance. However, in certain circumstances, such action may result in a "final action" for purposes of appealing the decision to the courts.

**Approval with Conditions Subsequent:** action by the board which includes conditions that appear on the plat or within the minutes or decision which place restrictions on the use of the property or safeguards that must be observed during development of the parcel or once the project is in use. Such issues might include the location of a road, preservation of vegetation and stone walls, etc. Such action is a final action and can result in the signing of plats as long as other issues are met.

**Board:** shall mean the Planning Board of the Town of Pelham, New Hampshire as established under the provisions of RSA 673:2 (as amended).

**Building Envelope:** shall mean the area of a newly created subdivided lot eligible for the placement of dwelling units. Building envelopes are restricted by operation of local federal and state law and can be further restricted in their location by operation of a subdivision approval to enhance the purposes and further the requirements of these regulations.

**Certified Soil Scientist:** a person qualified in soil classification and mapping whom is certified by the State of New Hampshire.

**Certified Wetlands Scientist:** a person qualified in wetland classification and mapping whom is certified by the State of New Hampshire.

**Commercial Uses:** As defined by the Town of Pelham Zoning Ordinance.

**Community Wastewater System:** A non-municipal wastewater disposal system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**Community Water Supply:** A non-municipal water supply system that serves more than one lot. When this type of system is proposed, the design and specifications for the same shall be submitted and shall have been certified by a professional engineer qualified and registered under applicable New Hampshire statutes.

**Completed Application:** this term refers to the application form with all information completed as requested on the form (with the exception of requested waivers from applicable regulations), all attachments, drawings, approvals, additional studies, and other paperwork as requested in the form, elsewhere in these regulations, or required by the planning board, and all fees and administrative expenses as indicated in these regulations. The information provided shall provide sufficient information to allow the Board to proceed with consideration and to make an informed decision. Once accepted an application shall become a public document and carries no restriction as to reproduction or availability.

**Critical Areas:** Areas of any size within 100 feet of a stream, water body, or poorly or very poorly drained soils; areas containing slope lengths exceeding 25 feet on slopes greater than 15 percent; or habitat area that is either necessary or helpful to the future viability of plant and animal species.

**Development:** this term shall mean the construction of improvements on a tract or tracts of land, including the enlargement of a structure or physical changes to the site in an effort to accommodate an intended use.

**Easement:** an easement shall mean the private landowners right or privilege that a person may have in another's land usually for the purpose of installing and/or maintaining utilities, drainage ways, or for access. Such areas shall not be considered presumptive locations for public roadways unless specifically approved as such by the Planning Board.

**Engineer or Surveyor:** these terms shall denote the duly designated, legally recognized, New Hampshire licensed engineer or surveyor employed by the applicant as may be pertinent to the actual services to be performed in accordance with the provisions set forth in RSA 310-A, as amended.

**Frontage:** shall be defined as in the Pelham Zoning Ordinance.

**Hardpan:** this term refers to a compact soil layer high in silt and very fine sand, generally low in clay; its permeability is less than 0.6 inches per hour.

**Improvement:** this term shall refer to site grading, landscaping, street or road construction, and utilities (including water, sewer, electric, gas, storm drainage, and their appurtenances) to be installed or agreed 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 site. Agricultural and silvicultural activities are not necessarily improvements under this definition and may require a case-by-case analysis.

**Individual waste disposal system:** this term refers to any sewage disposal and/or treatment system other than a municipal system or community system.

**Individual water supply system:** this term refers to any water supply system other than a municipal system or a public water system, which provides potable water.

**Lot:** this term refers to a piece or parcel occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by these regulations and/or the Pelham Zoning Ordinance, and having frontage on a public street.

**Lot Line Adjustment:** a lot line adjustment or boundary line agreement where no buildable lots are created. Such action requires notice and opportunity to be heard but does not require a public hearing for board action.

**Plat or Plan:** refers to the complete set drawings, reports, and accompanying information that comprises a submittal in accordance with these regulations. Statements made by the applicant or applicant's agent at public hearings shall also be considered an integral part of the plat or plan upon which a decision was made.

**Public Hearing:** is any meeting on an application that requires public notice in accordance with the minimum requirements of RSA 676:4 (as amended), or these regulations, as applicable.

**Public Meeting:** is any meeting of the planning board that has been properly noticed in accordance with these regulations and/or RSA 91-A (as amended), as applicable.

**Regional Impact:** refers to a proposal before the planning board that could reasonably be expected to impact on neighboring municipality, because of factors such as, but not limited to, size, proximity to border, transportation, emissions, water resource impact, and shared facilities.

**Right-of-way:** refers to any area or interest in land that is intended for public traverse, whether accepted by the town or not.

**Safety Committee:** shall be a committee that shall advise the Planning Board on a wide range of health and safety issues. The membership shall include: Town Administrator, Planning Director, Fire Chief, Police Chief and Town Road Agent.

**Seasonal high water table (SHWT):** this term refers to the upper limit of the ground water in a soil that becomes seasonally saturated with water.

**Sensitive areas:** this term refers to land and resources that possess environmental, cultural, or historic factors that warrant special consideration during planning board review. Such area may include, but are not limited to, historic homes, stream banks, wetlands, wildlife habitat (plant and animal), trails, etc.

**Stream:** A course of water that flows for sufficient time of the year to develop and maintain defined channels by may not flow during dry portions of the year. Includes but is not limited to all perennial and intermittent streams located on USGS maps.

**Street:** as set forth in RSA 672:13 (as amended), street means, relates to and includes street, avenue, boulevard, road, land, alley viaduct, highway, freeway and other ways. The term "streets" shall also apply to areas on any plans designated as streets, roads, lanes, etc.

**Subdivision:** subdivision means the division of a lot, tract, or parcel (which may include one or more tracts, lots, or parcels) of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, for sale, rent, lease, or building development: in short, any division of land which creates the potential for additional dwelling units or bedrooms. 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 for the purpose of these regulations, in accordance with RSA 672:14, as amended.

**Submission:** this term refers to the process of applying to the Board for site plan review, formal submission is the formal presentation of a site plan to the Board at a public hearing, submission is a prerequisite for acceptance of a complete application.

**Upland soils:** refers to soils that are not poorly or very poorly drained in accordance with these regulations.

**Wetlands:** shall be as defined under wetland areas in the Pelham Zoning Ordinance.

## **SECTION 5 - Administration**

The Board may appoint an agent charged with the responsibility of receiving for the Board preliminary plans and final plats, checking them to determine if they meet the requirements of these regulations and making recommendations to the Board. The appointed agent may also be charged with inspecting improvements for compliance with the Board's approval and the requirements of these regulations.

### **5.01 Communications between the Town and the Applicant**

There are many people involved in the processing of each application, and communication problems develop quickly if great care is not taken from the start. To prevent communication problems from developing, it is important for both the Town and the applicant to designate one person each to coordinate all communications. This prevents repetition of questions, prevents two people from giving different answers to the same question, and should help to keep interpretation consistent.

### **5.02 Applicant's Authorized Representative**

The application form requires designation of one person to act as the "authorized representative." All communication to the applicant should be made through this person, and this person should be present at all meetings with the Board. In the text of this Regulations, references to the applicant shall also imply the authorized representative.

### **5.03 Town**

All communications to the Town shall be directed to the Planning Director unless otherwise directed by the Chairman of the Board. This may be common during larger applications, such as when an engineer reviewing the road design needs to talk to the design engineer to clarify issues.

## **SECTION 6 - Validity**

### **6.01 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. The Board may seek information or requirements above these regulations in circumstances requiring greater protection for the health, safety and welfare of Pelham citizens.

### **6.02 Conflicting Provisions**

Where any section of these regulations conflicts with another, or with any other local regulations 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.

### **6.03 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.

## SECTION 7 - Application Process / General Guidance

7.01 The following advice is offered to assist the applicant, especially if the applicant is unfamiliar with land development processes.

- (A) All applicants may need to hire professionals to prepare part or all of the application. In all cases where a plan is to be recorded, a NH Licensed Land Surveyor is required. In some cases, other specialists will be needed, possibly including a licensed Professional Engineer, an attorney, a soils scientist, or others. While such assistance does cost money, their skills and abilities are essential to insure that the Town and applicant have sound information on which to base their decisions.
- (B) The Board is concerned about processing all applications fairly and quickly. To accomplish this, the applicant shares certain responsibilities. The applicant must be properly prepared. This includes reading the Regulations to understand the issues which must be addressed, and includes dealing with all the significant issues up front. Incomplete submittals, or failure to properly address issues will result in unnecessary delays in obtaining a final decision from the Board and may result in an application not being accepted for consideration.
- (C) The applicant must submit all waiver requests in writing with the application at the time of filing of the application. In general, the Board will rule on waivers at the initiation of the process. Some unforeseen issues, however, may be discovered later in the process and require a waiver to be addressed at a later time in the process. All waivers must be granted prior to approval.
- (D) The application process is similar for all applications, although the amount of work and time to obtain an approval vary widely.

1. All applications follow this basic process:

- **Preparation** -The applicant prepares the application, usually done by hired professionals. This may involve some discussion with the Board through conceptual consultation or design review meetings.
- **Application Completeness Review** - Following filing at Town Hall the Board, or its agent(s), may review the application for completeness. The Board cannot formally vote to accept the application, but may provide guidance to the applicant as to what additional information is needed for the application to be complete or deny the application as being incomplete without notice to abutters. RSA 676:4(I)(e)(2) (as amended). In accordance with 676:4(I)(c)(1) (as amended), the Board must make a determination within 30 days, however, the applicant may waive this requirement in order to submit additional information rather than have to completely file a new application, including fees.
- **Acceptance** - Upon submittal of the application materials to the Town, and favorable completeness review by the Board, the application is placed on the next available Planning Board agenda for consideration. By State law, there is a minimum lead-time of 15 days. The application may only be accepted as complete at a public hearing where notice has been given to the abutters. If notice is provide for both acceptance and review, the application may be reviewed at the same hearing.
- **Scattered & Premature / Regional Impact** - The Board may make certain initial findings that a proposed development is scattered & premature or a development of regional impact, which may lead to modification of the application or could result in denial.

- **Road Layout** - The Board may require extra meetings to discuss road layout and function before it will accept or review final road design plans. This permits transportation issues to be discussed conceptually before the exact details of specific designs are developed.
  - **Public Hearing** - All applications will have a public hearing. This is the official opportunity for the public to ask questions about the application, to raise issues, offer suggestions, or indicate their support or opposition. The Hearing may be interspersed with periods of deliberation by the Board, and may be continued to future dates.
  - **Decision** - In the end, the Board must decide whether to approve or deny the application. Where approval is warranted, the Board may approve the application with conditions, which means that there are additional administrative or technical requirements which must be satisfied to obtain the full approval or that the plan must be changed in some other more significant way to receive final approval.
2. **Timing** - At a minimum, there must be a meeting with the Board, and this alone requires at least 15-30 days lead time. Boundary Line Adjustments can be approved at a single meeting. Subdivisions, however, require a minimum of two meetings and are likely to take a few months to complete. However, this general answer is all based on the assumptions that the applicant is properly prepared, and that no unusual circumstances arise. Without the applicant's consent, however, it is very unlikely that an application process can take longer than six months.

## **SECTION 8 - Preliminary Conceptual Review**

### **8.01 Conceptual Review**

- (A) This is the conceptual review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements during final consideration. The Board and applicant may discuss proposals in conceptual form only and in general terms such as desirability of types of development and proposals under the Master Plan. Sketches may be provided to assist in the review.
- (B) The presentation to the Board of new surveys, engineering plans or similar materials shall require the Design Review process to be followed, so the Chairman must be careful to keep these discussions at a general level. Typically, maps from the Master Plan, tax maps, county soil survey maps and the like are acceptable levels of generality upon which to base these discussions. Such consultation shall not bind either the applicant or the Board, and statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken.
- (C) Such discussion may occur without the necessity of giving formal public notice, but such discussions may occur only at formal meetings of the Board. Preliminary conceptual consultation meetings are strictly optional to the applicant. The Board may maintain an application form for conceptual review to guide in the submission of information.
- (D) Preliminary Conceptual Review is a process that is intended to be limited in nature. These limitations also apply to the length of the process. Preliminary Conceptual Review shall be limited to 2 meetings or 60 days. Additional requests for review meetings or an extension of the 60 day limit shall require resubmission of all information, and payment of an administrative fee equal to the fee required for formal consideration of the proposed subdivision to cover the administrative expense associated with additional reviews.

### **8.02 Design Review**

All applicants for major subdivisions within the Town of Pelham are strongly encouraged to provide a preliminary design assessment. This assessment shall consist of a graphic and narrative site feature inventory. All significant site features should be included such as but not limited to: critical areas, vistas, ridge lines, wetlands, floodplains, slopes, tree lines, stone walls, significant rock outcrops and tree masses, rare and endangered species habitats, streams, and any additional features uniquely affecting a site.

The applicant may request a meeting with the Board to discuss a proposal in more specific form and terms. Although still considered a preliminary review, notice to abutters must be completed in accordance with § 9.03(E) of these regulations.

- A.- The Board and applicant may engage in nonbinding discussions beyond conceptual and general discussions, addressing more specific design, planning and engineering details, provided that the design review may proceed only after formal public notice is provided. Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action taken. The applicant shall pay appropriate public notice fees as specified in § 9.02(B), and shall provide all required materials and information required for public notice per § 9.03(E)(2) (as amended). Design Review meetings are strictly optional to the applicant, but such meetings can be helpful in identifying and resolving problems in an application prior to major design investments by the applicant.

- B.- The Design Review meeting is especially appropriate for receiving comments on the general road plan of a subdivision that creates new roadways, and for reviewing the concepts for an alternative design subdivision (such as a cluster subdivision). The Board may maintain an application form to guide in the submission of information for the design review phase.
- C.- Design Review is a process that is intended to be limited in nature. These limitations also apply to the length of the process. Design Review shall be limited to 2 meetings or 60 days. Additional requests for Design Review meetings or an extension of the 60 day limit shall require resubmission and notification per § 9.03(E). In addition, payment of an administrative fee equal to the fee required for formal consideration of the proposed subdivision shall be paid to cover the administrative expense associated with additional reviews.
- D.- The Planning Board shall require notice for initiation of the formal process and submission of the plans where necessary to insure adequate public participation in the formal review process.

### **8.03 Developments of Regional Impact**

In accordance with RSA 36:54-58 (as amended), as a preliminary matter, the Board shall review all subdivision plans to determine if they have regional impact and shall follow the notification procedures required in RSA 36:57 (as amended).

## SECTION 9 - Submission of Application, Fees & Forms

### 9.01 Application Forms

The Planning Board and/or Planning Department may create application forms and other forms as needed to assist in the submission, organization, and review of applications. These forms shall not be considered regulations. The forms shall be for advisory purposes unless adopted in accordance with the procedural requirements of RSA 675:6-7(as amended).

### 9.02 Application Fees

- (A) The Board shall from time to time adopt fees to cover expenses associated with the application. Fees shall be adopted in accordance with RSA 675:6-7(as amended). All fees will be due before any application will be placed upon an agenda. Certain fees may be subject to change based upon cost increases incurred by the Board. Fee amounts are assessed in accordance with the Schedule of Fees attached as an appendix and incorporated by reference.
- (B) The Schedule of Fees is available at Town Hall and from the Planning Board. These fees are assessed by authority of RSA 676:4,I(g), as amended. Such fees may include, but are not limited to, the following expenses:
1. **Notice Fee.** A fee to cover costs associated with sending notice to abutters in accordance with RSA 676:4 (as amended) and these regulations. The fee shall include all costs for mailings, and associated administrative and clerical expenses.
  2. **Application Fee.** A fee to cover costs associated with administration of the application. Such fee shall represent costs associated with clerical duties required by the filing and maintenance of application information, mailings, coordination of reviews, and other expenses.
  3. **Public Notice Fee.** A fee to cover costs associated with notifying the public via the requirement of these regulations, including but not limited to notice in papers, postings in public places, and all related administrative and clerical expenses.
  4. **Additional Review Costs.** Fees to cover the expense of additional outside review reasonably required by the Board in order to interpret conclusions and review documents as part of the application. Such fees shall be used to cover expenses associated with reviews by professionals such as, but not limited to, engineering consultants, soils and wetlands scientists, planners, attorneys, and traffic consultants.
  5. **Other Costs.** A fee to cover other costs, not mentioned above, that are necessary to review the proposal. Such costs include, but are not limited to, recording costs, reproduction costs, and other administrative and clerical expenses.

### 9.03 Application for Subdivision Review

- (A) A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee or the Town Office at least 30 days prior to the public meeting of the Board at which it is to be submitted. Determination of completeness is more fully covered in § 10.02, below.

- (B) Applications may be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply required information or to pay fees as required by these regulations.
- (C) The filing date for this section shall be the last date upon which information necessary to determine completeness was last received by the board. It shall not be the date upon which the information was first filed or any date in between. The board shall not find an application complete unless all required information is filed.
- (D) The Board, upon agreement with the applicant, may continue the review for determination of completeness in order to receive further information required by these regulations. This section is intended to provide limited flexibility and avoid undue burden and expense associated with reapplication required by rigid compliance with the requirements of RSA 676:4(I)(as amended). This section requires the Board to act upon the application within 30 days whether the application is complete or not. Strict compliance with these requirements would require the Board to deny an application if it is not complete, thus forcing the applicant to pay all fees and notice costs associated with a re-application. An agreed upon extension, provided for in RSA 676:4(I)(f)(as amended), avoids this situation.
- (E) Public Hearing and Notice
1. When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. Per RSA 676:4, I(e) (as amended), a public hearing shall not be required when the Board disapproves an application based upon an applicant's failure to supply information required by these regulations, including abutter's identification, failure to meet reasonable deadlines established by the Board, or failure to pay costs of notice or other fees required by the Board.
  2. It shall be the responsibility of the applicant to supply the names and addresses of all the abutters upon filing the subdivision application with the Board. The abutter list shall not be submitted more than five days prior to filing the application. Per RSA 676:4, I(d), as amended, notification shall also be given to the applicant and all professionals, including every engineer, architect, land surveyor, or soil scientist, whose seals are affixed to the plan, as well as any holder of a conservation or agricultural easement on the subject parcel. The board will conduct no review of submitted names for determination of complete abutter notification. Furthermore, the Board takes no responsibility or liability for improperly noticed hearings resulting from applicant-generated abutter lists. Abutter lists shall be completed in compliance with the Town of Pelham *Official Abutters Notification Form* (Appendix VIII) and RSA 676:4, as amended.
  3. Abutters and the applicant shall be notified by the Board, in the form of a certified mailing, of the date upon which the application will be formally submitted for acceptance by the Board. Notice shall be mailed at least ten (10) days prior to the scheduled public hearing. Notice to the general public shall be posted in at least two (2) public places. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant (RSA 676:4, I(d) (as amended)). Fees are more fully laid out in § 9.02(B).
  4. 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 identify the applicant and the location of the proposal.
  5. If the notice for the public hearing was included in the notice 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 of the adjourned session was made known at the prior meeting, per RSA 676:4,I(d) (as amended).

6. In the case of inclement weather, a quorum of the Board will open the hearing and continue the meeting to a date certain. Unless otherwise posted in accordance with RSA 676:4,I(d) (as amended), a cancelled Monday meeting will be automatically rescheduled for the following Thursday of the same week. In the event of a cancelled Thursday meeting, the meeting will be rescheduled and posted in accordance with RSA 676:4,I(d) (as amended). The new hearing date shall be posted in two public places as soon as possible after the cancelled hearing.

#### **9.04 Additional Town Review**

The Planning Director shall be permitted to send all plans filed with the Planning Department to the Safety Committee and the Conservation Commission prior to acceptance by the Planning Board where such review and comment may assist the Planning Board during its process. The Board may send applications and copies of such plans to the Conservation Commission, building inspector, health officer, road agent, fire department, police department, Safety Committee and/or any other department or board for review and comments.

# SECTION 10 - Plan Requirements

## 10.01 General Principals and Standards

- (A) **Scope of Review** - Every application for subdivision review must incorporate the entire parcel within the review. Not to do so may cause approval of a lot or situation, which is not in conformance with the zoning ordinance and/or other applicable ordinances and regulations.
- (B) **Professional Standards** - Subdivision plans shall be prepared, stamped, and signed by a registered Professional Engineer, Land Surveyor, Soil Scientist, and/or Wetlands Scientist licensed in New Hampshire. The requirement for a Professional Engineer shall apply to all plans showing roadways, utilities, bridges and culverts, plus drainage and other construction plans. In specific cases, the Board may waive the requirement for a Professional Engineer in accordance with § 10.05, Waivers For Specific Plan Requirements.
- (C) **Minimum Requirements** - These submission requirements are minimum review standards. Where there is doubt regarding compliance, a particular impact, or the information that is submitted, the Board shall be authorized to request additional studies, information, or other submittals to assist in its determination. The board must have sufficient information to make a reasonable decision relative to compliance with these regulations and to protect the health, safety, and welfare of current and future residents.
- (D) **Sheet Size** - All plans shall be drawn in ink and be presented on sheet sizes that conform to the requirements of the Hillsborough County Registry of Deeds. The Board requests only one sheet plan size be used for preparing all plans in a set. The maximum plan size shall be 24 inches by 36 inches. The Board may require a modification in submitted size where a submittal fails to adequately describe the proposal due to scale or complexity of the design.
- (E) **Copies** - A completed application shall contain ten (10) copies of the plans. However, only three (3) copies of the drainage report shall be required. The Planning Department shall forward copies to the various Town Commissions and Departments. The Planning Board may require additional plans when needed. Electronic copies of applications are encouraged and can be filed with the application on CD-Rom in Microsoft format.
- (F) **Legend** - All plans shall have a legend that indicates the meaning of any image shown on the plans.

## 10.02 Completed Application

- (A) The Board shall determine whether an application is complete within 30 days of delivery subject to extension in accordance with RSA 676:4(I)(f) (as amended).
  1. The delivery date in the above section shall be the last date upon which information necessary to determine completeness was received by the board. It shall not be the date upon which the information was first filed or any date in between. The board shall not find an application complete without all required information.
  2. An application shall be determined complete when it meets all the requirements in accordance with Appendix IX.
  3. Any application not found to be complete shall be determined to be incomplete and a denial shall be provided in accordance with RSA 676:3 (as amended), however, the board, at its

discretion, may continue the hearing for determination of completeness to receive further information. Upon completeness being determined, the receipt date shall be determined in accordance with § 10.02(A)(1).

- (B) The Board shall begin Formal Consideration only upon determination that an application is complete. Acceptance of the completed application shall trigger jurisdiction over the plans and shall be made by a majority of the voting members present at a hearing noticed to abutters in accordance with RSA 676:4(I)(as amended).
- (C) A completed application shall be comprised of enough information to allow the Board to make an informed decision. At a minimum, a completed application shall include all of the requirements of § 10.03-04, and any waivers, voted upon favorably by the Board, as provided for under § 10.05. Compliance with general design principles under Section 11 shall be determined during Formal Consideration.
- (D) The Formal Consideration phase of the subdivision process is an intense fact-driven process that is intended to assess known impacts and discover additional unforeseen impacts that may relate to the proposal. As part of Formal Consideration, the Planning Board may determine that additional impacts or other such triggering factors require the need for additional studies or information.
- (E) A determination of completeness does not eliminate or reduce the burden on the applicant to produce additional information that results in an application that permits the Board to make an informed decision. Where the applicant fails to provide such additional information, the Board shall deny the application. Additional studies and the provision of additional information shall be governed and directed under Section 12 of these regulations.
- (F) A completed application shall comply with the Town of Pelham Zoning Ordinance. To the extent necessary, all applications shall receive all required variances and special exceptions prior to submission to the Planning Board.

### **10.03 Specific Plan Information – Existing Site Conditions**

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with § 10.05, Waivers For Specific Plan Submission Requirements. Other information may be reasonably required by the Board and shall be submitted upon request. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 10 and 11 and the purposes of these regulations.

- (A) Location of site, names, and addresses of current owners of record and current abutting land-owners. A separate list of current names and addresses of abutters must also be provided.
- (B) Proposed subdivision name. Name, phone number and address of person(s) or firm preparing the plan. Said plan must contain the date of preparation, title, north arrow, scale, legend and zoning district(s). Name, phone number and address of person(s) or firm preparing other data and information if different from the preparer of the map. Plans shall also contain a signature block for Board approval located in the lower right corner of all plan sheets. (The format for this signature block is included in these regulations as an appendix)
- (C) Surveyed property lines including angles or bearings, distances, monument locations and size of the entire parcel. Said plan must be attested to and stamped by a Licensed Land Surveyor licensed in the State of New Hampshire, signature, seal, and license number shall be legible and included on the plan.

- (D) Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%). “Flown” topographical information is not permitted.
- (E) The location of existing drainage systems, structures, and drainage easements, if any.
- (F) The estimated location and use of all existing structures, including wells and septic systems, on the site and wells and septic fields within 75 feet of the site.
- (G) Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland areas as defined under current Pelham Zoning Ordinance.
- (H) Man-made features such as, but not limited to, existing roads, stone walls, pedestrian ways, cemeteries, and other structures. The plan shall also indicate which structures are to be retained and which are to be removed or altered.
- (I) The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.
- (J) A vicinity sketch showing the location of the site in relation to the surrounding public street system and drainage structures, to be shown within a distance of 1,000 feet.
- (K) Location and description of all existing easements and/or rights of way, parks, reservations, conservation land, and holders of conservation easements.
- (L) Tax map and parcel number.
- (M) Each existing building or manmade structure, including stone fences and cemeteries shall be shown on the plan and reviewed with the Board for historic significance. Such historic features may be destroyed or removed only following Board review.
- (N) Summary of Pelham Zoning Ordinance requirements, including, but not limited to summary of lot size requirements, lot area, frontage, etc.
- (O) Plans shall indicate the location of any overlay or overlay zone that exists or is adopted by Town Meeting, including but not limited to, Prime Wetlands designation, the Aquifer Protection District, etc.
- (P) 100-year floodplain and reference source. Where floodplains are absent, a note shall be added stating that no 100-year flood plains are present on the subject parcel.

#### **10.04 Specific Plan Information – Proposed Site Conditions**

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with § 10.05, Waivers For Specific Plan Submission Requirements. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 10 and 11 and the purposes of these regulations.

- (A) All drawings, unless otherwise agreed to by the Board, shall be at a scale of fifty feet to the inch or less.

- (B) Proposed grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where grade is less than five percent (5%).
- (C) The location for and pertinent data for the installation of waste water disposal systems that comply with the Town of Pelham Health Ordinances and Article K, as amended.
- (D) Construction drawings and location, three proposed street names (Note – the Board will not allow street names that are common first names), width, curbing and paving of proposed streets, drainage ways, and profiles and the elevations of sufficient points on the property to indicate the general topography of the property, driveways and sidewalks with indication of direction of travel for one-way streets. This information shall include the radii of streets, driveways, access ways, and sidewalks within the site and its relationship to the off-site street system.
- (E) Location and timing patterns of proposed traffic control devices, including painted road indicators, white fog line, and all signage.
- (F) Detailed design specifications of any bridges or culverts that may be required.
- (G) Where the plat submitted covers a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in the light of adjustments and connections with the street systems for the part not submitted.
- (H) The location, size and layout of any on and off-street parking. The plan shall indicate the calculations used to determine the number of parking spaces required and provided.
- (I) The location and layout of proposed drainage systems and structures, including elevations for catch basins designed in accordance with these regulations.
- (J) Note indicating that "all road and drainage work to conform to the standard specifications for construction in the Town of Pelham".
- (K) The size and location of all proposed public and private utilities, including but not limited to: water lines, sewage facilities, gas lines, power lines, telephone lines, fire hydrants and alarm connection, underground storage tanks, fire cisterns and other utilities.
- (L) The location, type, design, and intensity of any street lighting, including the cone of illumination on the site, if proposed.
- (M) Location and description of proposed easement(s) and/or rights-of-way.
- (N) The location and size of all proposed open space areas or parcels to be dedicated to public use and the conditions of such dedication and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- (O) Deeds or other proposed documents of conveyance of any land located within the subdivision proposed by the Applicant for use for streets, drainage ways, municipal facility land, recreational or other Town purposes and Town ownership shall be part of the application. These proposed documents of conveyance shall be in a form satisfactory to Town Counsel. The fact that the Applicant makes such offers and Town Counsel approves the form of the documents does not bind the Town or its agents to accepting the offer. The suitability of lands offered for recreational or conservation uses may be determined with the assistance and comment of the Conservation Commission of the Town.

- (P) The location of all monumentation that is to be installed in accordance with these regulations shall be shown on the plans. If the monumentation is changed in the field after construction supplemental information shall be filed with the Planning Board to be added to the file. Any change in the actual layout of the lots shall require planning board approval in accordance with these regulations.
- (Q) Plans shall delineate building envelopes for each lot that represents regulatory and environmental constraints on the placement of dwelling units and other structures on the proposed lot.
- (R) All applications shall show proposed lot lines with a site specific coil map prepared in accordance with Site Specific Soil Mapping Standards for New Hampshire and Vermont Version 2.0, Society of Soil Scientists of Northern New England Publication No. 3, 1999. Mapping and reports shall be certified by the stamp of a Certified Soil Scientist. Soil reports shall include the following:
  - 1. Lot size calculations showing soil types and the amount of each type present on individual proposed lots showing sufficient developable land.
  - 2. Description of soil types present on the site and the soil type characteristics.
- (S) Any other information the Board may require in order to properly evaluate the proposed development including, but not limited to, the following:
  - 1. Calculations and design specifications of facilities relating to stormwater runoff.
  - 2. Information on the composition and quantity of wastewater generated.
  - 3. Information on air, water, or land pollutants discharged.
  - 4. Estimates for traffic generation.
  - 5. Grading, drainage and erosion and sediment control plan. (See § 12.02 and Appendix III, for requirements for this submission).
  - 6. Any other plan required under Section 12 Additional Information and Studies.
  - 7. All required local, state, and federal approvals and/or permits required for the proposed construction. Final permits from other governmental agencies having jurisdiction shall be incorporated into the Planning Boards decision as Conditions of Approval.
- (T) In the case of inclement weather, a quorum of the Board will open the hearing and continue the meeting to a date certain. Unless otherwise posted in accordance with RSA 676:4,I(d) (as amended), a cancelled Monday meeting will be automatically rescheduled for the following Thursday of the same week. In the event of a cancelled Thursday meeting, the meeting will be rescheduled and posted in accordance with RSA 676:4,I(d) (as amended). The new hearing date shall be posted in two public places as soon as possible after the cancelled hearing.

### **10.05 Waivers For Specific Plan Submission Requirements**

The Board is hereby authorized to waive, by majority vote of those present and voting, the submission requirements of § 10.03 and § 10.04 of these regulations upon satisfaction of the criteria of this section. The purpose of granting waivers under the provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board

shall not approve any waiver(s) unless a majority of those present and voting shall find that *all* of the following apply:

- (A) The granting of the waiver will not result in a review that overlooks issues that may address impacts that are detrimental to the public safety, health or welfare or injurious to other property.
- (B) The waiver will not, in any manner, vary the provisions of the Pelham Zoning Ordinance, Master Plan, or Official Maps.
- (C) The submittal, upon granting of such waiver(s), may be conditioned in such a fashion as to substantially secure the objectives, standards and requirements of these regulations.
- (D) A practical hardship or unnecessary and unreasonable expense that clearly outweighs the benefit of providing the required information would result from strict compliance with the foregoing submission regulations.
- (E) The purposes of these regulations may be served to a greater extent by an alternative submittal, or where such submittal information is redundant and clearly unnecessary for the Board to adequately review the application

# SECTION 11 - Action on Applications

## 11.01 Procedure for Review

- (A) Within sixty-five (65) days after a completed subdivision application has been accepted for jurisdiction, the board shall approve, approve with conditions, or disapprove said application. In cases where a subdivision review application has been disapproved, the grounds for such disapproval shall be clearly stated in the minutes of the board's meeting and notice provided to the applicant.
- (B) Upon determination that the requirements of these and any other town regulations or ordinances have been met, the board may approve the application. Where any of these regulations have not been met or are not applicable, the board may deny the application or grant a waiver in accordance with the procedures in Section 13.01, General Waiver Provision.
- (C) When acting on a completed subdivision review application, the Board shall hold a public hearing to discuss the application. Notice for a public hearing shall be in compliance with § 9.03(E), RSA 91-A, and RSA 676:4(as amended).
- (D) All materials to be submitted to the Board for consideration shall be submitted prior to the meeting so that Board members, the public, and other Town Departments or consultants may have sufficient opportunity to review the application without unnecessarily rushing the review and/or delaying the proceedings of the meeting. The following shall apply:
  - 1. New materials shall be submitted to the Board at least 14 days prior to a meeting when a new public notice is required.
  - 2. Continued Meetings. When consideration of an application is continued and new information is required, the Board shall specify the deadline for filing this new information. In no case shall it be less than 7 days prior to the meeting. The deadline shall be stated in the motion to continue.
- (E) The Board shall not grant a final approval to an application until all other government permits and approvals are obtained. The only exception to this requirement shall be when State or Federal permits require prior local approval. Applicants are advised to apply early for these other approvals to avoid unnecessary delays in obtaining final approval of the Subdivision application, but applicants with large or complex subdivisions are advised to delay applications to the State until general design guidance has been provided by the Board.
- (F) Applicant's Presentation - the applicant shall make a brief, general presentation to the Board and audience. This presentation should include a brief description of the proposed project and a general description of the design, layout, and so forth. The applicant may list specific issues of concern which they would like the Board to discuss during deliberations, but this forum is only intended to insure general familiarity with the application. The applicant is solely responsible for bringing any audio-visual materials or equipment needed. The Chairman shall have sole authority to limit the time taken for this presentation to keep the meeting moving, and applicants should plan on 10 minutes or less for most applications. For applications which are reviewed over a series of meetings, this presentation may be appropriate at the beginning of each session.
- (G) Public Hearing - The Board shall open a public hearing following application acceptance and the applicant's presentation. The purpose shall be to solicit public input, comments, questions and concerns. The Chairman may temporarily suspend public comment during the public hearing so

that the Board may deliberate, vote of waivers, and so forth. The public hearing may be continued if additional meetings are necessary, provided that the Board follows the continuation procedures specified in § 9.03(E)(5). Only when all pertinent, new public input is complete shall the Chairman close the public hearing. The applicant shall be responsible for attending the public hearing, including all continuations, to insure that questions can be answered and issues clarified as needed.

- (H) Deliberation - The Board shall deliberate as necessary to determine the appropriate decision. The deliberation does not necessarily follow the public hearing, and may be interspersed with the public hearing, or may occur prior to the public hearing. This is the appropriate forum for the applicant and Board to discuss specific issues. The Board should keep in mind, however, the purpose of the public hearing, and therefore should generally defer decisions until after relevant public input is received.

### **11.02 General Principles and Standards**

Overview - An applicant shall use the following general principles when designing a subdivision plan for land within the Town of Pelham. 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 in accordance with the procedures outlined in these regulations.

An applicant shall observe each and every of the following general principles of residential development.

- (A) The subdivision plan shall be in harmony and consistent with the Pelham Master Plan, Zoning Ordinance, Official Zoning Map (if adopted), and the Subdivision Regulations.
- (B) Subdivision plans shall conform to all regulations of the Board, and other applicable Town by-laws, ordinances, regulations, and statutes of the local, state and federal governments.
- (C) Land unsuitable for development due to the presence of poorly drained soils, very poorly drained soils, flood hazards, steep slopes or other conditions constituting a danger to health, safety, or the environment, shall not be approved for development unless the applicant can present satisfactory evidence or data to the Board, establishing the methods which will be used to overcome such conditions and their adequacy. Land with inadequate capacity for sanitary sewage disposal shall not be developed.
- (D) The Board, at its discretion, will not approve scattered or premature development as would impose danger or injury to the general public health, safety and welfare due to the lack of water supply, drainage, sewage disposal, transportation, or other public services; nor will the Board approve such development which will necessitate an excessive expenditure of public funds for the supply of such services.

A 'scattered and premature' development is one that poses a danger to the public through insufficiency of services. This section sets up a guide for the planning board's determination. The board must ascertain what amount of development, in relation to what quantum of services available, will present the hazard described in the statute and regulations. At the point where such a hazard is created, further development becomes premature. Although the available services suffice to meet the need of present development, additional development may endanger the well-being of residents both within and contiguous to the development. This section and the statute authorize the planning board to find such a subdivision to be premature.

The focus of the inquiry is upon the effect of the proposed development on the community, not the effect of further development in general on the community. Exposing additional households to the

risk that emergency vehicles would not be able to respond when services are required or other unacceptable risks may be the basis for a finding of prematurity.

The application of subdivision regulations designed to prevent "scattered" or "premature" development focuses more directly on a particular development, including consideration of the highest and best use of a particular tract of land, the compatibility of a particular use with the remainder of the community, and the protection of the financial interests of the purchasers, subdividers, and the local government unit. A finding that a subdivision of a parcel of land would be premature does not necessarily mean that the land cannot be developed. If the construction of certain off-site improvements is feasible, then the application may be conditionally approved upon the provision of off-site improvements, which would eliminate the hazards that would otherwise cause the development to be premature.

(E) If the owner places restrictions on any portion of the site greater than those required by these regulations, the Site Plan Review Regulations or the Zoning Ordinance, such restrictions or reference thereto may be required to be indicated on the subdivision plan, or the Board may require that restrictive covenants be recorded with the Hillsborough County Registry of Deeds in form approved by the Town Attorney.

(F) All subdivision plans shall be reviewed to insure the protection of environmental quality during and after construction.

1. Dust and erosion shall be prevented through the planting of ground cover or installation of other surfaces. (See § 12.02)
2. Each significant natural feature within the site including large or unusual trees, watercourses, wetlands, natural stone outcroppings, and other scenic features shall require Board review before impact to such features.

The significant natural attributes and major features of the site listed above, and scenic views (both from the site and onto or over the site), shall be retained to the maximum extent feasible taking economics and cost into account.

3. Provisions shall be made for adequate storm and surface water drainage facilities in order to properly drain the site while minimizing downstream flooding.
4. The Planning Board may seek consultation and comment from the Pelham Conservation Commission regarding these issues.

(G) Streets and roads shall be designed and constructed so as to minimize dust, erosion, and run-off conditions that would have a detrimental effect on abutting or neighboring properties. In addition, site design and site development feasibility shall be reviewed to insure lot construction will not result in detrimental impacts to abutting parcels or town roads and drainage facilities.

1. Design Objectives. Before road design can be addressed, the Town's design objectives must be laid out as clearly as possible so that the design professionals can understand what is expected of them, and to develop a better understanding of the multiple demands placed on road design. First and foremost, roads must be recognized as complex public spaces, which accommodate and impact traffic, parking, pedestrians, bicyclists, and aesthetics, among other things. Road design objectives are further categorized and specified as follows:

- a. Traffic Function. Roads must accommodate safe access to properties, convenient and efficient pickups and deliveries, emergency access, maintenance services, and other such uses. The overall road system should provide for sufficient number and

layout of connectors and arterials to handle through traffic flow as one means of protecting local residential streets from through traffic. Further, local residential streets shall be linked to traffic carrying streets in a way that simultaneously provides good access to other parts of the community and region and minimizes the chances of residential streets' use by through traffic. Further, residential streets should be protected from vehicles moving at excessive speeds, typically greater than 25 to 30 MPH. The design engineer is challenged to balance this last provision against RSA 265:60,II(as amended) which dictates higher speed limits in most cases. Proper access management is essential in protecting the traffic capacity of arterial roads.

- b. Road Layout. The layout of proposed roads shall provide for the continuation of the principal streets in adjoining areas, as needed to develop a continuous road system for delivering Town services. Suitable connections and reservation for future connections to remaining lands and adjacent lots shall be provided, including the use of temporary cul-de-sacs. Layout geometry shall be designed to take advantage of the topography and proposed future development patterns, creating vista terminations and improving the view of, and the view from buildings and other prominent vistas. Layout shall also be carefully designed to avoid creation of a situation where the local road is used for through traffic flow.
  - c. Scale. The scaling of the facility must facilitate the appropriate level of sharing of road use among cars, walkers, bicycles, emergency vehicles and others. The final product shall permit comfortable and safe pedestrian and bicycle movements as well as motorized vehicular movements, and shall protect vulnerable users such as children, the disabled, and the elderly.
  - d. Aesthetics. Road design should enhance the overall aesthetics of the neighborhood through well-designed street layout and landscaping. Additionally, commons, public squares, and open space should be used as focal points and vista terminations. Aesthetics must be achieved through the thoughtful integration of all aspects of design, and cannot simply be "added on" to a design.
  - e. Quality Construction. Regardless of the outcome of the more policy-oriented layout and function issues of the road system, the construction of roads shall be of high quality. Roads shall be constructed to standards suitable for the climate, the environment in which they are built, and for the proposed use. The resulting road should require a minimal amount of maintenance for many years.
- (H) Grading, paving and storm drainage systems, shall be constructed so that development will not result in erosion/sedimentation of streams or wetlands or damage to abutting properties and roads.
- (I) Residential abutters shall be protected against undue noise, glare, unsightliness, or other nuisances, which are detrimental to property values.
- (J) Adequate pedestrian and bicycle safety and access shall be provided.
- (K) Development shall provide for an appropriate opportunity for ground water recharge. This shall be analyzed in light of impervious lot coverage, drainage, and location within identified aquifer as per the Pelham Master Plan.
- (L) Constructed travelways shall be of sufficient width to accommodate existing and prospective traffic, and to afford adequate light, air, and access to buildings for fire fighting apparatus and other emergency equipment as balanced against aesthetic concerns and neighborhood scale.

- (M) Developments shall be generally consistent with the Town's Master Plan.
- (N) All development shall minimize encroachments of any kind of neighboring land uses.
- (O) The development of the site shall not change the topography of the land to be developed by the excessive removal of trees, shrubs, soils and rocks, except that which is necessary for the building of the roadways, structures and accessory and incidental development as shown on the plan.

### **11.03 General Design Principles and Standards**

This section includes design and construction standards for proposed developments within the Town of Pelham. Each subsection addresses concerns regarding development on an issue-by-issue basis. Each issue is addressed in an integrated fashion. The discussions include: the considerations the Board will take under advisement when reviewing a proposal; design criteria; and the need for any additional information that shall be submitted. These standards are considered the minimum standards and may be more stringent if needed to secure the protection of health, safety and general welfare of the citizens of the proposed development, the surrounding neighborhood, the Town of Pelham and the region.

- (A) Character Of The Land - The Board shall consider the physical character of the land involved, including soils types, slopes, drainage characteristics, exposure to sunlight and wind, wildlife habitat, potential views, and other such characteristics, in determining what action to take with respect to the application.
  1. An application to subdivide land of such character that it cannot, in the judgment of the Board, be safely used for the proposed purposes because of danger to public health or safety shall not be approved.
  2. Where the character of the land is not adequately considered, the Board may require modification of the application to enhance the function and quality of the development, or to reduce adverse impacts resulting from the development.
  3. Lots shall contain contiguous areas of developable land such that the driveway, building, water supply and sewage disposal, and other improvements can be constructed without filling of wetlands or other such adverse impacts which could be eliminated by different subdivision design. The number of lots may be reduced by the Board to reduce adverse impacts. The Board shall have the authority to require design changes to minimize impacts regardless of the actions of other local or State permitting actions, such as the issuance of a permit to fill wetlands for a driveway crossing.

### **11.04 Lot Shape**

These regulations are adopted to assure conformance with the requirements and intents and purposes of the Zoning Ordinance. These regulations affect lot shape and size within a proposed subdivision to the extent they create conditions specific to the subdivision that assure safe, convenient, and prosperous developments for the current owner and all subsequent residents, the provision of adequate access for safety vehicles, additional areas for each lot necessary to accommodate on-site septic facilities, provide for clarity of ownership, and to prevent the occurrence of zoning violations caused by poorly designed lot shapes.

These regulations carry out the intent of the zoning ordinance and provide clarity and flexibility in the administration of the requirements of the zoning ordinance where questions are left unresolved. They are not meant to supplant the zoning ordinance and may be waived in accordance with Section 13.01 General Waiver Provision.

- (A) Intent and Purposes for Lot Shape and Size Regulations - The intent of these regulations is to enhance and insure consistency with the Pelham Zoning Ordinance and the following purposes:
1. To promote lots that are shaped in a manner that promotes clarity of ownership, access across fee-title land rather than easement interests which may promote destructive property disputes, and to promote the convenient and harmonious development of the land.
  2. To prevent close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land.
  3. To prevent the close proximity of house sites tend to create conflicts among the use of the land, including maintenance disputes, use disputes, and property ownership disputes between landowners and is not permitted.
  4. To prevent lot shapes lot that cannot reasonably be interpreted to be an orderly layout of the land or insure that proper description of ownership or ease of identification will carry forward in time are not permitted.

(B) Lot Shape

1. Lots shall be shaped in a manner that promotes clarity of ownership
2. No portion of a lot between the dwelling unit site or usable building envelope and the street upon which the lot has frontage shall be less than 75' in width.
3. To maximum extent possible all new lots shall be rectangular in nature.
4. In order to protect neighborhood character and promote privacy, non-rectangular or pie-shaped lots may be allowed as long as they are a minimum of three acres in size.
5. No portion of a lot created under these regulations shall be less than 50' in width.
6. In order to provide the opportunity to subdivide backlots as part of a variance that may be granted by the Zoning Board of Adjustment the following regulations shall be applied by the Planning Board.

Backlot Standards:

- a. 50 foot frontage on a Class V, or better road.
- b. The neck area cannot be used in the minimum lot size calculation, and is exempt from other lot shape requirements.
- c. The backlot shall be deeded as unsubdividable unless additional lots conform to all other town zoning and subdivision standards.
- d. In order to insure adequate separation from abutting parcels the minimum lot size shall be 2 acres and shall have a minimum 1-acre of contiguous non-wetland area.

(C) Design Standards

The following criteria should be considered as design standards. It is recognized that not all of these standards may be achievable in every case; for this reason, each application should be carefully considered, and waivers may be granted where appropriate.

1. Each lot created as a part of these regulations shall have a contiguous building envelope area delineated on the parcel and shall be at least 100' by 150' in dimension. The minimum building envelope area shall be 15,000 square feet, sufficient space for natural expansion residential uses commonly associated with single-family structures.
2. Building envelopes shall be selected so as not to intrude on the tops of visible ridgelines.
3. Building envelopes shall be located to minimize the visual impact of the development unless such placement is part of an integrated plan to protect viewsheds or minimize the visual intrusion of the improved portion of the subdivision.
4. Building envelopes shall not include wetlands or 100-year floodplains.
5. Building envelopes shall not include areas with slopes in excess of 25%.
6. No more than 50% of the building envelope may contain 15% slopes.
7. The building envelope shall be accessible to existing or proposed roadways without crossing the wetland conservation district.

#### **11.05 Driveway, Access, and Road Design**

Traffic access to the site from town streets shall insure the safety of vehicles and pedestrians. These regulations are adopted in accordance with RSA 236:13, having received authorization to review subdivisions under RSA 674:35. Furthermore, these regulations are adopted in accordance with RSA 674:36 as they relate to not only to safety of driveway and access but to the harmonious development of the municipality and its environs specifically with respect to access onto town designated scenic roads. The design and construction standards for driveways and points of access are as follows:

- (A) Driveways and Access Points - The Board, or its designee, shall approve the final design and installation for a proposed access/egress point onto the public way. Said point shall provide an adequate sight distance, grade, width and curb. This section shall guide the Board or its designee in the granting of driveway permits. Sight distance and other specifications shall be determined in accordance with the provisions of Appendix I.
  1. Number of Access Points to Roads - In all cases, the number of access points to a given street shall be held to a minimum, preferably one point of access in order to reduce traffic hazards from turning movements and to ease the installation of traffic control devices, when necessary.
    - a. Two driveways or accesses for one lot shall be allowed only when a lot has a frontage of 300 feet or more.
    - b. Driveways or accesses shall be located at least 100 feet from street intersections and major driveway entrances, where possible.
    - c. Driveways shall access a property from which the lot has frontage.
    - d. Common driveways shall not be utilized.
    - e. Where an applicant requests a waiver from (d) to have more than 2 houses served by a common driveway, the following requirements shall apply.

1. As part of any waiver request, the applicant shall present language that releases the town from any liability for failure to access any site served by the common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any land owner served by the common driveway, and failure to maintain all season passability. Furthermore, such language shall indicate that the shared driveway is a private agreement and not under the jurisdiction of the Town. A summary of the deeded language shall be placed on the recorded Mylar.
2. Where a common driveway serves three or more houses the roadway shall be built to town specifications, except that the planning board may consider a minor reduction in width requirements, not to exceed 25%.

## 2. Related Improvements

- a. The Board may require improvement of existing access/egress point(s) in order to provide safe traffic flow onto abutting streets, should increased traffic be generated by the proposed development.
- b. Off-site improvements may be required, such as but not limited to, increasing pavement width or adding deceleration lanes, curbing and signaling devices, in order to mitigate hazardous impacts that are generated by the particular needs and impacts of the site.

## 3. Safety Requirements

- a. Traffic circulation, pedestrian access, parking and any loading facilities, and emergency access shall be designed and located in a manner which insures maximum safety in the subdivision.
  - b. Driveways shall be located in such a manner as to promote all season safe access and to prevent unreasonable negative impacts to the owners or occupants of neighboring parcels.
  - c. All driveways shall be paved for a distance of sixteen feet from the edge of traveled way. The paved portion shall be constructed to prevent all drainage from entering onto the traveled way.
  - d. All driveways shall account for adequate drainage in the Town right-of-way and from the property itself. It shall be the responsibility of the landowner to correct deficiencies and maintain the driveway and drainage facilities.
4. Private Roads - Private streets serving any part of a development shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership. All private roads shall comply with these and other town regulations relating to construction and maintenance.
5. Access to State Highways - Driveways and access onto State highways shall be designed in accordance with the NH Department of Transportation's Administrative Rules Tra 302, as amended, and receive approval thereunder prior to final town approval of the subdivision plan.

(B) Scenic Roadway Driveway Permits - No driveway shall be permitted on a scenic road designated in accordance with RSA 231:157 (as amended) unless permitted in accordance with these regulations.

1. Driveways on scenic roads shall meet or exceed all requirements of § 11.05 (A).
2. Plans for driveway location within the town right-of-way, including stone walls to be relocated or removed, trees to be removed, must be submitted to the Conservation Commission for review prior to Final Subdivision approval. The Conservation Commission may submit comments to the Board regarding siting and mitigation efforts such as though required by subsection (3) below. These comments shall be incorporated into the decision of the Planning Board, unless specifically rejected by majority vote.
3. To the maximum extent possible significant trees and stone walls in the town right-of-way must be maintained. Where the driveway crosses any existing stone wall, the stones must be used to upgrade the existing wall where possible, under the direction and by approval of the Planning Board.
4. Nothing in this section shall limit or affect the rights of any landowner with respect to work on a landowner's property.

(C) Road Design Standards and Criteria.

All newly proposed roadways and modifications to existing roadways shall be built in accordance with the requirements as found in Appendix I - Road Design Standards and Criteria of these regulations, as amended from time to time. The requirements of Appendix I are incorporated herein by reference in their entirety and may be waived in accordance with these regulations.

### **11.06 Sidewalks and Bikeways**

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.

Sidewalks and/or bikeways, where appropriate, shall be provided for pedestrian traffic to provide connection between the subdivision and nearby destinations. Sidewalks shall be at least six (6) inches above grade and shall be protected by curbing. Sidewalk designs shall include means for handicapped access. The board shall consider the following when determining the appropriateness of sidewalks:

- (A) Proximity to schools, the Town center, and other Town services.
- (B) Whether recreational facilities and land is available within the subdivision.
- (C) Proximity to commercial destinations, including but not limited to, restaurants, stores, shops, etc.
- (D) Proximity to other pedestrian or bikeways, including "abandoned" ways or sidewalks.
- (E) The type of housing being proposed (i.e. elderly, special needs, etc...)

### **11.07 Landscaping Design and Plan**

The Town of Pelham requires attention to landscaping design in order to protect and preserve the appearance, character, and value of the surrounding neighborhoods by providing a better transition; by improving the compatibility between various land uses in the Town; and by buffering neighboring properties and areas from any adverse effects of site development.

These regulations shall mitigate the appearance and detrimental impact of non-residential uses. Any application of these regulations shall protect the value and provide for quiet enjoyment and nuisance-free use of neighboring properties.

- (A) To the extent feasible, naturally landscaped buffer strips of 25 feet must be preserved where a proposed residential development abuts non-residential zones or uses. This buffer shall adequately shield the residential properties from the adverse effects of the non-residential use. No roads shall be located within any part of this buffer zone.
- (B) Where appropriate, existing trees and vegetation must be incorporated into the buffer strips or landscaping design. Buffer strips must contain vegetation which will screen the view from adjacent residential property during all seasons, this screening must exclude visual contact between uses and create a strong impression of the separation of spaces. Fencing alone may be considered an acceptable method of screening only if granted a waiver in accordance with § 13.01, General Waiver Provision.
- (C) Where appropriate or required, subdivisions shall be planned to provide that natural vegetation be retained as a buffer along environmentally sensitive areas such as watercourses, wetlands, and standing waters, in accordance with sound environmental practices, as described by the Department of Environmental Services. Appropriate landscaping along designated Scenic Roadways is strongly encouraged and any tree removal shall only be permitted in accordance with state and local Scenic Roadway provisions.
- (D) Pre-existing or non-conforming lots which are the subject of subdivision shall not be subject to the landscaping recommendations or requirements described above.
- (E) Street Trees. Where a road is proposed through an open field, or where the existing vegetation will be removed or is of a character such that the road will get no shade in the summer, street trees shall be planted at regular intervals, not to exceed 100', along both sides of the right-of-way where appropriate. Such trees shall have a caliper of at least 3" at a point six inches above the top of the root ball, and shall be of a suitable hardwood species to insure that the road is not shaded in the winter. Further, the Board may require removal of coniferous trees along the road where it finds that shade from such trees could cause icing problems.

### **11.08 Protection of Natural and Historic Features**

- (A) Each significant natural feature within the site including large or unusual trees, watercourses, wetlands, natural stone outcroppings, and other scenic features shall be shown on the plan. It is recommended that such significant features be preserved in the development of the site.
- (B) Each existing building or manmade structure, including stone fences, shall be shown on the plan and reviewed with the Planning Board for historic significance. Such features will not be destroyed or removed without Planning Board review.
- (C) Where subdivisions impact or access via designated Scenic Roads, mitigating measures shall be taken to preserve the scenic quality of such roads. These measures may balance the needs and requirements for safety and health, but should only minimally consider economic expediency.

### **11.09 Bridges**

- (A) Bridges must be built according to the N.H. Department of Transportation manual, *Standard Specifications for Road and Bridge Construction* dated 1990 and as amended. All bridge plans must be approved by the Town Engineers prior to construction.

### **11.10 Fire Protection**

- (A) Fire hydrants, fire ponds, cisterns, and other improvements reasonably required for fire safety shall be provided as specified by the Pelham Fire Department prior to Final Approval by the Planning Board. These items shall be shown on the plan and installed by the applicant.
- (B) Prior to application to the Planning Board the applicant shall consult with the Pelham Fire Department to determine what, if any, additional appropriate fire protection measures are reasonably necessary. The applicant shall provide the Planning Board with the results of such consultation in the form of a letter and/or representations of the required facilities on the plan. The Planning Board may require additional fire protection measures in addition to the Pelham Fire Department's recommendation if reasonably necessary.
- (C) No building permits shall be issued until fire suppression is installed in accordance with the approved plans.

### **11.11 Water, Wells, On-site Sewage, and Hydrogeological Studies**

- (A) Water.
  - 1. On-site water supply: the provision of an on-site water supply shall conform to criteria of the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services. It shall be the responsibility of the applicant to provide sufficient and complete information to prove that the site is able to permit the installation of both individual on-site water supply and sewage disposal systems.
  - 2. The applicant shall provide a well water test for each lot within the subdivision as part of the application or shall provide such a test prior to the issuance of a building permit. If the applicant chooses the later, it shall be noted on the plan and deemed a Condition of Approval.
  - 3. A hydrogeologic study, as described in Appendix VI, shall be required for any well with a withdrawal of over 20,000 gallons per day.
- (B) Well Radius Placement.
  - 1. Each newly created lot shall show the entire well radius protection area as required by the State Department of Environmental Services rules.
  - 2. The entire required well radius shall be located within the boundaries of each newly created lot and shall not be less than 75'.
  - 3. Well radius easements covering neighboring parcels are not permitted in new subdivisions. This insures:
    - a. Protection of health and safety for individual on-site water resources from adverse impacts of land uses on adjacent and neighboring parcels.

- b. Allows for maximum flexibility in the placement of septic systems and other land uses on neighboring parcels of land.
- c. Promotes the wise and free use of property unencumbered by easements.

(C) Sewage

1. No subdivision plan shall be approved where the site does not meet the minimum standards imposed by the Water Supply and Pollution Control Division of the N.H. Department of Environmental Services and the design standards for sewage systems in Appendix II.
2. Each site or lot proposed for residential development shall have at least two test pits, separated by at least fifty (50) feet. The test pits shall establish the existence of a contiguous area of 4,000 square feet, or larger per Env-Ws 1014.01 et seq., suitable as a receiving layer for a leaching system. Both test pits and percolation test area must be located within this area. This area shall be shown on the plan. The Board requires that all test pits be verified by a qualified Town Agent. The entire 4,000 square foot area must meet or exceed all applicable regulations, local, state or federal, for the installation of a septic system. That is, no portion of the contiguous area must be unavailable for the installation of a septic system for any reason.
3. A hydrogeologic study, as described at Appendix VI, shall be required for a development where a septic system is being designed to accommodate 2,500 gallons per day, or more.

**11.12 Utilities**

The applicant proposing a residential development shall insure the installation all electric, telephone, and other utility distribution lines per specifications of the public utility companies involved, and easements required for transformer units shall be provided by the developer.

- (A) In accordance with RSA 674:36(III)(as amended), all utilities shall be installed underground. The subdivider shall install all necessary mains, branch offsets to each lot, and fire hydrants or other fire protection measures required in accordance with § 11.10.
- (B) Where a waiver is requested to the above, an alternate plan shall be approved that minimizes the visual impact of the utility structures, and provides for tree growth in accordance with § 11.07(E).
- (C) Where lighting is proposed by the applicant, the Board shall specifically approve the installation, location and fixture design as part of the approval.

**11.13 Utility Easements**

- (A) All easements dedicating rights to the Town of Pelham are subject to review and approval by the Board and Town Counsel, and any other Town agent or body which the Board and/or Counsel deem necessary.
- (B) 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 twenty five (25) feet in width and shall have satisfactory access to existing or proposed rights-of-way.

- (C) Where a proposed residential development is traversed by a watercourse or drainage way, the Board may require a stormwater easement or drainage right-of-way of at least twenty five (25) feet in width.

#### **11.14 Open Space Design and Requirements**

In accordance with RSA 674:36,II(as amended), a subdivision of land shall show open spaces of adequate proportions. Plats submitted to the planning board for approval which show new streets or narrowing or widening of such streets shall show a park or parks suitably located for playground or other recreational purposes that are reasonably sized for neighborhood use.

- (A) Natural Features - The subdivision and development shall, whenever possible, preserve in their natural condition important natural features. The Planning Board may request an advisory opinion from the Conservation Commission in the determination of the value of natural features and the boundaries of such natural systems. Such areas include watercourses, wetland areas, steep slopes, large or unique trees, groves, or special habitats. Natural features that provide buffers between lots, or sections, of a subdivision should be preserved to enhance privacy and aesthetic value. On site mitigation options that benefit the identified, critical, natural resources of the Town may be considered.
- (B) Buffer Strips - The Planning Board may require the designation of buffer strips of at least fifty feet width around surface water, wetlands, or other natural features which may be adversely affected by erosion, stormwater runoff, or other causes. The Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.
- (C) Parks - The Board may require the dedication or reservation of such open space within the subdivision for park, playground or other recreational or open space purposes, for the residents of the subdivision.
  - 1. The applicant shall place a permanent deed restriction on each recreation lot, deeming it a non-buildable lot. Further, the deed restriction shall specify permitted types of recreation development are permitted. The deed restriction shall be shown on the plat, and shall be filed at the Hillsborough County Registry of Deeds.
  - 2. Ownership.
    - a. The parks, if owned and maintained privately, may have restricted access. Further, provisions shall be made to ensure sufficient funding for ongoing maintenance of the park and its facilities, for payment of property taxes, and other such expenses.
    - b. If such areas are offered to and are accepted by the Town, they shall be open to the general public, and there shall be sufficient nearby off-street or on-street parking.
  - 3. If acceptable to the Board, public access to water bodies may be substituted for all of the required parks.
- (D) The Board shall also require of the developer that he/she supply and plant such trees and shrubbery as are deemed compatible to the environmental design of the neighborhood. It shall also be stipulated by covenant upon the plan that such open spaces shall not contain signs other than street directional or place-name signs. Upon approval of the final plans and plantings, if the park is dedicated for public use, the maintenance of said landscaped areas shall be the responsibility of the community. If the park is solely for subdivision use, the maintenance of said landscaped areas shall be the responsibility of the residents of the subdivision.

- (E) Alternative Funding or Land Donation - A developer may opt to contribute funds to the Town of Pelham for the purpose of developing recreational opportunities for and related to the need of the residents of the proposed subdivision. In addition, a developer may chose to donate land for the installation of needed facilities that serve a particular area of the Town, such as, satellite fire and police stations or other recreational facilities. The analysis for determining the impact and required amount of funds to offset that impact shall be in accordance with § 13.04 Off Site Improvements.
- (F) Open space and conservation easement areas shall be designed with massing and linkage as guiding principles. Open space and conservation areas shall be contiguous both on site and off tract. Stream corridors and contiguous wetlands can provide this linkage.
- (G) Public Access. It is in the public interest to establish and maintain public accesses to the significant water resources in the Town of Pelham. Such access may include provisions for direct water access, or may be for other uses which are enhanced by close proximity to the waters such as walking paths, picnic areas, and scenic overlooks. Where such amenities can be incorporated into the application, it would be appreciated by the Board and the Town. To qualify, public accesses must be permanently available to the general public.
- (H) Under no circumstances shall the required park areas exceed 15% of the total land area of the subdivision, unless specifically requested by the applicant.

#### **11.15 Signage**

- (A) An approval by the Planning Board shall be deemed to carry conditions requiring the installation of the following signs as appropriate. These signs shall be installed in accordance with common practices and under the supervision of the road agent.
  1. Temporary Road Sign – shall be installed at the entrance to the subdivision prior to the issuance of any building permits for structures in the subdivision.
  2. Wetlands Conservation District (WCD) Signs – shall be installed, where required, along the delineation of the WCD prior to any lot clearing and prior to the issuance of any building permits for structures in the subdivision.
  3. Final Road Sign – shall be installed prior to the issuance of any Certificate of Occupancy for any lot within the subdivision and prior to any performance bond reduction and/or release.
  4. Stop Signs – shall be installed prior to the issuance of any Certificate of Occupancy and prior to any performance bond reduction and/or release.
  5. Speed Limit Sign – shall be installed where any subdivision enters off a road that has a limit higher than that allowed within the Subdivision.
  6. Dead End Sign – shall be installed where new road is created that terminates in a dead end prior to any Certificate of Occupancy and prior to any bond reduction and/or release.
  7. Slow Children Sign – shall be installed at the beginning of all new residential road segments prior to any Certificate of Occupancy and prior to any bond reduction and/or release.
  8. Reduced Salt Area Sign – shall be installed where any portion of the roadway comes within 250 feet of a surface water.

# SECTION 12 - Additional Information and Studies

## 12.01 General Requirements for Additional Information

- (A) When the Board determines that the impact of the proposal is not adequately addressed by the minimum submission requirements of § 10.03-04, or when the proposal may impact a sensitive or critical area (as defined in these regulations at Section 4, Definitions) the Board may require any of the plans, studies, or information exhibits, in this section. Such concerns the Board may consider include, but are not limited to, neighborhood density, environmental sensitivity, etc. Any doubt as to a particular impact shall be resolved in the determination that the impact requires additional information.
- (B) These studies must assist the Board in making an informed decision that protects the health, safety and general welfare of the citizens of Pelham and the region.
- (C) The submission requirements in this section merely list minimum standards for the most often requested information. This section in no way limits the type of plan, study or exhibit, or the depth of such plan, study, or exhibit which may be required by the Board.
- (D) All additional submissions shall be presented under the seal or attestation of a professional normally employed for the presentation of such information.
- (E) The Board shall have the authority to hire consultants to review such additional information and recoup expenses related to such review in accordance with RSA 676:4(I)(g) (as amended).

## 12.02 Grading, Erosion and Sediment Control and Plan

- (A) The importance of natural drainage patterns is recognized in these regulations. Increases in off-site drainage may cause flood damage, and detrimental impact to environmentally sensitive areas, decreases in off-site drainage may cause detrimental impacts to on and off-site water dependant habitat, and destruction of wetlands. Sedimentation and erosion can also impact environmentally sensitive regions and habitats, and cause property damage for neighboring property owners.

Developments shall not increase, decrease, modify, or alter the normal patterns of off-site drainage, unless deemed beneficial to the Town in reducing potential flooding based on the Town's storm water mapping, or increase the erosion or sedimentation caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. Developments shall not increase the amount of erosion and sediment in surface waters. For significant or complex developments the Board shall require a plan to address these issues. Realizing that the methods to construct and calculate these facilities and address these impacts is not an exact science, the Board may accept final calculations that have been approved by the Town Engineer.

The applicant shall submit such plans to the Board for any tract of land being developed where one or more of the following conditions are proposed or present:

1. A cumulative disturbed surface area exceeding 20,000 square feet.
2. Construction of a street, road, or driveway.

3. Development that is proximate to an area that already has existing problems with similar issues.
4. Disturbed critical areas.
5. Standard agricultural and timber harvesting practices are exempt from this regulation.

The Board may waive the requirement for all or part of a grading, erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with § 13.01, Waivers.

Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix III, of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.

### **12.03 Stormwater Management & Plan**

Developments shall not increase, decrease, modify, or alter the normal patterns of stormwater drainage caused during the development of the site and/or by the eventual development itself. The applicant shall provide for and maintain methods that eliminate any detrimental downstream effect to other property. For significant or complex developments the Board shall require a plan to address these issues.

- (A) The applicant shall submit a Stormwater Management Plan to the Board for any tract of land being developed where one or more of the following conditions are proposed or present:
  1. A cumulative disturbed area exceeding 20,000 square feet.
  2. Construction of a street, road, or driveway.
  3. The site is near an area that the Board has determined there exist similar problems .
  4. Disturbed critical areas.
  5. Standard agricultural and timber harvesting practices are exempt from this regulation.

The Board may waive the requirement for all or part of a Stormwater Management Plan if it determines that a plan is unnecessary because of the size, character, and/or natural condition of a site. All requests for waivers and action thereon shall be made in writing, in accordance with § 13.01, General Waiver Provision.

- (B) 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 (i.e., retention/detention ponds and/or facilities) necessary to alleviate such problems. All required drainage improvements and/or facilities shall be designed to accommodate a 24-hour 50-year storm event. Drainage calculations shall be prepared in conformance with the guidance 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. Any off-site improvement necessitated by the development will have to be secured and completed prior to the construction of the development.

- (C) Description of the design standards, plan requirements, and other relevant criteria can be found in Appendices III and IV, of these regulations. The design standards shall apply to all development projects, regardless of size and/or scope.
- (D) It is presumed that the intent of the plan design, and therefore the basis for the Planning Board's approval, of any plan is that natural drainage flows, patterns, volumes and rates shall not be disturbed such as to impact neighboring parcels within or without of the subdivision's boundaries. Such impacts shall be mitigated through the use of in-field changes that are reviewed and approved by the Town Engineer and the Planning Director. It shall be the responsibility of the developer of the subdivision and the developer of individual lots, as a successor-in-interest to the approval, to insure compliance with this requirement. Purchasers and developers of individual lots inherit the responsibilities placed upon the original owners as successors-in-interest from the Planning Board. The approval for subdivision shall run with the land to all assigns and purchasers of each lot. In the event that in-field changes are not followed in accordance with the Town Engineer and the Planning Director, the approval shall be deemed voidable to the extent of the lot in question, requiring further Planning Board review and approval to permit changes.
- (E) Drainage improvements shall be bonded and constructed in accordance with the approved plan. Minor in-field changes may be approved by concurrence of the Town Engineer and Planning Director. Significant changes, in the opinion of the Planning Director, that dramatically alter the location, design intent or pattern of drainage shall require further Planning Board review and approval. If any changes are made, they shall be indicated on a "as-built" to be filed with the Town following construction.

#### **12.04 Traffic Impact Analysis**

All proposed developments shall be reviewed by the Board to ascertain that adequate provisions have been made by the owner of his/her agent for traffic safety. To facilitate this review, the applicant may be required to provide a traffic impact analysis when deemed necessary by the Board due to the size, location, or any other traffic generating characteristics of the development. Description of the design standards, plan requirements, and other relevant criteria can be found in Appendix V, of these regulations.

- (A) A traffic impact analysis shall be required in the following circumstances:
  - 1. the subdivision involves the creation of 10 or more residential lots or residential units;
  - 2. the subdivision is intended to facilitate non-residential land uses; or
  - 3. other, as deemed necessary by the Board.
- (B) The traffic impact analysis shall be prepared by a NH licensed Professional Engineer. This analysis shall be prepared to meet, at a minimum, the "Guidelines for Traffic Impact Analysis" (by the Strafford Regional Planning Commission, dated July 1986: copy available for viewing at Town Hall).

#### **12.05 Environmental Impact Assessment**

In projects involving 10 or more lots, or where, in the determination of the Planning Board, a significant impact to critical areas or natural resources is proposed, an environmental impact assessment (EIA) may be required and submitted to the Planning Board for review. The EIA shall be a written report that describes the impact of a proposed project on the site and abutting properties. It shall describe, the features and limitations of the site and it may analyze, in particular, the impact of the proposal on the following:

- (A) Soils and Geology: Particular attention will be given to Hydric A and B soils and slopes classified as Class D or E.
- (B) Topography: Including particularly those areas with slopes of greater than 15%, low areas or depressions, and scenic vistas.
- (C) Vegetation: Delineate the limits of the disturbance of all vegetation, especially rare, threatened, and endangered species and ecosystems. Proposed habitat protection measures shall be addressed.
- (D) Fish and Wildlife: A wildlife management plan shall be submitted. It shall include a study of the habitats supporting wildlife species with a particular emphasis on rare, threatened and endangered species. This plan shall address measures taken to preserve and improve on-site wildlife habitat: such as, but not limited to, waterfowl/aviation nesting areas, vernal pools, fish spawning areas, and deer wintering areas.
- (E) Wetlands: This study will include the effect on groundwater recharge/discharge, floodflow alteration fish/wildlife habitat, sediment/toxicant retention, nutrient removal/retention, production export, sediment/shoreline stabilization, recreation, education, uniqueness/heritage and aesthetics. The EIA shall show how impacts are minimized or mitigated.
- (F) Surface Water Quality and Quantity: A study that will include the impact on nearby wells and potential impact on aquifers and/or their recharge areas. The study will specify the location and distances from all public wells and their recharge areas and will further include the location of all abutters' wells.
- (G) Groundwater Quality and Quantity: A study that will include the impact on nearby wells and potential impact on aquifers and/or their recharge areas. The study will specify the location and distances from all public wells and their recharge areas and will further include estimated location of abutting wells.
- (H) Any other environmental factors that are deemed necessary for study and analysis by the Planning Board.

The Planning Board may require an EIA for projects involving less than 10 lots when necessary to evaluate the effects of a proposed development on existing natural resources. The Board may modify the scope of any EIA and require more or less than the above requirements. The Board may seek consultation from the Conservation Commission or a qualified environmental professional in determining whether to require an EIA, any additional components, and/or any revisions to its components.

## SECTION 13 - Action on Applications

### 13.01 General Waiver Provision

Where the Board finds that extraordinary hardships, practical difficulties, or unnecessary and unreasonable expense would result from strict compliance with the foregoing regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations. The purpose of granting waivers under provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.

A petition for any such waiver shall be submitted in writing by the applicant with the application for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that *all* of the following apply:

- (A) The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.
- (B) The waiver will not, in any manner, vary the provisions of the Pelham Zoning Ordinance, Master Plan, or Official Maps.
- (C) Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.
- (D) A particular and identifiable impediment exists or a specific circumstance warrants the granting of a waiver. Factors to be considered in determining the existence of an impediment shall include, but not be limited to:
  - 1. Topography
  - 2. Site features
  - 3. Geographic location of property
  - 4. Size/magnitude of project being evaluated.
  - 5. Protection of environmental and natural resources is accomplished through the granting of the waiver.

### 13.02 Decisions Of The Board

- (A) Approval Subject to Conditions Precedent - The Board may grant conditional approval of a subdivision review application, but the plan will not be signed or recorded until all of the conditions have been met. Conditions of this nature must be fulfilled before the planning board may give final approval to an application. Approval will become final only upon further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed.

(B) Satisfaction of the Conditions for Approval will become Final Approval without a public hearing upon certification to the Board that the conditions have been satisfied and when the nature of the conditions are:

1. Minor changes whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative in nature and which does not involve discretionary judgment; or
2. Conditions which are in themselves administrative and which involve no discretionary judgment on the part of the Board, such as, payment of additional fees, minor textual corrections to submitted documents, submission of additional copies of submitted documents, or other similar items; or
3. Involve the applicant's possession of permits and approvals granted by other Boards or governmental agencies, provided that the permits and approvals themselves have not required a change to the submitted plat or any other conditions imposed by the Board.

(C) Unless otherwise specified within the approval, the applicant shall have six months to comply with the conditions of the approval and have the plan signed by the Board. If the conditions are not met within six months, the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Board. Extensions shall be granted only if there have been no amendments to the Zoning Ordinance, Subdivision Regulations, Non-residential Site Plan Review Regulations, or any other ordinances and regulations which would render the subdivision plan non-conforming, and if all other required permits are still valid.

(D) Final Approval or Approval Subject to Conditions Subsequent

Upon determination that the requirements of these and any other town regulations or ordinances have been met, the board may approve the application. Where any of these regulations have not been met or are not applicable, the board may grant a waiver in accordance with the procedures in Section 13.01, General Waiver Provision.

The Board shall have the authority to grant approval subject to conditions that are subsequent. Such conditions may be necessary to secure the intent and purpose of these regulations or help to mitigate the impacts presented by the development itself. These are conditions that may appear on the plat and deal with restrictions on the use of property or safeguards that must be observed during development of the parcel or once the project is completed. Such issues may include, but shall not be limited to, the location of a road, preservation of vegetation and stone walls, hours of operation and construction, and specific changes to be made in the proposed subdivision plan necessary to secure the purposes of these regulations.

### **13.03 Performance and Maintenance Guarantee**

(A) Posting Of Performance Guarantee

The Board, under advice from the Town Engineer, shall set the amount and type of the performance guarantee prior to the final approval of the subdivision plan. The developer shall post such guarantee with the Town prior to the issuance of any building permits for the site. The guarantee shall cover the estimated cost of constructing and installing all site improvements and temporary mitigation mechanisms, including, but not limited to: street work (both public and private roads), drainage facilities, erosion and sedimentation control mechanisms, other transportation related facilities, landscaping, and other utilities.

The basis for determining the performance guarantee shall be 100% (one hundred) of the costs of all required site improvements, plus any other funds necessary for the completion of ancillary work as conditioned by the Board's approval. Cost escalation figures shall not exceed 10% per year. The proposed cost shall be determined by the Town Engineer and the Planning Director, however the amount may be reviewed and approved by the Board if there is some concern regarding certain issues found during the review process. Time limitations shall be imposed upon completion of the improvements of the site in accordance with the approval and § 13.03(B). Bonding shall not be considered a vesting of rights, nor shall posting of a bond be considered "active and substantial development or building". Failure to commence work on site improvements within the specified time limits may result in one of the following situations

- a forfeiture of the performance guarantee in favor of the town in order to complete the required improvements, or;
- the need to post a new guarantee prior to construction, or;
- revocation of the approved plan pursuant to RSA 676:4-a(as amended).

Performance Guarantees must be represented in a written agreement with, and acceptable to the Board and Town Council. This provision insures proper and legally binding agreements and appropriate economic assurance for the protection of the Town of Pelham and its citizens. All non-cash bonds and letters of credit shall execute automatically in the Town's favor at the end of their lifetime unless extended by the Town.

The Board may 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, after consultation and approval by Town Council.
3. A letter of credit in an amount and manner acceptable to the Board after consultation and approval by Town Council.

In the case of a bond or letter of credit being held and the guarantor or financial institution providing the bond or letter of credit is sold or files for bankruptcy, a new performance guarantee must be sought and obtained within seventy-two hours. If a new guarantee is not received in that time, all work on the site will be stopped until such time as a guarantee is obtained. The Board retains the right to issue liens against all lots within the subdivision until the guarantee is renewed.

(B) Release Of Performance Guarantee

Upon inspection of a partial completion of required improvements, the Board may authorize in writing a reduction in the performance guarantee up to an amount equal to the work completed. The Town shall retain sufficient funds for the current cost to complete the remaining improvements as indicated by a qualified contractor's bid estimate approved by the Board, plus a retainage of 30% (thirty) of the original performance guarantee amount 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 performance guarantee held by the Town, additional funds shall be required by the Board, in order to insure completion before the development proceeds any further. 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 may obtain a completion cost estimate, at the applicant's expense, from:

1. The developer's contractor; or
2. A qualified contractor of the Board's choice.

If the estimated completion costs exceed the amount of the performance guarantee posted with the Town, the developer shall post an additional performance guarantee as is necessary to complete the required improvements. The developer shall post such guarantee within three (3) days of notice thereof.

The performance guarantee (or balance thereof) shall not be released until the Board (or its agent) has certified completion of the required site improvements in accordance with the approved final plat, and Town Counsel has reviewed and approved all deeds governing land to be used for public purposes, as well as all easement agreements for the site.

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 Town's Building Inspector, Code Enforcement Officer, or designee, shall certify that all site improvements have been installed as per the approved site plan. Furthermore, the developer shall certify that the "as built" location of all newly installed utilities are in conformance with the approved subdivision plan. Any change in location of the utilities shall require the submission of "as built" plans indicating the actual location of the newly installed utilities.

(C) Maintenance Bond

For roads proposed to be accepted by the Town, the Board will not release the performance guarantee until a maintenance bond is in place. The Town will require a maintenance guarantee, covering the maintenance of public roads and other public improvements for a period of one (1) year from the date of completion, in an amount no less than 10%. If repair or unusual maintenance is needed or additional improvements are required then such costs as are necessary shall be drawn against said guarantee.

### 13.04 Off Site Improvements

Pursuant to RSA 674:36(as amended), the Board may require special improvements on or off-site which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision plan review. Any such special requirements shall be stated in writing in the minutes of the Board with the justifying reasons. The Board may require either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the site, taking into consideration the municipality's ability to pay for such improvements. Off-site improvements in the form of cash shall be administered in accordance with the Town of Pelham's Impact Fee Ordinance, adopted March 9, 1999.

### **13.05 Recording Procedures**

The Board shall require residential subdivision and lot line adjustment plans to be recorded with the Hillsborough County Registry of Deeds, once said plan is approved or approved with conditions. Per RSA 676:4, I(g) (as amended), the cost of said filing is considered an administrative expense, and shall be borne by the applicant. The filing fee must be paid prior to recording.

### **13.06 Issuance of Building Permits and Certificates of Occupancy**

In order to protect the general welfare and safety of workers and insure access to newly constructed homes, all approvals will be contingent upon the requirement that building permits be issued only after fire suppression is installed in accordance with the approved plans and road is built to its gravel base. In addition, no certificates of occupancy shall be issued until the roadway is built to base coat.

### **13.07 Active and Substantial Development**

In accordance with RSA 674:39, the Board, at its discretion, may require all plans to include a note that shall specify the threshold level of work which shall constitute "active and substantial development or building" for purposes of fulfilling the requirements of RSA 674:39, I. This threshold for "active and substantial development or building" must be reached within 12 months of approval before the plan will be eligible for the four-year exemption, as provided in RSA 674:39, from subsequent changes in the Town of Pelham Zoning Ordinance, Subdivision Regulations, or Site Plan Review regulations. The Board may extend this period for up to 12 months only for good cause.

### **13.08 As Built Plans**

The Board may require as-built plans to insure that a site is developed in accordance with the approved plans and to accurately document the location of underground utilities. All such as-built plans shall meet the current standards as set forth by the New Hampshire Board of Licensure and the New Hampshire Land Surveyors Association. The Board may require the submission of electronic data on subdivision lot information and wetlands delineation in GIS format for incorporation into the Town's system.

### **13.09 Monumentation**

Proper and complete survey monumentation shall be installed on the properties as a condition to final approval of the application. Granite bounds shall be set at the intersection of existing or proposed lot sidelines with existing or proposed streets. Iron pins (pipe or rod) are to be placed at all property line corners and angles, and at all points of curvature and points of tangency.

Certificate of Monument Installation. The applicant's surveyor shall certify in writing that the bounds and pins have been installed according to the submitted plan.

### **13.10 Expiration of Approved Plans**

Where no active and substantial work has commenced upon a site, plans that are approved and signed by the Board shall expire one year from the date the plan is signed. All previously approved plans shall expire two years from the effective date of this regulation. An extension, not to exceed one year, may be granted by majority vote of the Board so long as it is applied for at

least thirty days prior to the expiration date. All other plans must be submitted to the board for review to insure compliance with these and all other town ordinances and regulations.

# Appendix I - Roadway Design

## **A. Street Layout, Plan, and Construction**

The layout of all proposed streets shall provide for the continuation of the principal streets in an adjoining subdivision, if applicable. When the adjoining property is undeveloped, proper consideration of future development potential shall be given with respect to future continuous alignments. Safe access to all abutting lots shall be provided. Due consideration to contours and other natural features shall be given when laying out streets. The general street development plan shall be approved prior to the construction of any phase of the plan. The proposed street plan shall show all work necessary to connect and complete improvements and utilities between the proposed street(s) and any non-improved connecting street in an existing subdivision. All streets and related improvements shall be constructed in conformance with the standards described herein. Typical roadway sections, based on expected average daily traffic volume (ADI), are illustrated in Figure One. Typical geometric and structural guidelines, based on ADT, are illustrated in Figure Two.

## **B. Half-Streets**

Half-Streets, defined as streets shown on official plats but only partially constructed, shall be prohibited, except where deemed essential to the reasonable development of the subdivision in conformance with the other requirements of these regulations, and where the Planning Board finds it will be practicable to require the construction and dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be plotted within such tract.

## **C. Reserve Strips**

No subdivision showing reserve strips controlling access to streets shall be approved unless the land included in such reserve strips has been dedicated to public use under conditions approved by the Planning Board. A reserve strip is defined as any privately held property that separates a proposed subdivision street's primary or secondary proposed access to the internal subdivision or local roadway network.

## **D. Monument**

A permanent granite bound shall be placed at points of tangencies of curvature; angle points and at each property corner intersecting a right of way.

## **E. Metal Pin With an I.D. Marker**

(Minimum 5/8" diameter or equivalent) shall be placed at each lot corner and every three hundred feet along the perimeter of each property line.

## **F. Street Names**

Proposed street names shall not duplicate any existing street names within the Town and where appropriate shall relate to local historic names, locations or features. Three proposed street names shall be submitted with the application and shall be subject to Selectmen's approval. Upon construction of a street, street names shall be posted by the developer on a sign of a type approved by the Selectmen. At the Developer's request, lot numbers (map and Lot) shall be assigned by the appropriate Town agent.

### **G. Street Signs/Traffic Control Devices**

All streets shall have such street signs and markings as are necessary to provide for safe and efficient movement of all vehicles. The posting of all street signs or markings shall be the responsibility of the developer prior to release of the road surety. The placement of these devices shall be in accordance with FHWA uniform code traffic control devices and approved by the Board of Selectmen or their Road Agent.

### **H. Cul-De-Sacs**

Cul-De-Sacs shall be allowed in accordance with the specifications listed in items 37 and 38 of these standards. The center-line of all cul-de-sacs shall be aligned with the center-line of the street. These standards are illustrated in Figure Four. An easily-maintained landscaped island will be provided in the center of the cul-de-sac. When required, said island shall be sized to provide a street pavement width of no less than 24' around the island. Hammer-head turnarounds on dead-end streets may be permitted at the discretion of the Planning Board. When proposed, the design of these facilities will be subject to the approval of the Planning Board.

### **I. Alley Ways**

Alley ways shall not be permitted. (Public Way)

### **J. Sidewalks, Pedestrian Ways, and Bicycle Paths**

Sidewalks, pedestrian ways, and bicycle paths may be required at the discretion of the Planning Board. When required, sidewalks shall be constructed in accordance with the specifications listed herein. Proposed designs of pedestrian ways and bicycle paths will be subject to the approval of the Planning Board. Sidewalks are defined as those walkways adjacent to traveled roadways. Pedestrian ways and bicycle paths may or may not be adjacent to traveled roadways.

### **K. Curbs and Gutters**

Street curbing and gutters may be required at the discretion of the Planning Board. When required, curbing shall be constructed in accordance with the specifications listed herein unless otherwise agreed to by the Planning Board.

### **L. Driveways and Other Accesses**

Driveways and other accesses to the local street network or proposed streets shall be constructed in accordance with the relevant provisions of the Pelham Subdivision Regulations, and the document entitled "State of New Hampshire Department of Transportation Policy and Procedure for Driveways and Other Accesses to the State Highway System", 1985. Driveways shall be defined in accordance with the definitions given in the Institute of Transportation Engineers Guidelines for Driveway Design and Location, 1985. Both of these documents are hereby incorporated into these regulations by reference. Addition: All wetland crossings and other lot access where steep slopes or other special features such as dry hydrants and water access are presented shall be constructed as permitted and then approved by the proper agent(s) prior to the issuance of building permits or as agreed by the Planning Board and always by the proper agent(s) prior to Selectmen's consideration for acceptance of the roadway.

### **M. Utilities**

Where underground utilities are not required in accordance with § 11.12. Utility poles shall be kept close to the roadway Right of Way line and in no case shall be placed closer to the traveled way than eight feet or within eight feet of pavement. Utility poles shall always be placed well back of a curb.

## **N. Future Utilities**

A feasible layout for all future utilities within the subdivision and on adjacent land (when applicable), relative to natural features, shall be provided by the developer.

## **O. Clearing and Grubbing**

All trees and brush, stumps, large roots, loam, forest litter, sod, muck, silt or other unacceptable material within right of way or slope lines, whichever is farthest from the center-line of the street, shall be cut, excavated, and removed from the area except for trees that are to remain to secure the intent of these regulations to provide a mature stand of trees for ornamentation and aesthetic design. Under no circumstance shall any wood, brush, or any other unsuitable material be placed under or allowed to remain within the limits of the subgrade area.

## **P. Cut and Fill in Street Construction**

Excavation of roadbeds shall consist of removing earth or ledge to a depth of 2' below the finished roadbed grade (subgrade) shown on the final profile (i.e., below the required road base). Filled roadbeds shall be formed by spreading successive layers of fill material not greater than 6" in depth. Each layer shall be compacted to a density of at least 95% of maximum density before another layer is begun. Material containing loam, forest litter, wood, roots, or other substances that will not provide a stable bed or embankment will not be acceptable for the construction of fills. Broken ledge may be used in layers in fills over 4 foot in thickness. The voids in each layer shall be filled with earth or spalls. Broken ledge shall not be placed within 2' below the finished subgrade. Ledge fragments, or boulders larger than 1/2 cubic yard shall not be used within 2' of the finished subgrade.

Side slopes cut in soil above the finished roadway shall not exceed a ratio of 2' horizontal to 1' vertical and shall be graded, loamed (4' compacted), and seeded in conformance with "New Hampshire Standard Specifications, 1983", Section 644. Side slopes in ledge above the finished roadway shall not exceed a ratio of 1' horizontal to 2' vertical. Embankment slopes away from the edge of the finished roadway shall not be constructed at a ratio steeper than 4' horizontal to 1' vertical unless the length of the grade is greater than 10'. If the horizontal length of the grade exceeds 10', a ratio of 2' horizontal to 1" vertical may be used.

## **Q. Roadway Grades**

Roadway grades shall be constructed in conformance with the standards provided.

## **R. Grade Stakes**

The developer shall be responsible for placing grade stakes at 50 foot intervals to the road course where there are abrupt changes along horizontal curves in grade and at 100 foot intervals where a more level contour is present. Each stake shall be securely placed where it will not be disturbed by construction. Each stake will indicate a station number, its offset from the center-line of the street, and the extent of cut or fill to the finished center-line grade. Grade stakes shall be preserved until the completion of the roadway. If grade stakes are removed or damaged to the extent that they cannot be read by the Selectmen, Planning Board members, or appropriate Town official or agent, it will be the responsibility of the developer to replace them.

## **S. Erosion Control**

Erosion control shall be achieved in accordance with a plan submitted under these regulations. As a minimum erosion shall be controlled by placing mulch or matting on all surfaces disturbed by construction

of the road and on all other surfaces where there is danger of eroded material being carried to the roadway area.

### **T. Drainage**

All streets shall be provided with adequate drainage facilities (culverts and ditches) to allow for the removal of storm water and prevent flooding of the pavement and erosion of adjacent surfaces. Construction of such facilities shall be in accordance with “New Hampshire Standard Specifications, 1983”, Sections 603, 604, and 605 hereby incorporated into these regulations by reference. No water from adjacent lots shall be allowed to run across street surfaces, but shall be directed into catch basins or ditches and piped underground in a pipe of a size determined from a hydraulic study by a New Hampshire certified professional engineer and shall be no smaller than 15 inches in diameter of a material approved by the Town's Road Agent and approved by the Planning Board. Standing water in ditches, culverts, or catch basins shall not be permitted. All necessary drainage easements must be deeded to the town.

### **U. Bridges**

On stream crossings spanning 10 or more feet, the bridge structure shall be designed to HS-20 loading (AASHTO Specifications, hereby incorporated into these regulations by reference). The minimum traveled width on bridges shall be 28 feet. Greater street widths, depending on the volume of traffic anticipated, may be required at the discretion of the Planning Board.

### **V. Landscaping**

Upon completion of any development or development phase, all esplanade or planting strip areas adjacent to streets shall receive at least 4” of compacted high-quality top-soil (loam) free of stones over one inch in diameter, clay, and sods. At a minimum, these areas shall be seeded with a high quality grass seed in conformance with “New Hampshire Standard Specifications, 1983”, Section 644. All landscape plantings must be installed at the time of sequence approved by the Planning Board.

### **W. Clean-Up**

Before acceptance, a street shall be cleaned up, by whatever means necessary, so that, it is left in a neat and presentable condition. Construction related debris of all kinds, both natural and man-made shall be completely removed from the right of way.

### **X. Inspections**

In order to insure that streets are constructed in accordance with the standards prescribed herein, the Selectmen, or appropriate Town Agent(s), reserves the right to inspect any aspect of street construction at any time during the construction process and prior to acceptance of the roadway.

Each of the following operations shall be completed, inspected by the Designated Agent and approved before the next is begun, as listed below:

1. After the clearing, stumping, muck removal, and all work prior to subgrade construction.
2. After the subgrade has been constructed.
3. After the utilities and drainage have been constructed. (Note: Nothing will be covered until it has been inspected by the Board designated Agent).

4. After the application of gravel, just prior to paving and loaming.
5. Final inspection (after loaming and seeding).
6. A road inspection application must be submitted for each phase of road construction a road inspection report prepared by the Board designated Agent shall be submitted to the Planning board and the applicant regarding all inspection results.
7. All underground utilities shall be inspected and approved prior to paving.
8. Cut or fill slopes shall also be subject to inspection and approval.
9. Construction and paving of initial 16 feet of driveways accessing the roadway.
10. Fees - in accordance with RSA 676:4, I(g), reasonable fees in addition to fees for notice under 676:4, I(d), may be imposed by the board to cover administrative expenses and costs of special investigative studies, review of documents and other matters which may be required by particular applications. The Planning Board shall require the applicant to deposit in escrow with the town an amount sufficient to cover the costs of any professional review or preparation. Upon completion or review or study process any unused funds in excess of \$50.00 shall be returned to the applicant. Failure of the applicant to deposit such funds with the town within fifteen (15) days of the date of the written notification shall be sufficient basis for the Planning Board's denial of the application.

The developer will be responsible for notifying said Town official or agent at each of the construction phases. Failure of the developer to notify the Town official or agent at each of these construction phases will result in a delay of the release of the financial surety posted to cover such work. If any part of the street is found not to be constructed to the standards herein, the Selectmen may order the deficient segment to be reconstructed prior to its acceptance. The developer may request Town inspection of street construction at any point during the construction phase. Requests must be made at least seven working days prior to the desired inspection. All costs for inspections will be borne by the developer.

The Town official or agent responsible for street inspection shall establish and maintain a record of each inspection. Copies of these records shall be forwarded to the Planning Board so that it is able to monitor the progress. These records shall contain, but are not limited to, the date of inspection, the street or street segment inspected, identified by station, lot line or other reasonable means, conditions found, and action taken (approval or disapproval). Reasons for disapproval must be supplied to the developer, in writing, within 72 hours of the inspection.

#### **Y. Safety**

The Planning Board reserves the right to modify proposed street plans for the purpose of enhancing the safety of the traveled way. Potential modifications include, but are not limited to, removing obstructions, adding guard rails in areas where steep slopes exist or are created, and requiring additional warning signs. The Town road agent may act for the Planning Board under this paragraph.

#### **Z. Traffic Impact Studies**

A Traffic Impact Study may be required of any development, at the discretion of the Planning Board. The information presented in these studies shall be in accordance with these regulations and the "Strafford Regional Planning Commission's Guidelines for Traffic Impact Analysis", hereby incorporated into these regulations by reference. The Planning Board reserves the right to retain the services of an outside agency for the purposes of reviewing any traffic impact analysis submitted.

**AA. Acceptance**

No street shall be accepted by the Town until it has been inspected by the appropriate Town official(s) and/or agent(s) and found to be constructed in accordance with the specifications prescribed herein or additionally prescribed or agreed to by the Planning Board and approved by the Selectmen. Acceptance of all streets shall be consistent with RSA 674:40.

**BB. Street Construction Standards**

- 1 Minimum right of way width: 50'
- 2 Minimum pavement width: 20'
- 3 Minimum shoulder width: 4'
- 4 Minimum grade: 0.5%
- 5 Maximum grade: 10%
- 6 Base course depth: (traveled way and shoulders)
  - a. Gravel 12"
  - b. Crushed gravel 4"
  - c. Total base depth 16"

**All road material shall meet NHDOT standards**

- 7 Paving, roads and shoulders: (if paved shoulders required)
  - Hot bituminous pavement:
    - a. base (binder course) 2"
    - b. top (wearing course) 1 1/2"
  - 8 Shoulder type Crushed gravel
  - 9 Road crown 0.25"/1'
  - 10 Maximum Cul-de-Sac length - *Length is measured from the intersecting edge of the R.O.W. to the radius point of the cul-de-sac.* 1000'
  - 11 Cul-De-Sac Design
    - a. Minimum Cul-de-Sac R.O.W. radius 75'
    - b. minimum outside pavement radius 74'
    - c. minimum inside pavement radius 50'
    - d. minimum cul-de-sac pavement width 24'
  - 12 Minimum tangent length between horizontal curves 100'
  - 13 Vertical curves (minimum length):

The minimum vertical curve length required shall be governed by the design speed of the proposed roadway and determined by multiplying the algebraic difference in the two tangent grades times the "K" factors listed below (AASHTO specifications, hereby incorporated into these regulations by reference). The result of this calculation is expressed in feet.

Design Speed (mph)				
30	35	40	45	50
30	50	80	120	160
40	50	70	90	110
250'	325'	400'	475'	550'
430'	580'	720'	1100'	1400'

- 14 a. "K" Factor for crest
- b. "K" Factor for sag
- 15 Minimum street sight distance
- 16 Minimum center-line curve radii (no super elevation)

- 17 Gutter width (*added to minimum pavement width required in item*) 12" to 18"
- 18 Sidewalk construction:
  - a. Width 5'
  - b. Base course 8" crushed gravel

- c. Paving - hot bituminous pavement 2''
- 19 Street lighting  
The Planning Board may require street lighting at every intersection and commercial and industrial driveway. Midblock lighting and lighting of residential driveways may also be required as deemed necessary or appropriate by the Planning Board. All street lighting will be installed in conformance with the standards developed by the Illuminating Engineering Society of North America, hereby incorporated into these regulations by reference. All fixtures shall be approved in advance by the Planning Board to insure proper scale and illumination.

**INTERSECTION CONSTRUCTION STANDARDS**

- 20 Maximum grade (vertical alignment) on intersection approach 3% within 100' of intersection
- 21 Maximum grade (vertical alignment) within intersection area 2%
- 22 Minimum angle of intersections 70 degrees
- 23 Intersection control  
Intersections shall be controlled in accordance with the standards specified in the State of New Hampshire Manual on Traffic Control Standards, Statutes, and Policies, 1988, hereby incorporated into these regulations by reference.
- 24 Minimum center-line offset of adjacent (T-Type) intersections 200'
- 25 Minimum tangent length approaching intersection 50' (on local road approaches)
- 26 Minimum property line radii at intersections 25'
- 27 Minimum curb radius 30'
- 28 Minimum intersection sight distance

Intersections where the minor approaches) is controlled by a stop sign(s) shall be provided a minimum sight distance (onto the street intersected) relative to the speed of the major 2 or 4-lane street intersected. Standards for these relationships are given below.

- 29 Required Sight Distance From Minor Approach Posted Speed of Major 2-Lane Street (mph)\*

Design Speed (mph)				
30	35	40	45	50
390'	455'	520'	585'	650'

Required sight distance

\*In cases where over 25% of the expected average daily traffic is projected to be large semi-trucks, these distances may be increased by approximately 30%.

Intersections that are stop controlled on all approaches or signalized shall be provided with adequate stopping sight distance (on each approach) relative to the speed allowed on the approach. These standards are identical to those shown in item 42 of these standards.

# Appendix II - Cul-De-Sac Design

## A. Cul-De-Sac

### 1. Design Criteria:

#### a. Traffic Volume

Assume that a terminated street than 200 trips per day. (Reference: Residential Streets, Second Edition, 1990 published by the American Society of Civil Engineers, National Association of Home Builders and the Urban Land Institute).

#### b. Number of housing units

Assume each housing unit generates 10 vehicle trips per day. (Reference: Residential Streets, Second Edition, 1990 published by the American Society of Civil Engineers, National Association of Home Builders and The Urban Land Institute).

### 2. Location

A street that **cannot** be extended because of topography, size or shape of the tract, characteristics of adjacent existing or approved development(s), or other unusual conditions to the property that make future connection(s) to a dedicated street impossible or improbable shall terminate in a **permanent cul-de-sac**. Said permanent cul-de-sac, regardless of design (e.g. cascading cul-de-sacs), shall be on longer than 1000' (one thousand feet) in length or support no more than 20 (twenty) single family housing units. The housing units may contain single family style, duplex style, or any combination thereof, but shall not total more than 20 (twenty) units, thus allowing for no more than 200 vehicle trips per day, as spelled out in Design Criteria (a) and (b).

Streets showing the potential for future connectivity to a dedicated street shall terminate in a **temporary cul-de-sac**. Said temporary cul-de-sac, regardless of design (e.g. cascading cul-de-sacs), shall be no longer than 1000' (one thousand feet) in length or support no more than 20 (twenty) single family housing units. The housing units may contain single family style, duplex style, or any combination thereof, but shall not total more than 20 (twenty) units, thus allowing for no more than 200 vehicle trips per day, as spelled out in Design Criteria #1 and #2.

When submitting a plan showing a **temporary cul-de-sac** the developer/applicant must include:

1. A flown topographical map (or substitute) of the area for future road connectivity, identifying wetland areas and approximate land elevations
2. Registered mail receipts of mail notifying abutting land owners, or their representatives, who are directly effected by the design of the proposed connectivity

In all cases of temporary cul-de-sacs, there shall be a required minimum 50 (fifty) feet of right-of-way to allow for the future continuation of the street, thus implementing the long range plan of street connectivity and the planning of Pelham's road infrastructure as referenced in the Master Plan.

## Appendix III - Subsurface Sewerage Design

A. Regarding the installation of on-site sewage disposal systems, the following design standards shall apply:

1. Subsurface sewage disposal systems under 2500 gallons/day must be designed by a septic system designer, licensed in the State of N.H., or a Professional Engineer. All systems must be designed in accordance with the most recent edition of Subdivision and Individual Sewage Disposal System Design Rules as published by the N.H. Water Supply and Pollution Control Division of the Department of Environmental Services. (Env-Ws 1003.01 (a),(b)).
2. Systems over 2500 gallons/day shall be designed by a permitted designer who is also a civil or sanitary engineer licensed in the State of New Hampshire. All 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 N.H. Water Supply and Pollution Control Division of the Department of Environmental Services. (Env-Ws 1003.01 (d)).

## Appendix IV - Drainage, Erosion and Sedimentation Control

- A. General. The purpose of this regulation is to control soil erosion and sedimentation resulting from site construction and development. Subdivision and site plans shall include plans for controlling erosion and sedimentation as provided below.
- B. Design standards - erosion and sedimentation control. The following standards shall be applied in planning for erosion and sedimentation control:
1. All erosion and sediment control measures in the plan shall meet the design standards and specifications set forth in the Erosion and Sedimentation Control Design Handbook for Developing Areas in New Hampshire as amended and adopted by the County Conservation District.
  2. Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
  3. Appropriate control measures shall be installed prior to removal of vegetation.
  4. The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized by appropriate measures.
  5. Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and water bodies shall be protected from sediment.
  6. 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.
  7. Naturally occurring streams, channels and wetlands shall be used for conveyance of runoff leaving the project area after appropriate treatment.
  8. 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 thirty (30) days.
- C. Plan requirements - Erosion and Sediment Control.
1. Preliminary Plan Requirements. a preliminary plan is optional. If submitted, it shall include the following:
    - a. Site drawing of existing and proposed conditions:
      - i. Locus map showing property boundaries;
      - ii. North arrow, scale and date
      - iii. Property lines;
      - iv. Easements;
      - v. Structures, utilities, roads and other paved areas;
      - vi. Topographic contours;
      - vii. Critical areas;

- viii. Waterways, bodies of water, drainage patterns, and watershed boundaries;
- ix. Vegetation;
- x. Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist;
- xi. Erosion and sediment control measures;
- xii. Areas of soil disturbance.

b. Narrative section including discussion of each measure, its purpose, construction sequence, and installation timing as they apply to the site.

2. Final Plan Requirements. The Board shall require each of the following in the final plan unless specifically waived:

a. Site drawing of existing and proposed conditions:

- i. Locus map showing property boundaries;
- ii. North arrow, scale and date;
- iii. Property lines;
- iv. Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal;
- v. Topographic contours at two-foot intervals;
- vi. Extent of 100-year flood plain boundaries if published or determined;
- vii. Soils information from Soil Conservation Service published data or, where High Intensity Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist;
- viii. Easements;
- ix. Areas of soil disturbance.
- x. Areas of cut and fill
- xi. Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled;
- xii. Location of all structural and vegetative erosion and sedimentation control measures;
- xiii. Identification of all permanent control measures.

b. Narrative section including:

- i. Construction schedule;
- ii. Earth movement schedule;
- iii. Description of temporary and permanent vegetative measures including seeding specifications;
- iv. Description of all structural erosion and sedimentation control measures, with detailed drawings of each;
- v. Design calculations for all temporary and permanent structural control measures;
- vi. a proposed schedule for the inspection and maintenance of all measures;
- vii. Identification of all permanent control measures and responsibility for continued maintenance.
- viii. Calculations showing volume, peak discharge, and velocity of, present and future runoff.

D. Responsibility for installation/construction: The applicant shall bear final responsibility for the installation, construction and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Board may require a bond or other security as described in § 13.03.

Site development shall not begin before the erosion and sediment control plan is approved and the control measures are installed as scheduled in the approved plan.

E. 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 by subsequent owners 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 adequately maintain such measures, the Town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.

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

Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the consulting engineer at the applicant's expense.

G. Inspection. Inspection shall be made by an agent of the Board during development to insure compliance with the approved plan and that control measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

H. Other Required Permits. In addition to local approval, the following may be required:

RSA 485-A:17 requires a permit from the N.H. DES Water Supply and Pollution Control Division for "...any person proposing to significantly alter the characteristic of the terrain, in such a manner as to impede natural runoff or create an unnatural runoff...". Regulations require this permit for any project involving more than 100,000 contiguous square feet of disturbance or if such activity occurs in or on the border of the surface waters of the State.

## Appendix V - Stormwater Management Plan

A. General. The purpose of this plan is to address the effects of the proposed development on the existing stormwater drainage situation and capacity. These plans will often be required in conjunction with an erosion and sedimentation control plans.

B. Plan Requirements. The following standards and requirements shall met and submitted as part of the stormwater management plans.

1. Calculations of stormwater displacement and flow shall be calculated for a 50-year storm event. All facilities and mediation methods must be designed to accommodate a 50-year storm event.
2. The effects of stormwater drainage on downstream drainage facilities.
3. Methods and provisions to eliminate any overload or significant increase in downstream facilities.
  - i. Drainage easements.
  - ii. Retention/detention ponds.
  - iii. Any other facilities.
4. Appropriate methods to extend and/or connect the proposed drainage system to adjacent land whether or not such land is developed.
5. Appropriate accommodation of potential upstream development.
6. Preservation of natural watercourses within the existing watershed drainage basin.
7. Post-development surface runoff shall be equal to pre-development runoff rates.

C. Plan approval and review. The Board shall indicate its approval of the stormwater management plan, as filed, if it complies with the requirements and objectives of this regulation. If disapproved, a list of plan deficiencies and the procedure for filing a revised plan will be given to the applicant.

Technical review of any stormwater management plan prepared under this regulation shall be reviewed by the consulting engineer at the applicant's expense.

D. Inspection. Inspection shall be made by an agent of the Board during development to insure compliance with the approved plan and that management measures are properly installed or performed and maintained. The costs of such review shall be borne by the applicant.

## Appendix VI - Traffic Analysis

- A. Traffic interior and exterior circulation, access and egress, adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, accident statistics, curb cuts, turning lanes, and existing or recommended signalization.
- B. Amount, nature, and impact of traffic generated by the proposed development.
- C. Pedestrian safety, interior and exterior circulation, access and egress.
- D. Off-street parking and loading.
- E. Emergency vehicle access.
- F. The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to insure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4 I(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

## Appendix VII - Hydrogeologic Study

A.- A hydrologic study shall, at a minimum, provide the following:

- (1) A hydrologic mapping of local groundwater flow, aquifer characteristics, including but not limited to, elevation, transmissivity, and boundaries.
- (2) Existing background water quality.
- (3) The location of abutter water supply wells and septic systems.
- (4) The location and capacity of the proposed septic system(s).
- (5) Estimates of the transport of contaminants from any septic system(s) and of constituent concentrations (i.e. nitrates) at the property boundary and at the abutter's water supplies.
- (6) The hydrologic studies shall be performed by qualified hydrologists, hydrogeologists, or other qualified professionals. All water testing is to be performed at EPA approved laboratories.

# Appendix VIII - Abutter Notification Form

Town of Pelham

Planning Board

## Official Abutters Notification Form

This form is the *official and only* form to be used for the purpose of notifying abutters for a Pelham Planning Board meeting. This form must be filled out and/or attached to any abutters list submitted to the Town for a public hearing. In accordance with the Town of Pelham Subdivision and Non-residential Site Plan Review Regulations, this form, along with all other application materials must be submitted 20 days in advance of the hearing date requested and by 12:00 p.m. (noon EST) on that date. Failure to submit this form with the completed abutters list by the above date and time will void any request for a public hearing.

In accordance with New Hampshire Revised Statutes Annotated 676:4 I(d), as amended from time to time, the following names and addresses must be submitted for notice purposes:

- The applicant or applicants and owners of the land under review.
- Holders of conservation, preservation, or agricultural preservation restrictions.
- Every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board.
- Any person or other owner of property that is located in New Hampshire and adjoins or is directly across the street or any other way or stream from the land under consideration by the Planning Board, for condominiums or other collective form of ownership the officers of the association shall be the abutters.

For abutting land owners, the names and addresses must be generated from town records not more than 5 days prior to filing the application. Compliance with notification procedures is the sole responsibility of the applicant and not the Planning Board or Town staff. Lists will not be reviewed for correctness by the Planning Board or Town staff. Three (3) copies of the abutters shall be submitted with mailing labels for use by the Town.

By signing below, the applicant(s) formally submits this form, along with the required list of addresses and names, and attests to compliance with the above requirements.

---

Signature of Applicant

Date

**Town of Pelham Abutter Notification List**

Application: \_\_\_\_\_  
Applicant: \_\_\_\_\_  
Sheet: \_\_\_\_\_ of \_\_\_\_\_  
Date: \_\_\_\_\_

---

) _____ _____ _____ _____	) _____ _____ _____ _____
) _____ _____ _____ _____	) _____ _____ _____ _____
) _____ _____ _____ _____	) _____ _____ _____ _____
) _____ _____ _____ _____	) _____ _____ _____ _____
) _____ _____ _____ _____	) _____ _____ _____ _____
) _____ _____ _____ _____	) _____ _____ _____ _____
) _____ _____ _____ _____	) _____ _____ _____ _____

# Appendix IX - Application Completion Checklist

## SUBDIVISION PLAN REVIEW CHECKLIST

### TOWN ADMINISTRATIVE SUBMISSION REQUIREMENTS:

- Names and addresses of all abutters taken from town records not more than five days before filing.
- 8 prints of the plat.
- 1"=50' scale.
- 3 reproducible mylars of each plat are required.
- Approval for Subdivision issued by the New Hampshire Water Supply and Pollution Control Commission.
- Mylar dimensions are: 17 x 22 inches, or 22 x 34 inches.
- One mylar and two prints will be returned to the subdivider after the Board reaches a final decision on the proposed subdivision.
- 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.
- WSPCC subdivision approval date and number
- North arrow
- Date of the plan
- Name, license number and seal of the engineer and/or surveyor.
- Names of abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.
- 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 scale of 1"=400'.
- Proposed use of each lot.
- Boundaries of the entire parcel of property being subdivided and the location of all permanent monuments identified as to whether existing or proposed.
- 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.
- Existing and proposed easements, right-of-way, driveways, and buildings or other structures.
- Location of property lines, including entire undivided lot, lot area 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.
- 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.
- Water courses, ponds, standing water, rock ledges, stone walls and other natural features; existing and proposed foliage lines; and open space to be preserved.
- Existing and proposed streets with names, classification, travel surface widths and right-of-way widths.
- 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.

- 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 the final plans shall not exceed 1 in 10,000.
- Final road plan and profiles, and stationing every fifty feet with appropriate curve information, to include the following:
  - A Plan View
    - Drawn to scale as 1"=50' Showing:
      - Boundaries of proposed streets and proposed bounds.
      - Location of all existing and proposed bounds.
      - Boundaries of all drainage and pedestrian easements.
      - Location, elevation and description of at least two benchmarks per plan view
      - Horizontal location of all drainage structures and required curbing
    - A Profile View
      - Drawn to 1"=50'
      - Existing and proposed center-line profiles of all streets, street stubs, culverts, catch basins and other drainage structures.
      - Size, slope and type of all drainage piping.
      - Rim and invert elevations of all catch basins, culverts, headers and other drainage structures.
  - If any part of the proposed development falls within the one-hundred-flood 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.
  - 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.
  - Driveway location and designs shall be shown on the plans for every lot proposed.
  - Source of soils information.
  - Economic, traffic, and environmental impact studies shall be provided for all subdivision containing 10 or more lots.

**GENERAL**

- Title block complete.
- North arrow and scale on all plan view sheets.
- Proper cross-reference is made between plan and detail sheets.
- Grading and drainage has been coordinated with adjacent properties.
- Check to make sure that all right-of-ways and easements are shown, including flowage easements (min width = 20')
- Show block and lot numbers, also identify tracts, parks, waterways, street names.
- Show all property dimensions.
- Roadway and/or driveway alignment is complete.
- Two benchmarks per plan view.
- Label existing information to remain, be removed, abandoned, etc.
- Sheets 22" x 34"
- Scale shown both in feet & graphically.
- Is the elevation related to the U.S.G.S.
- X-sections 5 or 10 scale w 1:1ratio, if required
- P.E. stamps on plans & calcs.
- Match lines properly marked on plans.
- Is lighting plan or note included?
- Handicap ramp provided at sidewalks.
- Note: "All work to conform to NHDOT Standard Specifications"
- Are construction notes appropriate?
- 72-hour Dig Safe notice.
- "Site Specific" approval?
- Wetlands approval? Is the wet area marked properly?
- Subdivision plan checked by LLS.

- Square footage of lot(s) shown.
- Is a review by the Traffic Department warranted?
- Attorney General approval is required for subdivisions greater than 15 lots or condominiums greater than 10 units.
- 

**ROADWAY:**

- Show elevations at all inlets.
- Existing topo is shown, including contours at two-foot intervals.
- Proposed grades are shown. Make sure that they are at or above flood criteria.
- Check that vertical curves are shown when street grade has a difference of over 1%.
- Show elevations at all low points, high points, break in grade, and intersections. Also, show distance and slope between points.
- Roadways, driveways, bike paths, walkways are shown.
- Check that proper typical street section applies to road right-of-way.
- If applicable, check that proposed grade lines are properly shown.
- Check that finished floor elevation meet government requirements, building codes, and yard drainage.
- Minimum grade > 0.5%
- Maximum grade < 10%
- 2% maximum slope for 100' approach to intersections connecting to 3% maximum grade.
- Intersection angle between 70 to 90 degrees.
- Sight distances adequate at existing street intersections (See AASHTO – Roadways, State of NH – Driveways) minimum 400' all season safe sight distance.
- K(min) – crest = 30, sag = 40
- Minimum curve radius 200'
- Minimum intersection radius 25'
- Check cross-sections at existing intersections for conflicts.
- Cul-de-sac or temporary turnaround details shown.
- Are guardrails warranted?
- 7" curb reveal shown on granite curb
- 5" x 18" granite curb shown.
- Note re: pavement shall be applied to all driveways within the ROW.
- Vertical and Horizontal alignments shown.
- Gutter line grades at transitions to existing pavement & where the normal required x-slope changes.
- If there is a change in existing road grade, then profiles are needed for drives. Check for proper access.
- If road > 500 LF, x-sections showing limits of cuts & fills shall be shown.
- Typical roadway shown.
- Typical driveway shown.
- Cut and fill limits noted on the plan.
- Curb detail, curb line & limits of curb noted.
- Limits of construction & off-site improvements (if required) shown.
- Sidewalk details and limits of construction.
- Does roadway dam up any existing swales?
- Cul-de-sacs less than 560'

**DRAINAGE:**

- Primary drainage corresponds with drainage master plan of the area.
- Direction of runoff is shown.
- All low points have provisions for drainage disposal.
- Label all pipes and show in pipe schedule (if one is used) the following:
- Pipe size

- Pipe material
- Length of pipe
- Headwalls, if needed
- Flow at peak if pipe schedule is used
- Inverts, in and out
- Check that pipe inverts and swale bottom elevations are coordinated.
- Check for conflicts between drainage system and other utilities (water and sewer)
- Proper cover provided on pipes.
- Identify types of inlets.
- Identify type of grates.
- $N = 0.015$ ,  $V_{max} = 10$  fps w/o special provisions.  $V_{min} = 2.5$  fps flowing 1/3 full.
- RCP Class IV under roadways and Class V or Dip if  $< 4'$  of cover.
- RCP Class III cross-country.
- 4' minimum cover.
- 15' minimum diameter.
- Minimum slopes: 12"-.00060, 15"-.0045, 18"-.0035, 24"-.0021, 30"-.0018. 36"-.0014;  $v=2.5$  fps when 1/3 full &  $n=0.015$  to 0.5 for swales except level spreaders.
- CB's spaced at maximum of 300' & at intersections, change in alignment, grade or size, low points.
- Intercept drainage upstream of intersect.
- Where does outflow from site go? Is flow outletted through a headwall? Is off-site sturdy warranted Are there any adverse affects? Is the swale  $< 400'$  long?
- All profiles and plans shown.
- Check for conflicts w/ utilities.
- Check details for CB's, DMH's & HW's.
- Drainage Calculations:
- Narrative Provided.
- All inflow to site accounted for.
- Inflow including off-site areas.
- Runoff boundaries shown.
- Area labels with: area, C & Q
- Check topography around structures, particularly headwalls of end sections.
- Size, slope & materials of runs shown
- Check details on ditches & swales.
- Drainage designed for 25-yr storm for main lines and culverts, 10-yr for laterals.
- Gasket joints specified for pipe.
- Riprap properly-sized at the outfall(s).
- Elevation drop through the invert  $> 0.2'$ .
- Pipe slopes to be accurate.
- Is the swale size and treatment sufficient for the proposed velocity?

**DETAIL SHEET:**

- Complete title block.
- Check all standard details and complete by adding any particular information, which may be needed.
- Detail titles and identifications are correct.
- Proper cross-reference is provided between plan and detail sheet.
- Check general notes for completeness and spelling.
- Typical roadway and/or driveway sections if different from community engineering standard.
- Pavement design
- Surface course, type and thickness
- Base course, type and thickness
- Sub-base stabilization
- Pavement slopes

- Pavement width
- Sidewalks
- Curbs and gutters
- Swales
- Property lines
- All features properly dimensioned.
- Typical grading details if used.
- Lot grading
- Cul-de-sac grading
- Green acres
- Block grading
- Show section for waterway, lake, ditch, retention basin, etc.
- Maximum side slopes
- Grading up to the property line
- Right-of-ways
- Detail all drainage structures and systems, which are not part of community engineering standards.
- Inlets
- Grates
- French drains
- Soakage pit
- Slab covered trench
- Control structures (weirs, culverts, etc.)
- Check headwall size required to make sure that the area around the structure has been graded properly.
- Provide details of erosion protection systems if required.
- Topographic data, including 150 feet beyond property.
- Building floor elevation and other important elevations.
- Electrical and telephone lines, including pole locations, servicing, locating on or adjacent to the property.
- Outline perimeter of heavily wooded areas.
- Location and site of solitary trees with 6 in. and larger diameter trunk.
- Mean elevations and limits of standing or flowing water.
- Limits of 100-year flood elevation or note, if 100-year flood does not encroach.
- Identify of flood information source.
- Date of survey
- Certification by surveyor.
- Caption giving property location (local, legal, land subdivision, municipality, County, State).
- Tie to established reference point.
- Parcel traversed in clockwise direction.
- Type corner markers found and set indicated
- Courses shown if degrees, minutes, and seconds east or west of a north/south line.
- Traverse closed
- Contiguous property owners indicated
- Curve data shown (points at curvature, tangency, and compound curvature; radii; central angle; and length and bearings of long chord).
- Easement descriptions
- Plat scale (1"=50')
- Date of survey and plat.