# SUBDIVISION REGULATIONS




## TOWN OF NEW DURHAM

REVISED MARCH 14, 1995
REVISED JUNE 17, 2003
REVISED OCTOBER 18, 2005
AMENDED MAY 20, 2008
AMENDED OCTOBER 22, 2008
AMENDED DECEMBER 17, 2008
AMENDED JANUARY 20, 2009
AMENDED FEBRUARY 3, 2009
AMENDED FEBRUARY 16, 2011
AMENDED JUNE 7, 2011
REVISED JULY 16, 2013

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# SECTION 1: AUTHORITY

Pursuant to the authority vested in the New Durham Planning Board by the legislative body of the Town of New Durham on March 12, 1968 and in accordance with the provisions of NH RSA 674:35, as amended, the New Durham Planning Board adopts the following regulations governing the subdivision of land in the Town of New Durham, New Hampshire. The planning board repeals the previous Subdivision Regulations and hereby adopts this new regulation on July 16, 2013.

# SECTION 2: TITLE

These regulations shall be known and cited as the SUBDIVISION REGULATIONS OF NEW DURHAM, NEW HAMPSHIRE.

# SECTION 3: PURPOSE

These regulations are designed to accomplish the purposes set forth in RSA 674:36 and for the purposes of protecting the health, safety, convenience, and economic and general welfare of our citizens. Additional purposes of these regulations include, but are not limited to, the provision of:

1. The harmonious development of the municipality and its environs.
2. The proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets or with features of the official map of the municipality.
3. The efficient and compact subdivision development that promotes retention and public usage of open space of adequate proportions and wildlife habitat.
4. Sufficient width and suitable location of streets to accommodate existing and prospective traffic and to afford adequate light, air, and access for firefighting apparatus and equipment to buildings, and be coordinated to compose a convenient system.
5. Neighborhood parks, playgrounds and other recreation areas.

6. Encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar sky space easements under RSA 477.
7. Implementation of Master Plan Vision and Policies.

# SECTION 4: ABOUT TOWN REGULATIONS

The Town of New Durham has several other regulations which may affect an application of which the applicant should be aware. The Town of New Durham Zoning and Land Use Ordinance address the use of land. The Site Plan Review Regulations apply to all non-residential and multi-family development.

The applicant should review all regulations which may affect the proposed development and contact the Planning Department Staff for direction and guidance when needed.

# SECTION 5: GENERAL PROVISIONS

Section 5.01 Approval of Subdivision Required

Before any subdivision is made, or before the transfer or sale of any part thereof, and before any subdivision plat may be filed in the office of the Register of Deeds of Strafford County, the owner or authorized agent shall apply in writing to the Board on a form provided by the Board (Appendix B) and secure approval of such proposed subdivision in accordance with these regulations.

# SECTION 6: DEFINITIONS

As used in these regulations, the following terms shall have the meanings indicated:

1. **Abutter:** Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under

consideration by the local land use board. For purposes of receiving testimony only, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For notification purposes, in the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3-XXIII.

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

3. **Approval**: Recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these regulations and in the judgment of the Board, satisfies all criteria of good planning and design.

4. **Board:** The Planning Board of New Durham, New Hampshire.

5. **Building Envelope**: Area within which clearing, grading, lawns, pavement, buildings, well and septic systems will be located.

6. **Certified Soil Scientist**: A person who by reason of special knowledge and experience is qualified to practice soil science and has been duly certified by the Board of Natural Scientists under RSA 310-A:75.

7. **Completed Application**: The application, supporting documents that contain all required information and all applicable fees, as specified in these regulations, to allow the Planning Board to review a subdivision proposal and make an informed decision.

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

9. **Design Review Information Package:** Information package required for pre-application Design Review Phase as specified in Design Review Section of these regulations.

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

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

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

13. **Lot Line Adjustment:** The exchange of abutting land among two or more lots.

14. **Master Plan:** A plan for development of the Town of New Durham developed in accordance with the provisions of RSA 674:2.

15. **Natural Resource Inventory:** Details, descriptions and analysis of specific Natural Resource information as required and described in these regulations.

16. **Plat:** The map, drawing, or chart, on which the plan of subdivision is presented to the New Durham Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Strafford County for recording.

17. **Pre-Application Information Package:** Information package required for pre-application phases as specified in Conceptual Consultation Section of these regulations.

18. **Pre-Application Review:** the two steps, Conceptual Consultation and Design Review, which an applicant may use or may be required to use prior to filing a completed application.

19. **Street:** A public way that lawfully exists and is maintained for vehicular travel. The word "street" shall include the entire right-of-way.

20. **Subdivision:** The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes re-subdivision and, when appropriate, relates to the process of subdividing or to the land or territory subdivided.
    a. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.
    b. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters, and supporting apparatus, including any unmanned structure which is less than 200 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.

21. **Subdivision, Major:** Any subdivision not classified as a minor subdivision.

22. **Subdivision, Minor:** A subdivision of land into not more than three lots with no potential for re-subdivision; that fronts on an existing street and requires no new streets, utilities, or other municipal improvements.

23. **Woodlot:** A lot used for the growing and/or harvesting of timber or agricultural products. Houses or camps may not be built on this lot. Motor homes, campers, or camp trailers may not be parked on this lot except during the working of the land.

24. **Yield Plan:** An estimate of the number of lots that a developer could create from a parcel of land if he/she developed it according to traditional subdivision guidelines accounting for all local, state, and federal guidelines.

# SECTION 7: APPLICATION PROCEDURES

## Section 7.01: PRE-APPLICATION PHASES

There are two pre-application phases: the Conceptual Consultation and the Design Review.

1. The Conceptual Consultation is required for Conservation Subdivision applications and encouraged for others;
2. The Design Review is required for Conservation Subdivisions or for Standard Subdivisions that meet the criteria of Zoning Ordinance Article III.B.
3. When optional, the applicant may choose between the Traditional Design Review and the Expedited Design Review. The Expedited Design Review process includes a negotiated and collaborative third party natural resource review which speeds the review, reduces applicant costs, and has a specific focus on the protection of natural resources.
4. Minor Subdivision The applicant may meet the Board for pre-application consultation to determine if the proposal qualifies as a Minor Subdivision. If the proposal is considered a minor subdivision, the applicant shall submit a complete application.

Notification of abutters and associated fees are not required for Conceptual Consultations and are required for Design Review and Expedited Design Review phases per RSA 676:4-I(d).

## Section 7.02: CONCEPTUAL CONSULTATION

A Preliminary Conceptual Consultation shall not bind the applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board. The consultation shall be informal and directed toward:

1. Review of the basic concepts of the proposal,
2. Review of proposal with regard to the master plan and zoning ordinance,
3. Explanation of the local regulations that may apply to the proposal,
4. Guidance for the applicant relative to state and local requirements.
5. Pre-Application Information Package Required. At the pre-application consultative meeting, the applicant is expected to submit a package of

information about the site and the proposed development. This package shall include:

a. A site location information and map—identifying the selected site on a broad scale
b. Aerial imagery of the area
c. Property map and site inventory identifying key resources and existing conditions on the site and immediately outside the property boundaries, such as existing impervious surface cover
d. A description of the proposed project and any additional pertinent information
e. If wetlands mitigation is expected, a description of the proposed mitigation approach
f. Initial consideration by the applicant for access to site and impact of additional vehicular traffic on Town roads
g. Landowner permission for a site visit by the Planning Board and the public with owner attending.
h. Any publicly available information showing the natural resources of the site, including and not limited to, any of the following:
    i. Wetland maps
    ii. Wildlife habitat maps
    iii. Aquifer maps
    iv. Slope analysis
    v. Town Conservation Focus Area maps
    vi. Material which illustrates concepts that may be incorporated into the subdivision design for:
        1. Protecting and enhancing the rural character of New Durham
        2. Creating community in the subdivision
        3. Landscape design
        4. Enhancement and protection of open space

6. The Planning Board will use the Conceptual Consultation Phase to offer conceptual guidance to the applicant regarding components of a full application.

7. For an Open Space Conservation Subdivision, the Conceptual Consultation will provide the applicant with information needed to prepare a yield plan and begin subdivision design. The Board will review concepts for

subdivision layout only in terms of areas that should remain undeveloped and/or protected.

## Section 7.03: TRADITIONAL DESIGN REVIEW

1. Requests for pre-application design review shall be submitted in writing not less than twenty-one (21) days before the regularly scheduled meeting of the Board. This request shall be accompanied by applicable administrative and public notice fees per the Town Fee Schedule.

2. Design Review Information Package The applicant shall submit a package of information on the proposed development which will be reviewed by the Land Use Clerk for completeness. The package shall include:

a. Updates to any information submitted under Conceptual Consultation; or, if consultation was not part of the pre-application, then complete Pre-Application Information Package for Conceptual Consultation.
b. Additional site information (basic site information required to develop a technical plan), including site-specific soil maps and topography
c. 30—50% engineered plan that contains base information required for various permits, such as current and proposed contours and grading for the site, identification of areas to be blasted (if applicable), existing and estimate of proposed impervious cover, and estimate of the total area of disturbance and the total wetland impact.
d. Proposed strategy and estimated expected performance relative to the best practice standards for stormwater management, erosion control, energy efficiency, and water conservation;
e. Copies of alternative designs considered by the applicant;
f. Summary of concerns identified from consultations with other agencies and entities and the applicant's proposal to address these concerns; and,
g. List of abutters and their addresses from municipal records.

3. Natural Resource Inventory The Natural Resource Inventory as described in Section 7.05 shall be submitted for the Traditional Design Review. The Board will review the information and provide guidance to the applicant as appropriate for the Design Review Phase.

4. Statements made by Board members in Design Review Phase shall not be the basis for disqualification of said members or invalidation of any action eventually taken on the application.

5. The Planning Board, after a hearing for a subdivision or site plan Design Review, will determine the date that will signify the end of the Design Review process and will so notify the applicant in writing within ten (10) days of that decision.

## Section 7.04: EXPEDITED DESIGN REVIEW PROCESS

The key components of this process are:

1. The board and applicant negotiate a process for conducting the natural resource review in a collaborative, cost-effective, and mutually acceptable way.

2. The applicant agrees to pay the costs of third party natural resource review for the town during the expedited design review phase;

3. The Town agrees that the third party natural resource review during the formal application stage will be limited to new information that becomes available to the town after the expedited design review is completed; and

4. Joint Natural Resource Inventory. The Town and Applicant Natural Resource specialists will prepare a joint or separate Natural Resource Inventory, as required in Section 7.05, based on on-site inspection, according to the procedure negotiated in the Conceptual Consultation phase.

## Section 7.05: NATURAL RESOURCE INVENTORY

To implement Master Plan policies and these regulations, an Applicant should have a complete understanding of the natural resources on the site proposed for subdivision or development. The Applicant shall inventory all natural resources on the site proposed for development including the natural resources of land, air quality, soils, vegetation, mineral deposits, water, wildlife, and wildlife habitat. Applicants shall address each natural resource and describe how the resource will be maintained, protected, or impacted during the development.

All applications are required to submit a Natural Resource Inventory which shall include:

a. A plat of the land that combines the information from onsite inspection with the information requirements in the Conceptual Consultation Pre-Application Information Package. It will include a narrative description of each natural resource; and,
b. All of the following natural resources, and any others of note on the property:
    i. Riparian and other resource buffers;
    ii. High quality forest resources;
    iii. Individual trees of unique beauty, size, or age;
    iv. Critical habitat areas, including core and supporting areas designated by the New Hampshire Fish and Game Wildlife Action Plan and the Land Conservation Plan for New Hampshire's Coastal Watersheds;
    v. High quality soil resources;
    vi. Cultural and historic resources;
    vii. View sheds;
    viii. Existing trails, including animal, hiking, snowmobile, or other recreational trails;
    ix. Stone walls; and,
    x. Archeological sites, cemeteries, and burial grounds.
c. The Plat will also show:
    i. Property boundaries;
    ii. Topographic contours at 10-foot intervals
    iii. Slopes by class of 15-24.99%, 25-29.99%; and 30% or greater;
    iv. Soil types, including agricultural soils of state or local significance;
    v. Existing rights of way
    vi. Existing roads, access ways, and structures; and,
    vii. Conservation easements, undivided parcels of 50 acres or more, rare and threatened species within 250' of the property boundaries.
d. Land Classification

The report will classify sections of the land into four categories, as follows:

    i. Legally protected: land areas with specific protection in state, federal, or local law, ordinance, or regulation;

ii. High Value: land areas that do not have specific legal protection and do have high value natural resources as identified in state or local natural resource studies such as Supporting Lands for Conservation Focus areas;
iii. Medium Value: land areas that do not have specific legal protection and have identifiable natural resources of lesser number, density, or value than High Value land;
iv. No protection value: land areas that do not have specific legal protection and have no significant or unique natural resources. Differences in analysis between the Town and Applicant will be noted and explained.

e. Mitigation Plan
1. The applicant will identify all lands of medium value or greater that are proposed to be disturbed in its subdivision design. The applicant will propose a mitigation plan for each such area or natural resource.
2. Where a natural resource(s) will be significantly affected or eliminated by the development, an applicant may propose a mitigation plan to restore or replace the natural resource. If the Planning Board finds a significant impact exists, the Planning Board may require a mitigation plan that may include landscaping.

f. Board Review and Guidance
i. The Conservation Commission will be asked to review and comment upon the Natural Resource Inventory.
ii. The Planning Board will provide guidance to the applicant regarding the protection needed for each of these resources in the yield plan, subdivision design, and layout, reserving the right to require additional protections or design changes if new information is discovered later.
iii. When and if the Town's third party Natural Resource Inventory is conducted at the cost of the applicant per RSA 676:4.I.g, the Board shall revisit and may revise the guidance given to the applicant during the Traditional Design Review phase.

## Section 7.06: FEES

1. A Completed Subdivision Application shall be accompanied by a filing fee according to the approved Town Fee Schedule.
2. All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.
3. Technical Assistance Fees Pursuant to RSA 676:4-I(g), it shall be the responsibility of the applicant to pay reasonable fees for technical assistance the Board deems necessary for its review of the application.

## Section 7.07: COMPLETED APPLICATION

1. To invoke jurisdiction of the Board, a completed application shall be filed with the Board's designee at least 21 days prior to the public meeting of the Board at which the application is to be considered.
2. The completed application shall include all applicable fees and data and information requirements specified within these regulations including those on the Checklist, Pre-Application Information Packages, Plat Submission Requirements, Design Standards, and Required Improvements.
3. A preliminary completeness review may be performed by the board's designee using the "Subdivision Application Checklist". The designee may make an initial judgment on whether or not the application appears sufficient to schedule a meeting with the board, but the final determination of completeness shall be made by the Board.
4. An application that has been recommended as complete by the Board Designee or outside consultant shall be submitted to the Board at the first meeting of the month after due notification has been given as required by RSA 676:4-I(d).
5. An incomplete application will not be submitted to the Board. Notices will not be issued.
6. The Planning Board will use the "Subdivision Application Checklist" to ensure completeness. No application will be

accepted as complete until all required information or a written waiver request has been submitted.

7. Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information or to pay fees as required by these regulations.
8. Acceptance will be by affirmative vote of a majority of the Board members present.
9. Prior to accepting the application, Board Members may visit the site with prior notification to the landowner to familiarize themselves with the site. Individual Board members should not discuss the acceptability of the application with the Applicant or other Board members except at the Board's meeting.

## Section 7.08: PUBLIC HEARING AND NOTICES OF HEARING

1. A public hearing shall be held as required by RSA 676:4-I(d) with notice given to the applicant, abutters, and the public mailed at least ten (10) days prior to the start of Design Review, or prior to the consideration of the submitted subdivision application. The hearing may be continued on subsequent dates until action is taken for conditional approval, approval or denial.
2. The public will be given notice at the same time, by posting at all town approved posting sites and publication in a newspaper of general circulation. The notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the applicant and the location of the proposal.
3. If the notice for the public hearing was included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing if the date, time, and place of the adjourned session were made known at the prior meeting and published in the minutes of that meeting.
4. No application shall be approved without full notice of abutters and a public hearing.

## Section 7.09: BOARD ACTION ON COMPLETED APPLICATION

1. The Board shall begin consideration of the completed application within 30 days of its submission.
2. The Board shall act to approve, conditionally approve, or disapprove the completed application within sixty-five (65) days of the Board determination of completeness.
3. The Board may apply to the Selectmen for an extension not to exceed an additional sixty-five (65) days before acting to approve, conditionally approve, or disapprove an application. An applicant may waive the requirement for Board action within the times specified in these regulations and consent to such an extension as may be mutually agreeable.
4. Approval of the plat shall be certified by written endorsement on the plat and signed and dated by the Chairman of the Board. The clerk shall transmit a copy of the plat with such approval endorsed in writing thereon to the Registry of Deeds of Strafford County. The applicant shall be responsible for the payment of all recording fees.
5. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Board and in written notice given to the applicant.
6. If the Board has not taken action on the application within sixty-five (65) days of the Board determination of completeness, and has not obtained an extension, the applicant may obtain from the Board of Selectmen an order directing the planning Board to act within thirty (30) days. Failure of the Board to act on the order shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4-I(c)(2).

## Section 7.10: CONDITIONAL APPROVAL

1. The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions precedent have been met. A conditional approval is an interim step to final approval. In granting conditional approval, the Planning Board will set a reasonable date, which in no case will be longer than 180 days, by which conditions precedent must be met. Failure to meet the conditions by the date specified, or as

extended by request of the applicant and at the discretion of the Planning Board, will have the effect of the application being withdrawn.

2. A further public hearing is not required when such conditions precedent:
   A). Are administrative in nature,
   B). Involve no discretionary judgment on the part of the Board, or
   C). Involve the applicant's possession of permits and approvals granted by other Boards or agencies, such as the Department of Transportation and the Department of Environmental Services (DES).
3. A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4-I(i).

## Section 7.11: ACTIVE AND SUBSTANTIAL DEVELOPMENT; SUBSTANTIAL COMPLETION

1. Prior to the approval of a subdivision, the Planning Board shall determine what will constitute active and substantial development of the property that must be completed within the terms of its approval or within 24 months subsequent to the final approval for the purpose of determining whether vested rights are established per RSA 674:39,I(a). The Board shall include these terms in its approval. In making this determination the Board will take into consideration the scope and details of the project.
2. The Board in its approval will also specify the amount of development required for the subdivision to be in a state of substantial completion, taking into consideration the scope and details of the project.

## Section 7.12: SCATTERED OR PREMATURE DEVELOPMENT

1. Scattered or premature subdivision of land that would involve danger or injury to health, safety or prosperity by reason of lack of water supply, drainage, transportation, school, fire department, or other public services including adequate public roads, or necessitate an excessive expenditure of public funds for the

supply of such services shall not be approved by the Board. See RSA 674:36 II (a).

2. The following items shall be considered in determining whether the proposed subdivision is scattered or premature. The *Applicant* may be required to have studies made as specified by the Planning Board to determine the effect that the proposed subdivision may have on the:
   A). Capacity of the school system and effect on school bus transportation
   B). Adequacy of access road(s) to determine if a public hazard may be created by the proposed development, given the current condition of public access roads.
   C). Adequacy of water supply for domestic and fire-fighting purposes
   D). Potential policing or fire protection problems

## Section 7.13: REVOCATION OF APPROVAL

1. An approved and recorded subdivision plat plan may be revoked per the stipulations of RSA 676:4-a for reasons including but not limited to:
   A). At the request of, or by agreement with, the applicant or the applicant's successor in interest; or
   B). When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval; or
   C). When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44, III(d) until the work secured thereby has been completed.
2. When the Planning Board gives final approval to an application, it shall specify a reasonable time in which conditions subsequent to the approval must be met. If the applicant or successor in interest to the applicant fails to perform any condition of the approval within such reasonable time specified in the approval, the approval shall be revoked. In all cases, the process of revocation

and the recording of any revocation shall follow the process outlined in RSA 676:4-a, II, and RSA 676:4-a, III.

# SECTION 8: PLAT SUBMISSION REQUIREMENTS

Plans submitted for Subdivision Approval shall include the following:

1. Completed Final Application
2. Five (5) copies of the plat (size 24 x 36) and eight (8) copies of plat (size 11 x 17) shall be submitted. The plat shall be prepared and certified by a Licensed Land Surveyor. The plat shall show or be accompanied by:
   a) The names and addresses of all abutters as shown in Town records, along with three (3) sets of mailing labels that includes abutters, applicant(s), and developer/ surveyor/ agent thirty (30) days before the meeting date.
   b) All applicable fees per Town Fee Schedule.
   c) Additional reports or studies, as may be required by the Board, including but not limited to: high intensity soil survey, traffic, school, fiscal and environmental impact analyses, to allow the Board to make an informed and educated decision concerning the proposal.
3. Ground control both on the site and on the plat. The ground control shall consist of numbered flags, stakes, walls, trees, or other easily identifiable points on the property. These points shall be well distributed throughout the site at a density of not less than four points per lot and identified by number on the plat. The purpose of this requirement is to provide easy identification for all parties required.
4. The Planning Board may require a visual impact plan created by a licensed landscape designer or architect to be submitted, and approved.
5. Plats submitted to the Planning Board for approval of new streets, or narrowing or widening of streets shall show a park or parks suitably located for playground or other recreational purposes.
6. <u>The plat shall include</u>:
   A). Proposed subdivision name or identifying title;

B). Name and address of the applicant and the owner, if different than the applicant;

C). Scale of 1 inch equals 100 feet or larger (i.e., 1 inch equals 50 feet,1 inch equals 20 feet, etc.) and north arrow;

D). Locus plan showing general location of the total tract within the town;

E). Vicinity Map showing the relationship of the proposed subdivision to the adjacent properties and natural features. The Vicinity Map shall be at a minimum of 1" equals 400 feet and show the following features within 1,000 feet of the subject property:

i. Existing subdivisions adjacent to the proposed subdivision;

ii. Locations, names, classifications, right-of-way widths, and speed limits of existing and proposed streets;

iii. Boundaries and designations of zoning districts;

iv. An outline of the proposed subdivision and any remaining portion of the owner's property if the proposed plan submitted covers only a portion of the owner's entire contiguous holding.

v. Natural features, including wetlands, open space conservation areas, rivers, and other waterways, significant wildlife and fishery habitats, topography, and other natural resource and building structures, as well as, existing snowmobile, all-terrain vehicle, hiking and recreation trails that may influence the subdivision's design only to the extent that this information is publicly available and does not require unauthorized entry onto adjoining parcels. Applicants are expected to contact adjacent property owners and to contact off highway recreational vehicle clubs for any access or information that may be required for the above items;

vi. Boundary survey including bearings, distances, and the location of permanent markers;

vii. Location and profiles of existing water mains, sewers, culverts, drains, and proposed connections or alternative means of providing water supply (including location of proposed wells, if applicable), disposal of sewage, and surface drainage;

viii. Location of existing wells and septic systems, both on- and off-site, within 100 feet of any designated leach field on any proposed lot;
ix. Existing and proposed easements, rights-of-way, buildings, water courses, ponds, standing water, rock ledges, stone walls and other essential site features;
x. Location of property lines, including entire undivided lot, lot areas, and frontage on public right-of-way. Each lot shall be numbered according to the tax map numbering system;
xi. Existing and proposed topographic contour boundaries at 2-foot intervals or less (i.e., 1-foot contour intervals).
xii. Location of ground water, and percolation tests and test results;
xiii. Soil mapping types/slopes and boundaries including location of soil tests and test results;
xiv. Deed restrictions;
xv. Open space to be preserved;
xvi. Existing buildings and other man-made structures to remain;
xvii. Final road profiles and cross-sections;
xviii. Cemetery location and access way;
xix. Copies of the following applications:
1) State subdivision approval;
2) State highway/municipal access permit, as applicable;
3) State septic approval, at the option of the Planning Board.
4) State Wetlands Permits.
5) Any necessary Zoning Board applications

# SECTION 9: DESIGN STANDARDS

## Section 9.01: INADEQUATE LAND MAY NOT BE SUBDIVIDED

Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or

industrial subdivision, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard. Land with inadequate characteristics or capacity for sanitary sewage disposal shall not be subdivided for residential, commercial, or industrial subdivision purposes unless connected to a municipal sewerage system.

## Section 9.02: SEWAGE DISPOSAL

1. A 4000-square-foot leach field area meeting all town and state setback requirements or an area two times the required leach field area, whichever is greater, shall be designated and reserved on each lot.
2. The designated leach field area must be left open and is not to be used for the siting of any incompatible purpose, including but not limited to a driveway or structures of any type. Parking areas or driveways may be located over the designated septic system area when systems are designed for H20 loading.
3. The designated leach field area shall be set back 75 feet from:
   A). Poorly drained and very poorly drained soils;
   B). Naturally deposited soils that have a seasonal high water table less than six inches from the surface;
   C). Naturally deposited soils that have an impermeable layer closer than two feet from the surface;
   D). Naturally deposited soils that have bedrock less than three feet below the surface;
   E). Drainage ways, natural or manmade, perennial or intermittent; and
   F). Open drainage structures intended to convey water, intermittently or perennially, including but not limited to roadside ditches, culvert openings, diversions, and swales.
4. At the Board's discretion, additional soil tests may be required to determine if the above leach field setback requirements have been met.

## Section 9.03: WATER SUPPLY SYSTEMS

1. On-site water supply systems provided by the applicant must be registered with the New Hampshire Department of Environmental Services (DES). Private multiple or cluster type water systems must be approved by the Board with the guidance of the New Durham Health Officer and the New Hampshire Department of

Environmental Services (DES). The cost of such review shall be paid by the applicant.

## Section 9.04: ROADWAY-RELATED REGULATIONS

1. Driveways shall not serve more than two lots. Each driveway shall have a minimum right-of-way of 30 feet if the driveway crosses one lot to reach another. In these cases, the driveway may not extend beyond the boundaries of the two lots. Any special agreements of ownership, construction, or maintenance shall be shown on the plat as well as in the deed(s).
2. All other roadway related regulations are as contained in Roadway-Related Subdivision Regulations, New Durham, New Hampshire, adopted by the New Durham Planning Board on November 15, 1988, as amended.

## Section 9.05: UTILITIES

1. The boundaries of proposed permanent utility or other facility easements over or under private property shall not be less than 15 feet in width and shall have satisfactory access to existing or proposed public ways. Watercourses proposed for public control shall have a permanent easement of not less than 20 feet.

## Section 9.06: WOODLOTS

1. Any woodlot or agricultural lot approved by the Planning Board, as part of a subdivision shall have the following restriction placed on the deed to that lot and written on the plat:
   A). "This lot is designated as a woodlot/agricultural lot and may be used for the growing and/or harvesting of timber or agricultural products. Houses or camps may not be built on this lot. Motor homes, campers, or camp trailers may not be parked on this lot except during the working of the land."
   *B).* Removal of woodlot designation can only be done if it can be shown that the lot in question is a "buildable lot" (i.e., meets all current zoning/setback requirements); all Board approvals have been obtained, and is located on a Class V or better road. (See Attachment 2)

## Section 9.07: NATURAL, SCENIC, AND HISTORIC RESOURCES

The following guidelines shall be used when developing a natural resources plan. The Board will review the Natural Resource Inventory provided pursuant to Section 7.05 in light of these guidelines.

1. Subdivision boundaries, lot layout, and building envelopes shall be located and configured to avoid adverse impacts to scenic and natural resources identified in the New Durham Master Plan.
2. The location and orientation of structures and dwellings should be designed to maintain and take advantage of the natural topography and drainage patterns to the greatest extent possible, and to minimize disturbance of natural vegetated cover, grading (cut and fill), and soil removal.
3. Building envelopes should, to the maximum extent possible, not be located on ridgelines, hillsides, valley floors, or other visually prominent areas. Dwellings on separate lots should avoid being placed one above another, or have unscreened backs of dwellings face each other.
4. Prime agricultural soils and soils of statewide importance should be preserved to the maximum extent possible.
5. Significant trees, boundary trees, stonewalls, and streams should be incorporated along the edges of individual lots or along a path or roadway, rather than transected by lot lines or a roadway.
6. The removal or disruption of historic, traditional, or significant structures or architectural elements should be minimized to the greatest extent practical.

## Section 9.08: RECREATIONAL FACILITIES AND PARKS

1. In order to provide recreational space for residents in a new subdivision or a residential site plan, the Planning Board, at its discretion, may require the reservation of buildable land for this purpose. All such areas set aside shall be dedicated to the common use of all property owners by covenants in their deeds, and the maintenance of the property will be responsibility of the residents in such subdivisions. The appropriate maintenance of such recreational spaces shall be enforceable by the Town as liens on the properties within the subdivision. As an alternative, at its

discretion, the Planning Board may require a commensurate financial contribution to the Town of New Durham for the use of the Recreation Department for the operation or expansion of town owned recreational facilities or parks.

2. Proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational uses. The Planning Board shall consider at least the following matters in exercising its discretion:
   A). The number of housing units in the subdivision or residential site plans;
   B). The location of the subdivision or residential site plan relative to existing or planned recreation spaces; and,
   C). The Master Plan vision regarding parks and recreation.

### Section 9.09: REQUIRED IMPROVEMENTS

Wherever, in the opinion of the Board, traffic generated by a development will adversely impact existing public streets, the Board may require improvements to be made to such streets and intersections in an effort to mitigate such impacts. These costs shall be borne by the applicant.

## SECTION 10: OPEN SPACE CONSERVATION SUBDIVISION

### Section 10.01: GENERAL

1. Design Review is required for Conservation Subdivisions. For conceptual consultation and design review guidelines see Sections 7.02, 7.03 and 7.04.

### Section 10.02: YIELD PLAN

1. The Preliminary Yield Plan is required in the Design Review Phase for a Conservation Subdivision.
2. The purpose of the yield plan is to calculate the maximum number of lots that could be permitted in a conventional subdivision layout.
3. The yield plan shall be based on the Board guidance provided in the Design Review Phase. If the applicant disagrees with any part of that guidance, they may prepare an alternative yield plan in addition to the one based on Board guidance.

i. The yield plan shall be a plat showing a conventional subdivision that meets federal, state, and local requirements for approval, and a narrative description of the plan and how it meets those requirements.

ii. The yield plan shall be prepared to scale. It does not require new survey or engineering data beyond that gathered in the Natural Resource Inventory unless specifically noted. It shall be prepared in the following manner:

1) The applicant will show all natural resources identified in the Natural Resource Inventory (Section 7.05) and the buffers, setbacks, or other protections requested by the Board.

2) The applicant will prepare a narrative describing the applicability of the following local, state, and federal laws and regulations; and will show such information on the plat:

a) Dredge & Fill (RSA 482-A) permit;

b) Significant Alteration of Terrain (RSA 485-A:17) permit;

c) Army Corp of Engineers permits;

d) State or Local driveway permit;

e) DES Subdivision approval (RSA 485-A: 29);

f) Town of New Durham Zoning Ordinance, specifically the Articles on Water Quality Protection, Shore Front Protection, Steep Slopes, Conservation Focus areas, Wetlands Protection, and Water Quality Management

3) Identify road locations that can meet all applicable road requirements

4) Layout the Conventional subdivision, showing all roads, lots, practical septic locations based upon existing soils data (Strafford County Soil Survey data or, if available for the site, high intensity soil survey data), and building envelopes. Provide soil based lot-sizing calculations for each lot.

4. Board Review and Yield Estimate

A). The Planning Board will review the preliminary yield plan and identify any factors that may produce inaccuracies in the final yield plan. The Board may identify its own estimate of the number of lots it will allow in a finished yield plan.

B). The applicant may at any time submit a fully engineered conventional subdivision plan to the Department of Environmental Services for review and approval.

# SECTION 11: CONDITIONAL USE PERMIT

## Section 11.01: APPLICABILITY

1. Conditional use permits shall be submitted when a proposed subdivision or site plan meets criteria specified in the Water Quality Protection Ordinance, the Steep Slope Conservation District, the Open Space Conservation Subdivision Ordinance, or the Stormwater Management Ordinance. (Table 1).

**Table 1: Ordinances That Reference A Conditional Use Permit**

| Ordinance | Zoning Reference | When Required |
|---|---|---|
| Water Quality Protection Ordinance | Article VI | Land Disturbance within the jurisdictional limits of the riparian buffer zone. |
| Open Space Conservation Subdivision Ordinance | Article VII | Cul-de-sacs that exceed 1000 feet but that are no longer than 1500 feet. |
| Steep Slope Conservation District | Article XIII | Land Disturbance within the jurisdictional limits of Steep Slope Conservation District |
| Stormwater Management | Article XIV | Land Disturbance within the jurisdictional limits of Stormwater Management Ordinance |
| Town Center/ Mixed Use | Article V | Development in this Area |

## Section 11.02: APPLICATION

1. Application for a conditional use permit shall be made by the owner of the affected property, or his designated agent, on a form obtainable from the Land Use Office.
2. The completed application and fee as set by the Town shall be submitted to the Land Use Office.

## Section 11.03: PROCEDURE FOR CONSIDERATION

1. A public hearing date and a published notice shall be placed in a newspaper of general circulation. Public notice shall be made at least ten (10) calendar days prior to the monthly business meeting of the Planning Board at which the application is to be considered.
2. The Planning Board shall consider the application at its next regular meeting following the public notice process.
3. The application and review procedure for a conditional use permit shall be made concurrently and in accordance with the procedures specified for a formal subdivision or site plan application.
4. All applicants are encouraged to discuss their intentions during a preliminary conceptual consultation and a design review consultation where a fully engineered subdivision proposal is not required. The intent of these early meetings is to help guide the applicant through the conditional use application process and to discuss alternatives that do not require a conditional use permit on the parcel in question.

## Section 11.04: CONDITIONAL USE PERMIT APPROVAL CRITERIA

1. Planning Board Decision Based on Findings: Every decision of the Planning Board pertaining to the granting, denial or amendment of a request for a conditional use permit shall be based upon findings of fact and conditions of approval. The findings of fact and conditions of approval shall be supported in the records of its proceedings. The criteria enumerated in the applicable ordinances (Table 1) are required to be met in any matter upon which the Planning Board is required to decide under these regulations. A mere finding or recitation of the enumerated

conditions unaccompanied by findings of specific fact shall be deemed non-compliant with these regulations.

2. Burden of the Applicant: The applicant shall bear the burden of persuasion, through the introduction of sufficient evidence, through testimony, or otherwise that the use or development, if completed as proposed, will comply with the applicable article(s) and will satisfy the specific requirements for the use contained in the respective ordinance(s).

## Section 11.05: APPROVAL OF APPLICATION AND GRANTING OF CONDITIONAL USE PERMIT

1. A majority vote is required for a Conditional Use Permit to be approved. Upon rendering a decision to grant a conditional use permit with conditions of approval that must be adhered to by the applicant, the Planning Board shall issue a conditional use permit with the conditions of approval referred to, and itemized in the permit. The Board shall record the Conditional Use Permit application, Findings of Fact and Conditions of Approval at the Strafford County Registry of Deeds with the final approved subdivision recording plats.

## Section 11.06: REVOCATION OF CONDITIONAL USE PERMIT

1. In the event of a violation of any of the provisions of these regulations or amendments thereto or in the event of a failure to comply with any prescribed condition of approval or stipulations placed upon such approval, the Town's Code Enforcement Officer or acting Town agent(s) shall suspend any conditional use permit immediately.
2. The Planning Board shall set a date for a hearing to determine if such suspensions shall be lifted or if the conditional use permit shall be revoked.
3. The Planning Board shall be the hearing body.
4. In the case of a revocation of a conditional use permit, the determination of the Planning Board shall be final, unless recourse is sought in a court of competent jurisdiction.

### Section 11.07: DENIAL OF A CONDITIONAL USE PERMIT APPLICATION

1. In the event that an application for a conditional use permit is denied by the Planning Board, no resubmittal of an application for a conditional use permit for the same or similar use will be considered unless sufficient new evidence or conditions are offered to the Planning Board to demonstrate that the circumstances have altered and that further consideration of the application is warranted. In such an event, the resubmitted application shall follow the same procedures as the original and shall be treated as a new application.

### Section 11.08: CONDITIONAL USE PERMIT APPEALS

Any persons aggrieved by a Planning Board decision on a Conditional Use Permit may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment. (RSA 676:5 III).

## SECTION 12: ADMINISTRATION AND ENFORCEMENT

The Board shall administer these regulations. The enforcement of these regulations is vested with the selectmen.

### Section 12.01: TECHNICAL ASSISTANCE

1. In the event that the Board requires technical assistance and/or special studies to adequately evaluate an application or perform subsequent inspections per RSA 676:4-I(g), it may secure such professional assistance. Such assistance could include, but not be limited to, planning, engineering, legal, economic, land use, or school impact reviews, special investigative studies, environmental assessments, and other matters which may be required to make an informed decision on a particular application.
2. When the Board requires technical assistance, the written reviews shall be prepared and available one week prior to the meeting at which application acceptance will be considered. The reviews will address both application completeness and

compliance with applicable laws, regulations, and ordinances. Additional reviews may be prepared in the case of applications that take more than one meeting. Applicants will be notified of and may pick up copies of written reviews at the Town Offices as soon as they are available to the Board.

3. The Applicant shall reimburse the Planning Board for the cost of such technical assistance; the professionals shall work for, and report directly to, the Planning Board.

## Section 12.02: WAIVER REQUEST

The Board may grant a waiver of any portion of these regulations in accordance with the following:

1. The applicant shall provide a written request for the waiver. The request shall specify the section for which the waiver(s) is requested, the extent of the waiver(s), and the justification(s).
2. In evaluating the request, the board shall not grant the waiver unless it finds that:
    a. Granting of the waiver shall relieve an unnecessary hardship to the applicant which would exist with strict conformity to these regulations; and,
    b. Granting of the waiver shall not have the effect of nullifying the spirit and intent of these regulations; or,
    c. Granting of the waiver will properly carry out the spirit and intent of the regulations due to specific circumstances relative to the subdivision, or conditions of the land in such subdivision.
3. The board may condition any waiver granted so as to secure the objectives of this regulation.

## Section 12.03: PERFORMANCE GUARANTEE

As a condition of approval of an application for development, the Board shall require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets, public improvements, drainage structures, the extension of water and sewer lines, storm drains, under drains, and other improvements of a public utility nature. The amount of the security shall be based on an estimate of costs provided by the applicant and, at the discretion of

the Board, reviewed by a licensed engineer. The cost of such review shall be paid by the applicant.

1. The security shall be approved as to form and sureties by the Board and the Town Counsel. At its discretion, the Board may require approval of the performance guarantee by the Board of Selectmen.
2. The amount of the security shall include fees to cover the cost of periodic inspections.
3. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in a reasonable time and without expense to the town.
4. Each approved plat shall contain a time limit for the completion of streets and public improvements.
5. In accordance with the plan or documents approved by the Board, the performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee.
6. All deeds covering land to be used for public purposes, easements, and rights-of-way over property to remain in private ownership, and rights of drainage across private property shall be submitted in a form satisfactory to the Board's counsel.
7. All recording fees shall be borne by the applicant.
8. Such bond or security shall, at the discretion of the Board, be posted as a condition precedent to final approval, or, as required by RSA 674:39 I, (a) at the time of commencement of development.

## Section 12.04: MODIFICATIONS

1. The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or a condition of the land of such subdivision, indicate that such modifications will properly carry out the purpose and intent of the master plan and these regulations.

## Section 12.05: PENALTIES AND FINES

1. Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended. The Selectmen,

Building Inspector, or Code Enforcement Officer are designated as the local authorities to institute appropriate action under the provisions of RSA 676:17.

## Section 12.06: INSPECTIONS

1. At least five business days prior to commencing construction of required improvements or, for a phased subdivision, prior to each major phase of construction of construction of required improvements, the applicant or applicant's agent shall notify the Town's Code Enforcement Officer of the Town's designated agent in writing of the time when he proposes to commence construction of such improvements so that the municipal officers can cause inspection to be made to assure that all municipal specifications and improvements and to assure the satisfactory completion of improvements and utilities required by the Board.
2. If the Code Enforcement Officer finds that he or she is unable to conduct required inspections, a third party civil engineer, licensed as professional engineer by the State of New Hampshire, and approved by the Planning Board, shall be hired by the Town, at the applicant's expense, to certify to the Town that all proposed construction including, but not limited to streets, utility and drainage improvements are installed according to the approved plans. All reports rendered by the third party engineer shall be binding upon the developer.
3. At the close of each construction season, the Town may have the site inspected by a qualified individual. In such event, by December 1 the inspector shall submit a report to the Planning Board based on that inspection, addressing whether storm water and erosion control measures both temporary and permanent are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems, which were encountered.
4. If the inspection official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications approved by the Planning Board, he or she shall so report in writing to the municipal officers, Planning Board and the applicant

or applicant's agent. The municipal officers shall take any step necessary to preserve the municipality's rights.

5. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances, such as roadway elevation increases to increase soil cover over cross culverts, roadway crown and/or elevation adjustments to blend roadway intersections, grading adjustments at intersections to insure drainage to catch basins, and minor alignment adjustments to save an existing tree or landmark. The inspecting official shall issue any approval under this Subsection A.3 in writing and shall transmit a copy of the approval to the Planning Board. Revised plans shall be filed with the Town at the completion of all construction or of the particular phase.
6. For major modifications, such as relocation or right-of-way, property boundaries, changes of grade by more than 1% and horizontal centerline adjustments more than four feet within the right-of-way, the Applicant shall obtain permission to modify the plans from the Planning Board prior to constructing the modification.
7. Prior to the issuance of a building permit in any approved subdivision, the applicant shall provide the Code Enforcement Officer with a letter from a registered land surveyor stating that all monuments shown on the plan for the lot receiving the building permit and for the approved subdivision perimeter boundaries or phase therein as approved by the Planning Board has been installed. Exempted from this requirement are road frontage monuments until road construction is completed.
8. The applicant or applicant's agent shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until the responsibility therefore has transferred to a homeowner's association or the Town accepts the road.

## Section 12.07: VIOLATIONS

1. No plan or a division of land within the municipality that would constitute subdivision shall be recorded in the Registry of Deeds

until the Board in accordance with these regulations has approved a final subdivision plan.

2. No person may convey, offer, or agree to convey any land in a subdivision that has not been approved by the Board and recorded in the Registry of Deeds.
3. No person may convey, offer, or agree to convey any land in an approved subdivision that is not shown on the final plan as a separate lot.
4. Any person who conveys, offers, or agrees to convey any land in a subdivision that has not been approved as required by these regulations shall be punished in accordance with provisions of RSA 676:16, etc. seq.
5. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which the Planning Board has not approved a final plan.
6. Development of a subdivision without Board approval shall be violation of law. Development includes grading or construction of roads, grading of land or lots or construction of building that require a final plan approved as provided in these regulations and recorded in the Registry of Deeds.
7. No lot or unit in a subdivision may be sold, leased or otherwise conveyed before the street upon which the lot or the lot containing the unit fronts is completed up to and including the hot top base course of pavement, in accordance with these regulations, up to and including the entire frontage of the lot, or a performance guarantee acceptable to the Board of Selectmen is posted for the completion of the street with the Town.

## Section 12.08: CONFLICTING PROVISIONS

Where these regulations are in conflict with other local, state, or federal ordinances, the more stringent shall apply.

## Section 12.09: VALIDITY

If any section or part of section or paragraph shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of these regulations.

### Section 12.10: AMENDMENTS

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

## SECTION 13: ATTACHMENTS

The following attachments are incorporated into these regulations:

### Section 13.01: ATTACHMENT 1: GUIDELINES OF BOARD OF SELECTMEN REGARDING CONSTRUCTION ON CLASS VI ROADS

### Section 13.02: ATTACHMENT 2: REMOVAL OF WOODLOT DESIGNATION FLOWCHART

## SECTION 14: APPENDICES

The separate "Application Form" and "Application for Subdivision of Land Checklist" are administrative forms and may be amended by the Planning Board without notice or public hearing. If there is any conflict between these regulations and the "Application Form" or "Application for Subdivision of Land Checklist" these Regulations shall take precedence.

### Section 14.01: APPLICATION FOR SUBDIVISION OF LAND CHECKLIST (A)

### Section 14.02: SUBDIVISION APPLICATION FORM (B)

Public Hearings held June 18, 2013 & July 16, 2013
Revised July 16, 2013
Certified July 16, 2013
Filed with Town Clerk July 18, 2013
Effective July 16, 2013

Attest:

Chair, New Durham Planning Board

Town Clerk

# ATTACHMENT 1: GUIDELINES OF THE BOARD OF SELECTMEN REGARDING CONSTRUCTION ON CLASS VI ROADS

Under RSA 674:41, the Board of Selectmen has the discretion to authorize the issuance of building permits on Class VI town roads, after review and comment by the Planning Board. The Board of Selectmen has adopted these guidelines to help guide the decision-making process when it is presented with such an application. It is emphasized that the Board of Selectmen will consider any factor relevant to the authorization of a building permit in a particular case. Therefore, this statement of guidelines is not intended to describe an exhaustive list of considerations, but to be a guide for both the Board of Selectmen and applicants for such building permits.

1. Statement of Purpose. The Board is mindful that development along a Class Vi road may well lead to the receipt of a petition to lay out the road as a Class V, town-maintained road, or a petitioned warrant article requesting the Town Meeting to reclassify the Class VI road as Class V. It is therefore the purpose of these guidelines to minimize development along Class VI town roads that might tend to drain existing town services and force increased costs on the Town to provide additional services. Further, it is also the purpose of these guidelines to ensure that any structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel or their vehicles and equipment be unreasonably endangered.
2. Application. Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI town road shall be made in writing and be accompanied by a map drawn to scale showing:
   A). The location and size of the lot and its relation to the Class VI road and the Class V or better road which gives access to the Class VI road;
   B). The specific location of all proposed structures;
   C). The location and length of driveway giving access to the structures from the Class VI road;
   D). Wetlands on or adjacent to the property that could be impacted, and indicate if a State Wetlands Permit application has been submitted;

E). Any other information, which the Board of Selectmen may reasonably require.

3. Distance to Class V Road. It is the guideline of the Board of Selectmen that in the usual case, no building permit will be authorized if the driveway access to the principal structure from the Class VI road begins more than six hundred (600) feet from the intersection of the Class VI road and the Class V or better road which gives access to the Class VI road. Applications that meet the six hundred (600) feet distance will not be automatically approved, however. In addition to any other relevant factors, the Board of Selectmen will consider the following even where the six hundred (600) feet distance is met:
   A). The nature, condition and grade (12% or less) of the Class VI road;
   B). The nature, condition, and length of the driveway from the Class VI road to the proposed structure(s).
4. Waiver of Distance Limitations: The Board of Selectmen may consider waiving the six hundred (600) feet limitation set out in paragraph 3:
   A). Where the deviation from the six hundred (600) feet requirement where the Board finds that the issuance of the building permit is not contrary to the spirit and intent of these guidelines; or
   B). Where the applicant proposes to physically bring the relevant portion of the Class VI standards; and
      i. The Board finds that there is a strong likelihood that the applicant will properly maintain the improved portion of the Class VI road; and
      ii. The Board finds that the issuance of the building permit is not contrary to the spirit and intent of this policy.
5. Improvements to Class VI Roads.
   A). Before beginning any work within the limits of the Class VI road, the applicant must receive a written permit from the Board of Selectmen pursuant to RSA 236:9 -11, and shall be subject to the penalties provided by RSA 236:14 for failure to secure or comply with the terms of said permit.
   B). The standards for existing multiple lots or dwelling units (two or more lots and/or two or more dwelling units) to which the Class VI road must be brought are those set out in the

ROADWAY RELATED SUBDIVISON REGUALTIONS initially adopted by the New Durham Planning Board on November 15, 1988 and amendments thereto. However, in a proper case the Board of Selectmen may apply the applicable road construction standards in the NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION SUGGESTED MINIMUM DESIGN STANDARDS FOR RURAL SUBDVISION STREETS.

C). For a single lot and/or a single dwelling unit, the Board of Selectmen, at a minimum shall adhere to emergency travel lane standards. Each application and case is looked at on a case-by-case basis, with the specific conditions of the road in question and it ability to support the passage of emergency vehicles being the primary consideration. In general, terms, the "Emergency Lane" includes the following:

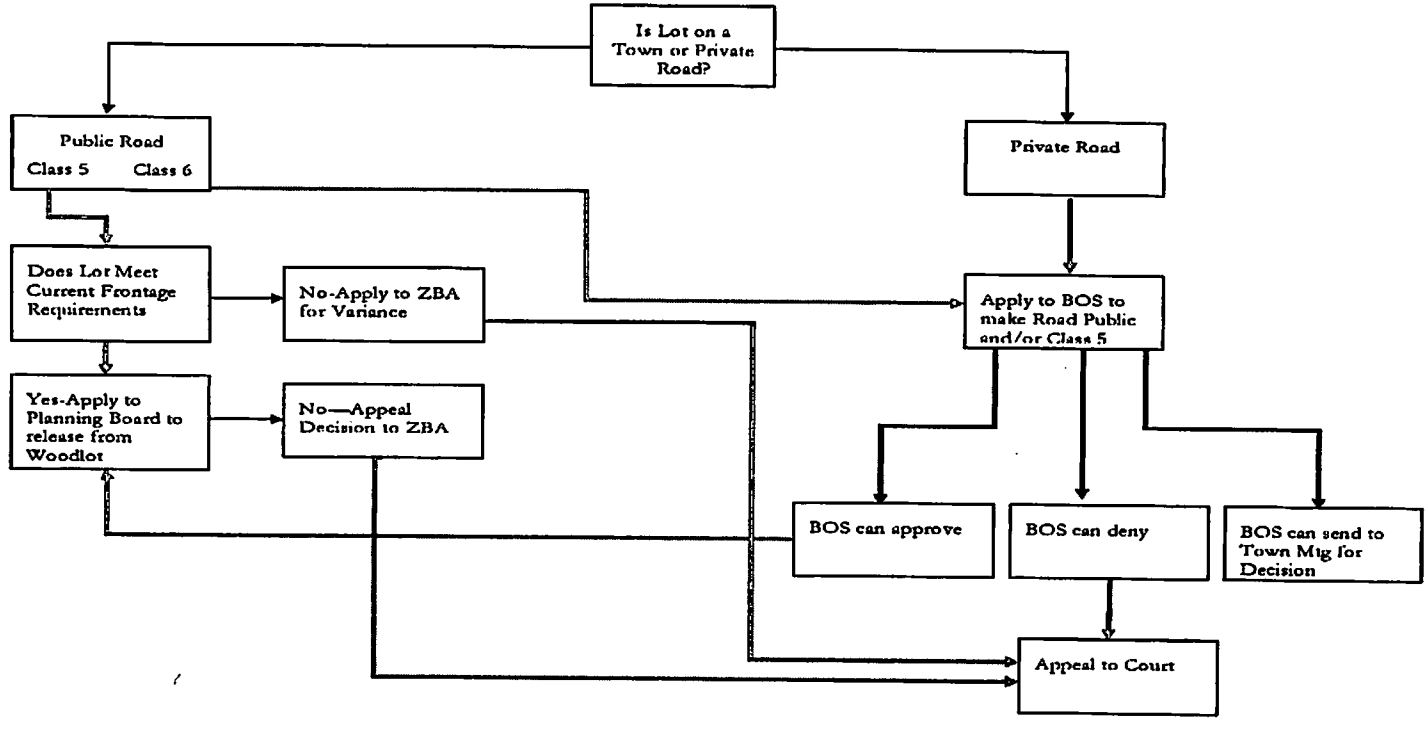
6. Notice to be Recorded. Prior to the actual issuance of any building permit authorized by the Board of Selectmen, the applicant shall provide the Town with an executed notice to be recorded at the Stafford County Registry of Deeds to the effect that the Town of New Durham neither assumes responsibility for maintenance of the Class VI highway nor liability for damages resulting from the use thereof, pursuant to RSA 674:41, I (c) (3). Such notice shall be recorded at the expense of the applicant.
7. Time Limitations.
   A). Applicants receiving approval from the Board of Selectmen under these guidelines must apply for and be issued a building permit within the first six (6) months of the Board of Selectmen's Condition of Approval, and construction must begin within six (6) months from the date of issuance of the building permit or the approved Application to build on a Class VI road will be void.
   B). Required road improvements associated with the Board of Selectmen's approval of applications under these guidelines must commence within six (6) months of the issuance of the building permit.
8. Occupancy Certificate. No Certificate of Occupancy will be issued by the Town of New Durham Building Inspector/ Code Enforcement Officer until the requirements of said road improvements have been met and signed off by the Board of Selectmen or their designee. If the building is occupied without a

Certificate of Occupancy, the occupants will be found in violation of local ordinance and state statute, and will be subject to penalty as set forth in RSA 676:17.

9. Other Permits. Should the Board of Selectmen grant approval for applications under these guidelines, applicants are still required to secure any other permits required under local, state or federal law/ or regulations. The Board of Selectmen's approval does not supersede any other requirements by other entities,
10. Repeal. The adoption of these guidelines shall operate as a repeal of any other statement of policy adopted by previous Boards of Selectmen.

# ATTACHMENT 2: REMOVAL OF WOODLOT DESIGNATION FLOWCHART

## RELEASE OF WOODLOT PROCESS



## APPENDIX A: SUBDIVISION CHECKLIST

| TOWN OF NEW DURHAM<br>APPLICATION FOR SUBDIVISION OF LAND CHECKLIST[1] | | | | | |
|---|---|---|---|---|---|
| Completed applications must be delivered to the Town Planning Office 21 days prior to a meeting.<br>Any revisions to the plan must be delivered to the Town Planning Office 10 days prior to a continued meeting. | On Plan | Enclosed | Not Applicable | Waiver Requested | Not Found |
| GENERAL INFORMATION | | | | | |
| **Application #:** | | | | | |
| **Name of Applicant:** | | | | | |
| **Name of Proposed Subdivision:** | | | | | |
| **Location/Address:** | | | | | |
| **Map: Lot:** | | | | | |
| **Date Received by Town:** | | | | | |
| | | | | | |
| MATERIALS TO SUBMIT | | | | | |
| *Subdivision Application Form | | | | | |
| *Vicinity Map (size 11 x 17) 8 copies | | | | | |
| *Existing Conditions & Layout Plan: 5 (size 24 x 36), 8 reduced plans (size 11 x 17) | | | | | |
| * Proposed Layout Plan: 5 (size 24 x 36), 8 reduced plans (size 11 x 17) | | | | | |
| Town, State & Federal Approvals | | | | | |
| Studies & Documents | | | | | |
| *Application fees | | | | | |
| *Written waiver requests for all applicable requirements not shown | | | | | |
| *Abutters List | | | | | |
| *3 sets of mailing labels for applicant, all abutters, and all professionals working on | | | | | |

[1]NOTE: This checklist is not intended to supersede or replace the Subdivision Regulations of New Durham, NH, but is to serve as a guide to the Planning Board and applicant in determining whether a subdivision application is complete.

* Items that are starred must be submitted for the Planning Board to place the application on its agenda, unless the item is not applicable or a written waiver request is submitted.

| TOWN OF NEW DURHAM<br>APPLICATION FOR SUBDIVISION OF LAND CHECKLIST[1] | | | | | |
|---|---|---|---|---|---|
| Completed applications must be delivered to the Town Planning Office 21 days prior to a meeting.<br>Any revisions to the plan must be delivered to the Town Planning Office 10 days prior to a continued meeting. | On Plan | Enclosed | Not Applicable | Waiver Requested | Not Found |
| project | | | | | |
| **VICINITY MAP: Including the following features within 1000 feet at a minimum scale of 1"=400':** | | | | | |
| *Existing lots adjacent to the proposed subdivision | | | | | |
| *Boundaries and designations of zoning districts | | | | | |
| *Outline of the proposed subdivision | | | | | |
| *Wetlands | | | | | |
| **PLAN FORMAT (for all plans)** | | | | | |
| *Information Blocks with | | | | | |
| Title of Plan | | | | | |
| Owner's name and address | | | | | |
| Agent's Name if any | | | | | |
| Date plan was prepared | | | | | |
| Revision dates and description or note[2] | | | | | |
| Scale of plan | | | | | |
| Name, address & seal of preparer of plan | | | | | |
| Tax Map & Lot Number and Deed reference | | | | | |
| *North Arrow | | | | | |
| *Bar Scale | | | | | |
| *Location plan at a minimum scale of 1"=2000' | | | | | |
| *Block for Board signature | | | | | |
| **EXISTING CONDITIONS-GENERAL** | | | | | |
| *Surveyed property lines of the parcel showing existing bearings, distances, and location of existing permanent markers | | | | | |
| *Zoning & Special district boundaries | | | | | |

## TOWN OF NEW DURHAM
## APPLICATION FOR SUBDIVISION OF LAND CHECKLIST[1]

| Completed applications must be delivered to the Town Planning Office 21 days prior to a meeting. Any revisions to the plan must be delivered to the Town Planning Office 10 days prior to a continued meeting. | On Plan | Enclosed | Not Applicable | Waiver Requested | Not Found |
|---|---|---|---|---|---|
| *Septic disposal facilities | | | | | |
| *Water supply | | | | | |
| *Existing structures | | | | | |
| *Buildings, wells & leach fields within 100' of any proposed leach field | | | | | |
| *Location and number of existing utilities, including poles | | | | | |
| *Name, width, class & location of existing streets | | | | | |
| *Driveways | | | | | |
| *Owner name and address for all abutters | | | | | |
| *Tax Map and Lot numbers of all abutting lots | | | | | |
| *Location of existing wells, septic tanks, and leach fields within 100' of applicant property | | | | | |
| *Location of any Cemetery and its Access way | | | | | |
| EXISTING CONDITIONS-NATURAL FEATURES | | | | | |
| *Existing contours at 2' intervals | | | | | |
| *Surface drainage features | | | | | |
| *Ledge outcroppings | | | | | |
| *Significant tree stands | | | | | |
| *Significant and boundary line trees | | | | | |
| *Stonewalls | | | | | |
| *Historic, traditional or significant structures or architectural elements | | | | | |
| *FEMA floodplain boundary | | | | | |
| *Public or private conservation or protected areas | | | | | |
| *Significant wildlife and fishery habitats | | | | | |
| *Water bodies & waterways | | | | | |

## TOWN OF NEW DURHAM

## APPLICATION FOR SUBDIVISION OF LAND CHECKLIST[1]

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|---|---|---|---|---|---|
| *Wetlands | | | | | |
| *Vernal Pools | | | | | |
| *Seasonal or Intermittent Streams | | | | | |
| *Other natural resource features | | | | | |
| *Steep Slopes | | | | | |
| Slopes > 30% | | | | | |
| Slopes 25 –29.99% | | | | | |
| Slopes 15-24.99% | | | | | |
| Slopes of 10% or more within 125 feet of protected water resource | | | | | |
| *Trails | | | | | |
| Snowmobile | | | | | |
| ATV | | | | | |
| Hiking | | | | | |
| Horseback | | | | | |
| Other recreational trails | | | | | |
| *For resources on this list that are not present, add a note stating that fact | | | | | |
| PROPOSED LAYOUT | | | | | |
| *Surveyed proposed new property lines of the parcel showing bearings, distances, and location of new permanent markers | | | | | |
| *Soil mapping types & boundaries | | | | | |
| *Area of proposed lots in square feet and acres | | | | | |
| New lots numbered using tax map numbering system | | | | | |
| *Calculations for proper acreage for all lots based on slopes, soils, and all other Zoning Requirements | | | | | |
| *New Road locations and names | | | | | |

## TOWN OF NEW DURHAM

## APPLICATION FOR SUBDIVISION OF LAND CHECKLIST[1]

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|---|---|---|---|---|---|
| *Cross sections & engineered profiles of all proposed streets & driveways | | | | | |
| *Building Envelopes on each lot | | | | | |
| *Driveway locations on each lot | | | | | |
| *Municipal and non-municipal utilities | | | | | |
| *Location of test pits, and test pit logs | | | | | |
| *Proposed 75' well radius for each lot | | | | | |
| *4000 sq. ft. septic area for each proposed lot | | | | | |
| *Public use or common ownership areas | | | | | |
| *Drainage improvements | | | | | |
| *Erosion & Sediment Control plan | | | | | |
| *Proper frontage on Class V road | | | | | |
| *State & Town Shore Front Protection Zones and | | | | | |
| *Riparian Buffer Setbacks | | | | | |
| Standard Buffer and Setback Distances (per Table 1, section B) | | | | | |
| Naturally Vegetated Buffer Strip | | | | | |
| Building and Structure Setbacks | | | | | |
| Septic System Setbacks | | | | | |
| Impermeable Surface Setbacks | | | | | |
| Additional Buffer and Setback Distance due to Steep Slopes (per Table 2, section B) | | | | | |
| Description of sedimentation and erosion control/use of BMPs in the riparian buffer zone (section G.2) | | | | | |
| Buffer denotation monuments on parcel boundary | | | | | |

| TOWN OF NEW DURHAM<br>APPLICATION FOR SUBDIVISION OF LAND CHECKLIST[1] | | | | | |
|---|---|---|---|---|---|
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| Naturally vegetated buffer boundary tags on plat | | | | | |
| TOWN, STATE & FEDERAL APPROVALS | | | | | |
| *Conditional Use Permit Request | | | | | |
| *ZBA actions | | | | | |
| Dredge & Fill (RSA 482-A) | | | | | |
| Significant Alteration of Terrain (RSA 485-A:17) | | | | | |
| Army Corp of Engineers | | | | | |
| State driveway permit, if applicable | | | | | |
| Local driveway permit | | | | | |
| DES Subdivision approval (RSA 485-A:29) | | | | | |
| DOCUMENTS & STUDIES | | | | | |
| Traffic Impact analysis | | | | | |
| Environmental and natural resource impact statement | | | | | |
| Easements | | | | | |
| Restrictive covenants | | | | | |
| Performance Guarantee | | | | | |
| Letter of credit | | | | | |
| Declaration of Condominium | | | | | |
| STAGED OR PHASED DEVELOPMENT | | | | | |
| ***Will subdivision be built out in stages or phases? Yes no*** | | | | | |
| If yes, description of phases | | | | | |
| If yes, proposed measures of substantial progress | | | | | |

## APPENDIX B: APPLICATION FOR SUBDIVISION OF LAND

# TOWN OF NEW DURHAM
# NEW HAMPSHIRE 03855

NOTE: This form, the subdivision checklist, and all required information must be filed at least twenty-one (21) days before the date of the meeting at which it is to be submitted to the Board. Filing is to be done at the New Durham Town Hall Planning Office.

1. Name, mailing address, and telephone number of applicant:

_____
_____
_____

2. Name, mailing address, and telephone number of owner of record if other than applicant:

_____
_____
_____

3. Location of Proposed Subdivision:

_____
_____
_____

4. Town of New Durham Tax Map_____Lot Number_____

5. Name of Proposed Subdivision: _____

6. Number of lots and/or units for which approval is sought:
   Lots_____Units_____

NOTE: Unsubdivided land must be counted as a lot.

7. Type (s) of dwellings proposed in the subdivision:

   Single family_____Duplex_____Multi-family_____

8. Water Supply and Pollution Control Division Subdivision No: _____

9. Name, mailing address, and telephone number of surveyor and/or agent:

_____

_____

_____

10. Abutters: Complete the attached abutter's list including the Town of New Durham Tax Map, Lot Number, Name and Mailing address of all abutters, including those across a street, brook, or stream. Also, include three sets of mailing labels for sending certified notices to abutters, also including the property owner, surveyor, and/or agent. Abutter names and addresses must be verified with information on record with the Town Office. No application shall be heard unless all abutters as described herein have been notified.

11. Payment of all applicable subdivision fees.

The applicant and/or owner or agent, certifies that this application is correctly completed with all required attachments and requirements and that any additional costs for engineering or professional services incurred by the Planning Board or the Town of New Durham in the final subdivision process of this property shall be borne by the application and/or owner.

Applicant/Owner/Agent: _____Date_____

"I hereby authorize the New Durham Planning Board and its agents to access my land for the purpose of reviewing this subdivision plan, performing road inspections and any other inspections deemed necessary by the board or its agents, to ensure conformance of the on-site improvements with the approved plan and all Town of New Durham ordinances and regulations.

Owner: _____Date:_____

ABUTTER'S HEARING FORM

DATE OF REQUEST: _____
LEGAL OWNER OF LAND: _____
ADDRESS: _____
MAP: _____ LOT: _____

List names and addresses of abutters, including street numbers, street names and zip codes, taken from the town tax records to be submitted with an application. Include abutters across the street, brook, or stream on any lot line.

1. Map_____ Lot _____
_____
_____
_____

2. Map_____Lot_____
_____
_____
_____

3. Map_____Lot_____
_____
_____
_____

4. Map_____Lot_____
_____
_____
_____

5. Map_____Lot_____
_____
_____
_____

6. Map_____Lot_____
_____
_____
_____

7. Map_____Lot_____
_____
_____
_____

8. Map_____Lot_____
_____
_____
_____

9. Map_____Lot_____
_____
_____
_____

10. Map_____Lot_____
_____
_____
_____

Three sets of mailing labels must accompany this list, including abutters, property owner, surveyor, developer, and/or agent.