

# **SUBDIVISION RULES AND REGULATIONS**

## **NOTTINGHAM, NEW HAMPSHIRE**

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# **SUBDIVISION RULES AND REGULATIONS**

## **PLANNING BOARD, TOWN OF NOTTINGHAM**

The Subdivision Rules and Regulations herein were adopted pursuant to RSA 675:6 by a majority of the Nottingham Planning Board on September 23, 2009.

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Chairperson-

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Vice Chairperson-

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Secretary-

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Selectmen's Representative-

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Member-

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Member-

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Member-

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# **SUBDIVISION RULES AND REGULATIONS**

## **TOWN OF NOTTINGHAM, NEW HAMPSHIRE**

### **SECTION I - TITLE, AUTHORITY, PURPOSE, REPEALER AND VALIDITY**

#### **A. TITLE**

These regulations shall be known as the Town of Nottingham Subdivision Rules and Regulations.

#### **B. AUTHORITY**

In accordance with the RSAs listed below, any section of the Subdivision Rules and Regulations may be waived upon written application to the Planning Board. These regulations are revised and adopted by the Nottingham Planning Board pursuant to the authority granted by New Hampshire Revised Statutes Annotated 1983, Chapter 674, Sections 35 to 50 inclusive, Chapters 675, Sections 6 through 9 inclusive, and Chapter 676, Sections 4 and 16, and as amended.

#### **C. PURPOSE**

The purpose of the regulations is to provide:

1. Against such scattered or premature subdivisions of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, pollution control, erosion control, transportation, schools, fire protection, traffic safety, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
2. For the harmonious development of the Town and its environs and for the harmonious living of its residents.
3. For proper arrangement and coordination of streets within subdivisions in relation to other existing or planned streets, or with features of the official map of Nottingham.
4. For open spaces of adequate proportions and preservation of unique or significant natural features.
5. For suitably located streets of sufficient width to accommodate existing and prospective traffic, and to afford adequate light, air and open spaces, and access for the fire-fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system.
6. That in certain cases, that plats showing new streets or narrowing or widening of

such streets submitted to the Planning Board for approval, shall show open space suitably located for recreation, wetlands protection, and wildlife habitat, and provide for suitable erosion, sediment and pollution control measures.

7. For proposed recreation area(s) of reasonable size for neighborhood playgrounds or other recreational purposes.
8. That the land indicated in the plat(s) submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health (including air, water and noise pollution) or to wildlife and the environment.
9. Minimum area of lots so as to assure conformance with local zoning ordinances and to assure such additional areas as may be needed for each lot for on-site sanitary facilities.
10. Provisions which will tend to create conditions favorable to health, safety, convenience, prosperity, and natural preservation, commensurate with the subdivision's geographical location and size.
11. Stipulations, as a condition precedent to the approval of a plat, defining the extent to which and the manner in which streets shall be graded and improved, and to which water, sewer, drainage, and other utility mains, piping, connections, or other facilities shall be installed.

#### **D. REPEALER**

All regulations inconsistent with these regulations are hereby repealed.

#### **E. VALIDITY**

If any article, section, subsection, sentence, clause or phrase of these regulations shall for any reason be found null and void, such finding shall apply only to such article, section, subsection, sentence, clause, or phrase.

### **SECTION II - DEFINITIONS**

**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, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate the land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

**Application Acceptance** – The determination by formal vote of the Planning Board that the application is complete according to the Nottingham Subdivision Rules and Regulations.

**Application Approval** – The determination by formal vote of the Planning Board, certified by written endorsement of the Chairperson and Board members on the plat, that the plat meets the requirements of the Nottingham Zoning Ordinance, Subdivision Regulations and other municipal ordinances and regulations.

**Board** – The Planning Board of the Town of Nottingham, New Hampshire.

**Certified Soil Scientist** – A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.

**Certified Wetland Scientist** – A person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified.

**Completeness Review** – The process used by the Planning Board and/or their designated agent to ensure that all necessary applications/permits/plans/various paperwork required from the applicant have been submitted with the application for Subdivision to gain approval/denial from the Planning Board.

**Compliance Review** – The process in which the Planning Board and/or their designated agent to determine that the applicant complies with all of the Town and State regulations as confirmed by the Planning Board or designated agent.

**Conservation Easement** – A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural, cultural, or historic resources; or maintaining air or water quality and including preservation easements for historic or cultural easements.

**Conservation Land** – Land owned by a public body, land trust, conservation organization, individual(s) or other group for the purpose of the protection of natural resources or scenic, cultural, historic or archeological values, the provision of open space, and/or for passive recreational use and which is permanently restricted from development or intensive use and protected in perpetuity in a substantially undeveloped state by legally binding arrangements.

**Critical Areas** – Disturbed areas of any size within fifty (50) feet of a stream, water body, or poorly or very poorly drained soils; disturbed areas exceeding two thousand (2,000) square feet in highly erodible soils; or, disturbed areas containing slope lengths exceeding twenty-five (25) feet on slopes greater than fifteen (15) percent.

**Development** – Any construction or grading activities on real estate for other than agricultural, silvicultural, and aquacultural practices.

**Disturbed Area** – An area where the natural vegetation has been removed exposing the underlying soil.

**Easement** – A provision which allows freedom of flow or traverse over a specific section of land.

**Erosion** – The detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**Fit for Building** – Any land, which is not classified as floodplain, wetland, watershed protection area, drainage way, and does not have slopes of twenty-five (25%) percent or more and where soil tests indicate suitability.

**Formal Application** – Subdivision Application Part I and Part II; or Lot Line Adjustment Application.

**Frontage** – Means that side of a lot abutting a street or body of water and ordinarily regarded as the front of the lot.

**Highly Erodible Soils** – Any soil with an erodibility class of high or very high, in any horizon, as found in the table entitled Erodibility (K) Values of B and C Horizons for Soils of New Hampshire of the "Erosion and Sediment Control Design Handbook for Developing Areas of New Hampshire".

**Internal Road** – The arrangements of all streets within a subdivision.

**Lot Envelope** – A two-hundred by two-hundred (200' x 200') foot square or a minimum of thirty thousand (30,000') contiguous square foot upland buildable soil area, depicted on a plat or building permit, which is being designated as a suitable area that can meet all local and State requirements. The thirty thousand (30,000') contiguous square foot area shall also be of adequate width and/or depth so as not to create an hourglass effect of less than fifty (50') feet at the narrowest point. The lot envelope shall not include areas unfit for building or building setbacks.

**Lot Line Adjustment** – The exchange of abutting land between two (2) or more lots that does not increase the number of lots. (Amended 03/08/06)

**Major Subdivision** – A subdivision that creates four (4) or more lots or dwelling units. (Amended 03/08/06)

**Minor Subdivision** – A subdivision that creates three (3) or less lots or dwelling units. (Amended 03/08/06)

**Open Space** – Land that is otherwise buildable land that is publicly or privately owned meeting the needs and desires of its citizens for a variety of recreational/social activities and/or the experience of nature while conserving human and natural resources.

**Open Water** – Lakes, rivers, ponds and perennial streams as identified on current Soil Conservation Service Maps for the Town of Nottingham.

**Performance Guaranty** – Any security acceptable by the Town of Nottingham as a guaranty that improvements required as part of an application for development are satisfactorily completed. (Amended 03/08/06)

**Plat** – The map, drawings, or chart and other documents complying with all applicable provisions in this regulation, on which the applicant and/or agent's plan is presented and which is submitted for approval.

**Project Area** – The area within the subdivision or site plan boundaries affected by erosion and sedimentation control regulations.

**Public Hearing** – A publicly advertised item on the Planning Board agenda at which public comment on a specific application is heard.

**Public Meeting** – An open meeting of the Planning Board during which public hearings are held, applications are presented, informal discussions are conducted with interested citizens who request such, and the administrative business of the Board is accomplished.

**Right-of-Way** – A legally deeded right allowing a person to pass and repass over another's land.

**Sediment** – Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion.

**Stream** – A stream that flows for sufficient times of the year to develop and maintain defined channels but may not flow during dry portions of the year. Includes, but is not limited to, all perennial and intermittent streams located on U.S. Geological Survey Maps.

**Street** – A publicly approved road maintained for vehicular travel or a road that appears on a subdivision plat approved by the Planning Board or has preexisting status.

**Structure** – That which is built or constructed with a fixed location on the ground or attached to something having a fixed location on the ground, whether installed on, above or below the surface of land. Structure as defined by the Nottingham Zoning Ordinances.

**Subdivision** – The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate, to the context, relates to the process of subdividing or to the land or territory subdivided. The definition uses the same language as NH RSA 672:14 I, in defining a subdivision.

**Third Party** – An independent consultant or firm hired by the Board or Town, at the applicant's expense, to evaluate and provide a report of findings to the Board.

**Unfit For Building** – Any land, which is classified as: a floodplain; wetland (by soil type); watershed protection area; land having an excessive slope of twenty-five (25%) percent or more; classified as a drainage easement; or any land which is classified as land that is unsuitable for subsurface waste disposal.

## SECTION III - PROCEDURE AND REVIEW

### A. Preliminary Reviews (OPTIONAL):

Per RSA 676:4 II-Preliminary Reviews may be of assistance in resolving problems with meeting requirements during final consideration. These consultations shall not bind either the Board or the Applicant/Agent and shall be separate and apart from formal consideration and the time limits for the Board to act. The consultations shall not apply until a formal application has been submitted.

#### 1. Preliminary Consultation:

- (a) The Board and the Applicant and/or Agent may discuss proposals in conceptual form only, at a regularly scheduled meeting.
- (b) The discussion shall be in general terms such as desirability of types of development and proposals under the Master Plan.
- (c) Such discussion may occur without the necessity of giving formal public notice.
- (d) The Applicant and/or Agent shall not present any plat(s).

#### 2. Design Review Only:

- (a) The Applicant and/or Agent shall only complete Part I of the Subdivision Application.
- (b) The design review may proceed only after notification of abutters, holders of conservation, preservation or agricultural preservation restrictions, and the general public at the applicant's expense.
- (c) This design review shall meet the subdivision application deadline as posted.
- (d) The Board and the Applicant and/or Agent may discuss proposals beyond conceptual form at a regularly scheduled meeting.
- (e) The discussion may involve more specific design and engineering details.
- (f) The Board shall not accept or approve a design review.
- (g) In order for the Design Review to continue the process for acceptance and approval, a formal application must be submitted for completeness and compliance review.

### B. Completeness/Compliance Review- (REQUIRED)

#### 1. Pre-Application Submission Procedures for a Completeness/ Compliance Review:

- (a) Applications, which involve a major subdivision, wetland impact and/or conservation land, shall be required to obtain a letter from the Conservation Commission as part of the procedures for completeness.

#### 2. Application Submission Procedure:

- (a) Completed formal application form entitled, "Subdivision Application Part I and Part II" or "Lot Line Adjustment Application" and a copy of the deed, including deeds of surrounding properties, shall be given in hand to the

Planning Board Secretary or designated agent and submitted along with other informational data up to **twenty-eight (28)** days but **no less than twenty one (21)** days prior to the next scheduled meeting. The Secretary or designated agent shall not receive an application which is not properly filled out. A complete subdivision application also includes:

- (1) Complete and signed Subdivision Application or Lot Line Adjustment application and ten (10) additional copies for Board Members and Town Planner and/or other third party agent.
- (2) List of abutters (prepare three (3) sets of completed mailing labels for each abutter). The Applicant and/or Agent shall prepare an Abutters list no more than five (5) days prior to submission of the Application to the Planning Board Secretary or designated agent of the application. Tax Maps and a list of property owners will be available at the Town Office during office hours.
- (3) Application Fees paid.
- (4) Ten (10) copies (11X17) of each Town of Nottingham Tax Map(s) of the applicable property.
- (5) Five (5) sets of full size preliminary plat(s) (Two (2) for the Planner and/or other third party agent, one (1) to remain with the file and two (2) for the Board meeting).
- (6) Ten (10) sets (11x17) of preliminary plat(s) for the Board Members and Town Planner and/or other third party agent.
- (7) Completed Impact Statement Form for Major Subdivisions.
- (8) The Applicant and/or Agent shall be responsible for the costs of advertising and notifying abutters. Notices must be mailed by the Planning Board Secretary or designated agent at least ten (10) days before the formal submission to the Board. The notice will include a brief description of the proposal, identify the Applicant and/or Agent, and the location of the subdivision.
- (9) Per RSA 674:1 IV, the Board, and its members, officers, and employees, in the performance of their functions may, be authorized to enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments/marks and, in the event consent for such entry is denied or not reasonably obtainable, to obtain an administrative inspection warrant under RSA 595-B.
- (10) All applications are conditioned upon the owner allowing access to the property to the Board, and its members, officers, and employees, to the extent reasonable and necessary for getting information to review the application. The proposed boundaries of lots and the centerline of the right of way shall be clearly marked. A summary of the findings may be provided and inserted into the minutes at the next formal Board meeting. Refusal to allow access will result in disapproval of the application.

(b) The Planning Board Secretary or designated agent shall schedule a public

hearing for the Subdivision or Lot Line Adjustment application.

- (c) The Planning Board Secretary or designated agent shall send out a public notice and certified abutter notices based upon the abutters list provided by the applicant.
- (d) The Planning Board may choose to do a completeness report at the public hearing; or request that the Planner and/or other third party agent provide a completeness report. Should the Board request a completeness report:
  - (1) The Planning Board Secretary or designated agent shall forward a copy of the application, plats(s) and any other related materials to the Planner and/or other third party agent.
  - (2) The Planner and/or third party agent shall prepare a completeness report and copies shall be provided to the Board, Applicant and/or Applicant's Agent.

3. Application Completeness Review Procedures: (See Completeness Checklist):

At a regularly scheduled public hearing:

- (a) The applicant shall be required to bring ten (10) sets of 11X17 plats and four (4) full size plats to the Board meeting if the plat has changed due to a completeness review;
- (b) The Board reviews the application and plat(s);
- (c) The Board reviews the Planner and/or other third party agent's findings;
- (d) The Board may ask the Applicant and/or Agent to address the Planner and/or other third party agent's findings.
- (e) The Board may allow the Applicant and/or Agent to provide a brief overview.
- (f) Following an overview, the Board may ask additional questions.
- (g) The Board may:
  - (1) Vote to Accept or not Accept the application as complete;
    - (i) If the Board does not accept the application due to the application being incomplete, the Board will state what is needed for the application to be complete. The applicant may reapply for application acceptance.
  - (2) Continue the application acceptance public hearing to a known place, date and time.
- (h) The Board may request that the Planner and/or other third party agent provide a report for compliance. If the Planner and/or other third party agent receive authority to prepare a Compliance Report, it shall be at the Applicant's expense. This amount may be included in the escrow account established in Section IV.d.1. Findings are then supplied to the Board, Applicant and/or Agent.
- (i) The Board may schedule a site visit which may include the Conservation Commission and such agents or employees of the Town or other persons as

the Board may authorize.

- (j) After the application completeness review, the Board may request Town Departments to review and comment on the application/plat(s). The applicant shall supply the Board with any additional copies needed.

4. Application Compliance Review Procedure: (See Compliance Checklist):

At a regularly scheduled public hearing, the Board reviews:

- (a) The Planner and/or other third party agent's findings if applicable;
- (b) Department Reviews, if applicable;
- (c) Any other third party review required by the Board;
- (d) The Board allows the Applicant and/or Agent to address any concerns;
- (e) The Board opens the hearing and allows comments from the abutters, then the public;
- (f) The Board may:
  - (1) Vote to Approve or Deny the application;
  - (2) Continue the Compliance Review public hearing for further consideration to a known place, date and time.

5. Board Decision Procedure:

- (a) The Board must make the decision of approval, disapproval, or recommendation for revision(s) within sixty-five (65) days.
- (b) An extension may be made, per RSA 676:4.I (f) if it is mutually agreed upon in writing, by the Applicant and/or Agent and the Board.
- (c) It is recognized that the Applicant and/or Agent, when submitting his/her plat(s) and completed application, may not have performed actions that his/her plat(s) indicate such as building a road, installing dry hydrants, placing permanent boundary markers, etc.; therefore, the Board may ask that the Board of Selectmen accept a Letter of Credit, Performance Bond, etc., until such actions are completed.
- (d) The Board shall notify the Applicant and/or Agent of the final decision in writing.

6. Final Approval Submission Procedure:

- (a) Time Frame - Within one (1) year from the date of the application or within such further time as the Board shall designate, the Applicant and/or Agent shall submit the final plat for approval with all local and State permits.
- (b) An original mylar and four (4) copies of the final plat. (Additional copies may be requested);
- (c) If plans have changed due to the compliance hearing or third party review, then the applicant shall supply the Board with an additional twelve (12) 11 x 17 copies of the revised plat. These copies shall be distributed by the Planning Board Secretary or designated agent to other Departments/Boards as needed. Additional copies may be requested. Any comments from Town Departments shall be forwarded to the Board.

- (d) Four (4) copies of the covenants for the parcels within the final plat shall be presented.
- (e) A certificate from the Town Engineer/Town Agent certifying that all streets on the plat have been graded and improved, and all surface water drainage facilities, erosion and sediment control measures, water utilities, and monuments have been installed in accordance with State and local specifications, or Letter of Credit in an amount which is certified by the Town Engineer/Town Agent.
- (f) Waiver of Performance Bonds - when a subdivision of land under consideration does not require either the construction of or extension of streets or utilities or surface drainage ditches, the provision for a bond may be waived by the Board.
- (g) Any changes to the final plat that differs from the final approval shall require submission at least twenty-one (21) days prior to the Board's regularly scheduled public hearing. Any changes require that a certified abutters list be updated, by the applicant, five (5) days prior to the revised final plat submission to re-notify the public and the abutters at the applicant's expense.

7. Approved Plat Requirements: The final plat shall comply with all State and local ordinances and regulations.

- (a) Stamp of Approval – Approval of the final plat shall receive a signature of approval by the Chairperson of the Planning Board and all Board members present. However, approval of the final plat does not guarantee Town acceptance of the roads within the plat.
- (b) An original mylar and four (4) copies of an approved plat shall be signed by the Board members present at a public meeting/hearing.
- (c) The signed original mylar shall be recorded by the Planning Board Secretary or designated agent to the Register of Deeds of Rockingham County for recording at the applicant's expense. The four (4) signed copies shall be distributed by the Planning Board Secretary or designated agent to:
  - (i) Assessing;
  - (ii) Land Use Office (Building Inspector & Planning Board file);  
Land Use Office (flat file);
  - (iii) State of NH office;
  - (iv) Applicant and/or Agent.

- (e) Restriction of Transfer or Sale of Land or Construction: No land shall be sold, leased, or transferred or building construction begun until the final approved original plat (mylar) with accompanying covenants and transfer of community property has been duly filed and recorded at the Rockingham County Registry of Deeds and copies of such documents with Registry file numbers have been provided to the Board. The original plat (mylar) with accompanying covenants shall be filed at the Rockingham County Registry of Deeds by the Planning Board Secretary or designated agent within ten (10) working days of Board approval.

8. Waiver Clause:

Pursuant to NH RSA 674:35 and 674:36 II.(n), the Planning Board shall have the authority to waive any part of these subdivision regulations.

A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for consideration by the Planning Board. The Waiver Request Form must be completed in detail and include the grounds for the waiver and all of the facts relied upon by the petitioner.

## **SECTION IV - GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN**

The following shall be considered a minimum requirement, and will ordinarily be varied by the Board only under the conditions and circumstances set forth in these regulations:

### **A. Conformity to Official Map**

The subdivision or lot line adjustment shall be in harmony with the official map of the Town of Nottingham.

### **B. Special Flood Hazard Areas**

All subdivision and Lot Line Adjustment proposals and proposals for other developments governed by these Regulations having lands identified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Nottingham, N.H." together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the Town of Nottingham dated May 5, 2005, or later revisions, shall meet the following requirements:

1. Subdivision and Lot Line Adjustment proposals and proposals for other developments shall be located and designed to assure that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage and adequate drainage is provided to reduce exposure to flood hazards.
2. Subdivision proposals and Lot Line Adjustments shall include one hundred (100) year flood elevation data.
3. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant and/or agent for such authorization shall notify the New Hampshire Civil Defense Agency, Wetlands Board and submit copies of such notification to the Board and the Federal Emergency Management Agency. Further, the applicant and/or agent shall be required to submit copies of said notification to those adjacent communities as determined by the Board.

Within the altered or relocated portion of any watercourse, the applicant and/or agent shall submit to the Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

### **C. Regional Notice**

The purpose of Regional Notice is to provide timely notice to potentially affected municipalities concerning proposed developments, which are likely to have impacts beyond the boundaries of the Town of Nottingham. New Hampshire State RSA 36:55 applies.

#### **D. Third Party Reviews**

The Board may require additional information from the Applicant and/or Agent in order to make an informed decision. Such additional information may include, but not be limited to: traffic impact analysis, environmental impact analysis, and pursuant to RSA 676:4 I(g), the Board may hire, at the applicant's expense, an engineer, soil scientist, surveyor, planner, attorney, or other qualified professional as necessary to properly review the proposal and completed development.

1. Compliance Review Escrow Account: Once an application has been accepted, the Planning Board may require the applicant to establish an escrow account with the Town of Nottingham, through the Planning Board Secretary and/or designated agent, in an amount to be determined prior to the public hearing. This escrow amount shall be estimated to cover the cost of a Planner for the Town of Nottingham and/or other third party agent in order to conduct a Compliance Review, attend any necessary public hearing(s) and/or attend site walks. There may be additional funds required depending on the time spent on the application, per RSA 676:4 I (g).

### **SECTION V - PRELIMINARY PLAT REQUIREMENTS**

#### **A. PLAT DETAILS**

The preliminary plat shall show or be accompanied by the following information:

1. A perimeter survey of the total parcel and lot lines of proposed lots shall be clearly and legibly drawn or reproduced at a scale of the following:
  - (a) Ten (10) acres or less, one (1) inch equals fifty (50) feet;
  - (b) More than ten (10) acres to one hundred (100) acres, one (1) inch equals one hundred (100) feet;
  - (c) More than one hundred (100) acres to two hundred (200) acres, one (1) inch equals two hundred (200) feet;
  - (d) More than two hundred (200) acres, one (1) inch equals three hundred (300) feet.

However, if conditions warrant, for clarification of a particular problem, the Board may require a larger scale of the total area or a part thereof.

2. Identification: the plat shall reflect the following information:
  - (a) Name and location of the proposed subdivision or lot line adjustment,
  - (b) Location map;
  - (c) Zoning/Overlay District(s);
  - (d) Complete legend;
  - (e) Name of the owner of record;
  - (f) Subdivider;

- (g) Designer;
  - (h) Owners of adjacent properties including their respective Map/Lot numbers and deed references;
  - (i) Date of survey;
  - (j) North point scale;
  - (k) Date of submission;
  - (l) Seal, signature, and address of the New Hampshire registered land surveyor and/or any other professional whose stamp appears on the plat (i.e. soil scientist, engineer);
  - (m) Plan references.
3. Area: A notation of total area and upland area, (both in acres to tenths of an acre and square feet) for:
- (a) Present parcel(s) to be subdivided or the increase/decrease created by a lot line adjustment;
  - (b) Proposed parcel(s) including the parent lot.
4. Existing and proposed boundary lines with dimensions, bearings or deflection angles and radii, arcs and central angles of all curves.
5. Existing and proposed boundary monumentation.
6. Lot Envelope: The following items shall be shown for each lot envelope:
- (a) The contiguous area for each lot envelope shall include:
    - (1) Existing structure(s), which meet building setbacks;
    - (2) Proposed or existing driveway location(s) (including any wetland crossings), which extends from the curb cut in the frontage of a Class V road or better to the lot envelope;
    - (3) Proposed or existing well location(s) (including well radius);
    - (4) Existing septic location(s);
    - (5) Proposed septic location(s) shown as a four thousand (4K) square foot minimum contiguous area suitable for the placement of an individual sewage disposal system (septic tank, drain field, plus an area for an alternate system) which meets town and State requirements including:
      - (i) Each four thousand (4K) area shall include two (2) test pits fifty (50) feet apart.
      - (ii) Each four thousand (4K) area shall meet building setbacks.
  - (b) The contiguous area for each lot envelope shall **not** include:
    - (1) Flood plains;
    - (2) Watershed protection areas;
    - (3) Poorly drained/ very poorly drained soils with appropriate setbacks;
    - (4) Slopes of twenty-five (25) percent or greater;
    - (5) Drainage ways;

- (6) Ledge outcroppings.
7. Contours: elevations at five (5) foot intervals and they shall be in relation to a known elevation. Contours are not required for Lot Line Adjustment Applications, unless all of the lots involved have habitable structures.
8. Slope Profile: a slope profile that has an elevation of fifteen (15) percent or greater shall be done in profile with a test pit every seventy-five (75) feet horizontally. Slopes of twenty-five (25) percent or greater are considered unfit for building. Steep slope calculations shall be noted on the plan.
9. Natural Features: the locations of all natural features such as wooded areas, surface rock formations, swamps, bogs, marshes, ponds, rivers, lakes, streams, intermittent streams (major surface drainage) and wetlands shall be noted upon the plat.
- (a) In addition, the approximate location of all natural features one hundred (100) feet outside the bounds of the proposed subdivision or lot line adjustment shall be noted.
- (b) It shall be the responsibility of the subdivider to provide an aquifer map when subdividing within the areas of potential aquifers as shown in the Groundwater Study for Strafford Region and the Nottingham Master Plan.
- (c) Delineation of all proposed critical areas with proposed erosion and sediment control measures shall be required.
10. Man-made Features:
- (a) The locations and dimensions of the following, but not limited to the following:
- |  |                     |
|--|---------------------|
| Existing property lines                  | Driveways           |
| Roads/Streets                            | Bridges             |
| Adjacent public right of ways            | Easements           |
| Culverts/Drain pipes                     | Buildings           |
| Dams                                     | Trails/Log roads    |
| Cemeteries (registered and unregistered) | Accesses            |
| Gravel pits/Open pits                    | Wells               |
| Cellar holes                             | Mines               |
| Stone walls/ Rock walls                  | Historic structures |
| Archeological features                   |                     |
- (b) In addition, the approximate location of all such man-made features one hundred (100) feet outside the bounds of the proposed subdivision or lot line adjustment shall be noted upon the plat, to the extent practical.
- (c) Delineation of all proposed areas of soil disturbance is required.
11. Utilities and Improvements: a utility and improvement map showing existing and proposed:

- (a) Utility systems within and adjoining the subdivision within one hundred (100) feet,
- (b) Water lines,
- (c) Storm and sanitary sewer line,
- (d) Surface water drainage systems,
- (e) Proposals for method of water supply and sewage disposal,
- (f) Location of all other utilities,
- (g) Manholes,
- (h) Catch basins,
- (i) Fire hydrants, and
- (j) Special structures.

In any new subdivision that requires a new street or way, all distribution lines for power, communications, or for cable television shall be installed underground and in accordance with applicable regulations of the New Hampshire Public Utilities Commission and the applicable requirements of the respective utilities.

12. Water and Sewage Facilities:

- (a) Each lot not served by utilities must provide sewage disposal and water supply facilities for its occupants.
- (b) Any extension of water lines or sewer mains within a subdivision shall be performed by the subdivider at his/her expense.
- (c) Where public facilities are accessible, the subdivider shall be required to extend water and sewer lines to the property line of each lot.
- (d) All required sewage and water facilities shall be installed according to the specifications of the State of New Hampshire Department of Environmental Services regulations.
- (e) Where Town facilities are not available; the installation of wells and/or septic systems shall be in accordance with the requirements of the Laws of the State of New Hampshire, Department of Environmental Services and the Ordinance of the Town of Nottingham. Locations of wells, test pits (certified by a licensed soil scientist or licensed septic system designer), septic systems, and their distances from boundaries, neighboring wells and neighboring septic systems shall be shown.

13. Individual Lot Sewage Disposal System: in areas not currently served by public sewer systems, it shall be the responsibility of the subdivider to provide information to prove that the area and soil conditions of each new lot are adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field), plus an area supported by an additional test pit for an alternative system within the lot envelope in case of failure of the original system. Soils information for a minimum of fifty (50) feet around the two hundred by two hundred (200 X 200) or thirty thousand (30,000) square foot contiguous area shall be delineated on the plat. The plat must show two (2) test pits, fifty (50) feet apart, per lot.

All lots five (5) acres or less must pass the test pit percolation test of the State of New Hampshire Water Supply and Pollution Control Commission and such documentation must be presented to the Board with certification by a licensed soil scientist or licensed septic system designer.

14. Common Subdivision Water Supply and/or Sewage Disposal System: a plat for water supply or sewage disposal must meet all requirements of the New Hampshire Department of Environmental Services and associate agencies. There shall be adequate land area of suitable soils onsite to support alternative systems for each residential building in event of failure of the original common system.
15. Storm Drains and Culverts:
  - (a) State Highways: specifications on the type of storm drains and culverts required for streets and driveways intersecting state highways shall be acquired from the New Hampshire Department of Public Works and Highways Transportation.
  - (b) Town Roads: specifications on the type of storm drains and culverts required for streets and driveways intersecting Town roads shall be acquired from:
    - (1) Road Agent for existing roads;
    - (2) Town Engineer for new roads.
16. Deed Restrictions: a copy of any existing and/or proposed protective covenants or deed restrictions applying to the land being subdivided, which shall be noted on the plat.
17. Public Easements: the purpose of any easement of land reserved or dedicated to public use shall be described and the proposed use of the land shall be noted. The proposed easement language shall be presented to the Board prior to approval. This document will be sent to the Town Attorney for legal review at the applicant's expense. The Board may require some easements to be recorded simultaneously with the recordable plat.
18. Flood Hazard Zones: any flood hazard zones as determined by the Federal Emergency Management Agency (FEMA) for the Town of Nottingham and as shown on the Flood Way and Flood Hazard Boundary Maps dated May 5, 2005 or later revision, shall be delineated on the plat. If there is no flood hazard zone, then this should be stated on the plat.
19. Wetland Soils: any poorly and very poorly drained soils, as determined by Hydric A & B soils, shall be shown on a single overlay by a Certified Wetland Scientist with their respective setback requirements. The Board shall require appropriate documentation and also shall include a letter from the Conservation Commission prior to final approval for any impacts to wetlands.
20. Soil Erosion and Sediment Control: site drawing of existing and proposed areas of soil disturbance, cut and fill, and poorly or very poorly drained soils to be disturbed or filled. Location of all structural and vegetative erosion and sedimentation control measures shall be included. Schedules for construction, earth movement, and inspection and maintenance of all control measures will be required. Descriptions and drawings of all temporary and permanent control measures with calculations for control measures, volume, peak discharge, and velocity of all present and future runoff will be included. Standard agricultural, silvacultural and aquacultural

practices are subject to other control measures and are exempt from this regulation.

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

(a) An Erosion and Sediment Control Plan is required for any one of following:

- (1) Where cumulative disturbed area exceeds twenty thousand (20,000) square feet;
- (2) The construction of a street/road;
- (3) A subdivision of three (3) or more building lots or dwelling units; or when
- (4) There are disturbed critical areas.

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

- (1) Whenever practical, natural vegetation shall be retained, protected, or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.
- (2) Appropriate control measures shall be installed prior to removal of vegetation.
- (3) The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than thirty (30) days shall be stabilized.
- (4) 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.
- (5) Off-site surface water and runoff from undisturbed areas shall be carried non-erosively through the project area, or diverted away from disturbed areas during construction, where feasible.
- (6) Naturally occurring streams, channels, and wetlands shall be used for conveyance of runoff leaving the project area. Measures will be taken to insure that runoff contains no hazardous materials that could contaminate ground and surface waters.
- (7) All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soils areas resulting from the removal of temporary measures shall be permanently stabilized within thirty (30) days.

21. Listing of holders of Conservation, Preservation or Agricultural Preservation restrictions as a note on the plat.

## B. DESIGN AND TECHNICAL REQUIREMENTS

The details of the plat shall conform to all requirements of the zoning ordinance and any other pertinent State statute or Town Regulation. All road construction, utilities, bridges, culverts and other water controlled devices shall be designed by and bear the stamp of a licensed professional engineer for Board approval. The following design and technical standards shall be required:

### 1. Lots:

- (a) Dimensions: all lot dimensions shall conform to requirements of the Zoning Ordinance.
- (b) Frontage: each lot shall front either upon a Class V road or better, which meet Town road specifications or upon a road that appears on a subdivision plat approved by the Planning Board. In cases where there is a Class V road or better which does not meet the minimum town road specifications then the frontage may be upon that street provided that any land needed to bring the street up to the town road specifications be dedicated as a Right-of-Way for future upgrade of the road with such specifications met. (see NH RSA 674:36)
- (c) Lines: all side lot lines shall be substantially at right angles to the street's right-of-way lines. Lot lines shall follow municipal boundary lines.
- (d) Non-buildable lots shall not be created by subdivision, except tracts for special purposes as described in the Zoning Ordinance Section II- Site Suitability For Proposed Use, D-Tracts For Special Purposes, item number 2 and 3, when:
  - (1) A separate public hearing is held for the special tract,
  - (2) Approval is granted by the Board,
  - (3) A note on the plat acknowledging "Lot created by use of Nottingham Zoning Ordinance Section II.D.2 or Section II D.3. shall be designated a non-buildable lot in perpetuity. No building permit for a dwelling unit will be issued for this lot", and
  - (4) A label "NON-BUILDABLE LOT (SEE NOTE X)" placed on the plat within the lot designated as a special tract."
- (e) Open Water: no structure shall be built closer than seventy-five (75) feet to lakes, rivers, ponds and perennial streams as identified on current Soil Conservation Service Maps for the Town of Nottingham. All tree cutting will be in accordance with NH RSA 483: B:9 Use of hazardous materials, as defined in the Nottingham Zoning Ordinances, is prohibited in this area.

### 2. Roads and Streets

All Town owned streets shall be improved according to the specifications of the Town of Nottingham (see Enclosure - Typical Road Section). All streets shall be paved in accordance with the typical section before presentation for acceptance as a town road at Town Meeting of the Town of Nottingham.

- (a) Proposed Roads in Relation to Adjoining Street System - Insofar as the official map does not indicate the size, location, direction, and extent of a street, and subject to the regulations hereinafter specified regarding definite minimum widths, the arrangements of streets in a subdivision shall provide the continuation of the principal streets existing in the adjoining subdivision, or of their projections when adjoining property is not subdivided, and shall be of a width at least as great as that as such existing streets.
- (b) Exceptions to Section 2 (a) above - Where in the opinion of the Board, topographical and other natural feature conditions make such continuances or conformity impractical or in cases of neighborhood or area of which the subdivision is a system of the Town of Nottingham, different from that of said continuations or projections of existing streets and the subdivider's plat conforms to such neighborhood or area plat of the Board, the Board may approve the subdivider's plat.
- (c) Future Subdivision Street Projections - Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective future street system and future usage of the unsubmitted part shall be furnished to the Board, who will consider the street system of the part submitted in the light of the adjustments and connections with the street system of the part not submitted.
- (d) Access to State and Local Roadways:
  - (1) Access to State Highways: a permit is required by the New Hampshire Department of Transportation for a new road entering the right-of way of a Class I, II, or III highway (See RSA 236:13). A copy of the State approval shall be required prior to the Board approval.
  - (2) Access to Town Roads: written approval is required from the Road Agent/Town Engineer for any new road entering the right-of-way of a Town road. A copy of the approval shall be required prior to the Board approval.
- (e) Names: no street shall have a name, which will duplicate or closely approximate the name of an existing street. Extension of an existing street shall have the same name. The Selectmen's Office shall be contacted for approval of street/road names.
- (f) Interior roads: interior roads within a subdivision must be laid out in such a manner as to provide two pathways of access/egress to a Class V road or better, for each building lot. The arrangement of all streets within the subdivision will provide for the continuation of the principle streets in property adjoining the proposed subdivision when adjacent land is developed.
- (g) Width: no new street or highway right-of-way shall be less than fifty (50) feet in width and may be required to be wider if, in the opinion of the Board, such extra width is required by the anticipated traffic volume on the street or highway, or if such extra width is required by the Comprehensive Plan of the Town of Nottingham.
- (h) Grade: The following standards shall apply:
  - (1) No grade in excess of three (3) percent shall be permitted within two hundred (200) feet of any intersection with a main road.

- (2) No grade in excess of six (6) percent shall be permitted within two hundred (200) feet of any intersection within a subdivision.
  - (3) No grade in excess of nine (9) percent or less than one half (1/2) of one (1) percent shall be permitted on any street within a subdivision.
- (i) Grade Changes: all changes in grade shall be connected with vertical curves of sufficient length to provide smooth transition and proper sight distance.
  - (j) Intersection: no two (2) streets shall be permitted to intersect at an angle of less than ninety (90) degrees.
  - (k) Corners: street corners shall be rounded at the street line with a curve having a radius of not less than twenty-five (25) feet.
  - (l) Dead-end Streets and Cul-de-sacs: dead end streets and streets with cul-de-sacs will not be allowed.
  - (m) Right-of-way: any right-of-way used as access to a subdivision must be dedicated to the public use under conditions approved by the Planning Board.
  - (n) Non-conforming Existing Streets: subdivisions adjoining or including existing streets which do not conform to widths as required by these regulations or by the Comprehensive Plan of the Town of Nottingham shall be required to dedicate sufficient land to bring such street into conformity. Subdivisions along one side of any such street or highway shall be required to dedicate only one half (1/2) of the required extra width.
  - (o) Open Water: no new road shall be permitted within three hundred (300) feet of any open water, with the exception of bridge crossings.
  - (p) Bridges: on stream crossings spanning ten (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 roadway width on bridges shall be twenty-four (24) feet.
  - (q) Landscaping: upon completion of any development or development phase, all disturbed planting strip areas adjacent to streets shall be loamed and seeded with low maintenance, high quality, native, ground cover in conformance with "New Hampshire Standard Specifications" latest revision.
  - (r) Safety: the Board reserves the right to modify the proposed street plats 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.
  - (s) Street Construction Inspections: in order to ensure that streets are constructed in accordance with the standards prescribed herein, the Road Agent, or other designated town agent, reserves the right to inspect any aspect of street construction at any time during the construction process and prior to acceptance of the roadway.

At a minimum, streets will be inspected by the appropriate agent(s) prior to placement of subgrade material, after compaction of subgrade material, during placement of base course materials, prior to paving and following paving. All underground utilities shall be inspected and approved prior to paving. Cut or fill slopes shall be subject to inspection and approval.

The developer will be responsible for notifying said agent(s) at each of the construction phases. Failure of the developer to notify the 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 Board may order the deficient segment to be reconstructed. The developer may request Town inspection of street construction at any point during the construction phase. Requests must be made at least seven (7) working days prior to the desired inspection. All costs for inspections will be borne by the developer.

The agent(s) responsible for street inspection shall establish and maintain a record of each inspection. Copies of these records shall be forwarded to the 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 and conditions found.

3. Driveways:

(a) Access to State and Local Roadways:

- (1) Access to State Highways: a permit is required by the New Hampshire Department of Transportation for any private driveway entering the right-of-way of a Class I, II, or III highway (see RSA 236:13). Lots that have frontage on New Hampshire State Highways shall be allowed a single driveway, except that two one-way driveways may be substituted for a singular full access driveway provided that the minimum required distance between driveways can be met. The centerlines of all new driveways should be aligned with driveways and road intersections on the opposing side of the State Highway. If such an alignment is not feasible, the driveways shall be offset by fifty (50) feet. In order to minimize the number of driveways along New Hampshire State Highways, shared driveway(s) shall be encouraged for adjacent sites. The goals are to encourage sensible and safe connectivity between abutting lots. Wherever feasible, the Board may require a joint use driveway serving two abutting properties with cross access easements provided. A copy of the State approval shall be required prior to the Board approval.
- (2) Access to Town Roads: a permit is required from the Building Inspector for any private driveway entering the right-of-way of a Town road. A copy of the Town permit shall be required prior to the Board approval.

(b) Width:

- (1) Single Family Driveways: no new single-family driveway shall be less than twelve (12) feet in width.
- (2) Common/Shared Driveway: no new common or shared driveway shall be less than sixteen (16) feet in width at the common/shared section.

- (c) Surface Water Flow: all private driveways shall have provisions for keeping water from flowing out of the drive into the road.
- 4. Water Facilities: specifications on the type and nature of water facilities must be approved by the New Hampshire Department of Environmental Services. Requirements may be obtained through the Town Health Officer or the New Hampshire Department of Environmental Services.
- 5. Utility Easements: easements for utility installation(s) may be required (such easements shall be located along property lines where practicable). Such public utility easements shall be of such width and location as required by the utility companies or municipal departments concerned.
- 6. Drainage Easements: where a subdivision is traversed by a water course, drainage way, channel or stream, a storm water easement or drainage right-of-way shall be provided that conforms substantially with the lines of such water course, and further width or construction or both, as will be adequate for the purpose, in no case less than ten (10) feet.
- 7. Drainage systems along roadways shall be plotted (including placement of culverts across roads when the major drainage is on the opposite side of the street).
- 8. Fire Protection: each subdivision plat shall address fire protection by way of a recommendation letter from the Nottingham Fire Chief.
  - (a) Major subdivisions with internal roads - Cisterns or access by way of a standpipe to an adequate year round water supply shall be provided and shall be located no more than two thousand (2000) feet of travel distance from any proposed or existing residence.
  - (b) Minor and Major subdivisions without internal roads - A cistern or alternative fire protection will be required as per the recommendation of the Nottingham Fire Chief.

### **C. VICINITY MAP**

The vicinity maps shall show the relationship of the proposed subdivision or lot line adjustment to the adjacent properties and natural features. The Vicinity Map shall be at a minimum of one (1) inch equals four-hundred (400) feet and show the following within one-thousand (1,000) feet of the subject property:

- 1. Existing subdivisions adjacent to the proposed subdivision or lot line adjustment.
- 2. Locations and names of existing and proposed streets, their classification and speed limits.
- 3. Boundaries and designations of basic zoning and overlay districts.
- 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the proposed plat submitted covers only a portion of the owner's entire contiguous holding.

5. Natural features, including wetlands, open space conservation areas, rivers, and other water bodies, significant wildlife and fishery habitats, topography, and other natural and historic resources (e.g. stonewalls and cemeteries) and building structures that may influence the subdivision or lot line adjustment design.
6. Existing snowmobile, hiking, and recreation trails.

## **SECTION VI - FINAL PLAT REQUIREMENTS**

### **A. FINAL PLAT DETAILS**

In addition to the preliminary plat requirements listed in Section V, the overall plat(s) shall show or be accompanied by the following:

1. The recordable plat shall include (if applicable):
  - (a) Planning Board Granted Waivers;
  - (b) Planning Board Conditions of approval;
  - (c) Zoning Board Granted Variances, Special Exceptions and Equitable Waivers;
  - (d) State Subdivision Approval Number;
  - (e) Wetland Permit Number;
  - (f) State Driveway Permit Number.
2. Boundary Markers: Boundary Markers: All boundary markers shall be located in accordance with the approved subdivision or lot line adjustment plat. Boundary markers shall be a drill hole in stone wall or a granite bound at lot corners; iron stakes, pins or rods shall be used at all other boundaries. Any drill holes shall be filled with an aluminum surveyor's disk. Granite bounds shall be four inches by four inches (4"x4") and four (4) feet long. A certificate of installation is required from a registered land surveyor if approved plat does not certify installation.
3. Back Lot Subdivisions: shall reflect the following note: "further subdivision of this property is not allowed in accordance with the Zoning Ordinance limitations for back lot subdivisions".
4. Lot number designations shall be obtained from the Selectmen's Office.
5. Physical street numbers shall be initiated per the 911 numbering system as assigned by the Town's liaison/designated agent at the Board of Selectmen's Office.
6. Trees: any planting and removal of trees within the street lines shall be in accordance with a plat approved by the Town Agent(s).
7. Surface Water Drainage: all surface water drainage, ditches, and culverts shall be constructed or improved along all roads within the development and the Town or State roads to meet the potential needs of the development. A certificate of completion is required from the Selectmen or their designated agent.

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.
9. The applicant shall bear final responsibility for the installation, construction, and disposition of all required erosion and sediment control measures. The Board may require a bond or other security in an amount and with surety conditions satisfactory to the Board, providing for the actual construction and installation of such measures within a period specified by the Board and expressed in the bond or other surety. Site development shall not begin before the Erosion and Sediment Control Plan is approved. Erosion and sediment control measures shall be installed as scheduled in the approved plat. The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plat, 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 and/or corrective measures for erosion problems resulting from improper maintenance or installation of control measures. The cost of such work shall be borne by the owner.
10. Any certificates, actions or conditions of approval shall indicate a specified time and specified person to report to for follow up.

## **B. INSPECTION**

No underground installation shall be covered until inspected by the Building Inspector or designated agent as determined by the Board of Selectmen. Above ground installation and/or construction will be inspected with the developer on site by the appropriate Town department and appropriate certificates provided when work is completed. All expenses of inspections shall be paid by the developer (including the hiring of engineers when deemed necessary by the Board). As phases or portions of the improvements are completed, the surety will be partially released to reflect the value of the completed work. Inspections shall be made of soil erosion and sedimentation control measures to ensure that measures are properly installed or performed and maintained.

## **C. SURETY**

The applicant shall provide the Town with financial sureties in an amount sufficient for the Town to complete any roads, drainage facilities, fire cisterns, other facilities, or utilities not completed to Town standards by the developer.

Acceptable forms of surety shall include certified checks or cash and may include letters of credit on a bank licensed in New Hampshire. Sureties shall cover the full cost of construction plus ten percent (10%), taking into consideration changes in costs over time, Ten percent (10%) of the construction costs shall be reserved following completion of construction for two years to insure proper performance of the facility.

The Board and applicant shall develop a schedule for phased release of the surety as work progresses. The developer shall be responsible for proving to the Town that benchmarks indicated in the phasing schedule have been met prior to the release of any portion of the surety. The Town Engineer or third party hired by the Town, at the applicant's expense, shall evaluate construction at the benchmarks and report findings to the Town.

The Board may require an additional maintenance surety in an amount sufficient for the Town to repair any infrastructure required as part of the Board approval.

All applicants who submit proposals where financial sureties are required shall enter into a Subdivider Improvement Agreement with the Board of Selectmen. This agreement shall specify the form and amount of the surety and shall specify the conditions for its' release.

## **SECTION VII - OFFICERS, HARDSHIP EXEMPTION, PENALTIES**

### **A. OFFICERS**

These regulations shall be administered by the Nottingham Planning Board with assistance of such persons as they shall designate.

### **B. PENALTIES FOR TRANSFERRING LOTS IN UNAPPROVED SUBDIVISION**

Any owner, or agent of the owner, who transfers or sells any land before a plat of the said subdivision has been approved by the Board and recorded, or filed in the office of the appropriate Register of Deeds, shall forfeit and pay a penalty of one thousand (1000) dollars for each lot or parcel so transferred or sold and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town of Nottingham may enjoin such transfer or sale and may recover the said penalty by civil action. In any such action, the prevailing party may recover reasonable court costs and attorney's fees as same may be ordered by the court (RSA 676:16 as amended by 1984 laws).

### **C. PENALTIES FOR DEGRADATION OF EXISTING TOWN ROADS DUE TO CONSTRUCTION TRAFFIC**

Any owner, agent, or developer shall be responsible for any cost associated with the repair of Town roads due to damage incurred to the road(s) during the construction of the subdivision that they have incurred.

**SECTION VIII- Enclosures**  
**Enclosure 1**  
Certificate of Monument Installation

Property owner(s): \_\_\_\_\_

Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_

Physical Address: \_\_\_\_\_

Surveyor: \_\_\_\_\_

Company: \_\_\_\_\_

Number of Granite Bounds: \_\_\_\_\_

Iron Stakes/Pins/Rods: \_\_\_\_\_

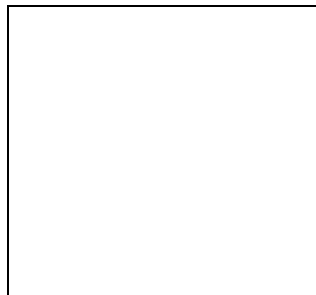
Drill Hole w/ Aluminum surveyor's disk: \_\_\_\_\_

“ I hereby certify that the monumentation required on the above referenced subdivision plat has been accurately installed under my supervision and said monumentation complies with the Section VI A-2 of the Nottingham Subdivision Regulations.”

Signature of Surveyor: \_\_\_\_\_

Date: \_\_\_\_\_

Seal of Surveyor:



**Enclosure 2  
Subdivision Regulation  
Waiver Request Form**

**Map** \_\_\_\_\_ **Lot** \_\_\_\_\_ **Property Location** \_\_\_\_\_

**A waiver is being requested from (Regulation & Section):** \_\_\_\_\_

*Please provide a response to each of the waiver criteria listed below.*

1. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner **would** result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out. Strict conformity would pose an unnecessary hardship to the applicant because:

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2. The waiver **will not**, in any manner, be contrary to any of the Town of Nottingham Regulations because:

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*If you have additional information, you may use a separate sheet of paper and attach it to this form.*

**Enclosure 3**  
**SUBDIVISION IMPACT ASSESSMENT FORM**

**I. PUBLIC FACILITIES**

**A. Roads, Traffic, Snow Removal:**

1. What will be the length in feet of roadways to be constructed
2. Estimate the traffic (vehicle movements) your development will generate at peak hours of the day.
3. How will this additional traffic affect the traffic capacity of existing streets, intersections, and bridges, which will access your development?
4. Estimate the cost of improvements, which will be necessary to enable these facilities to handle the traffic your development generates.
5. Have you provided access to land-locked abutters in your plans?

**B. Schools:**

1. Estimate how many school age children your development will generate.
2. How distant is your development from existing school bus routes?

**C. Police and Fire:**

1. Are you expecting a certain group of people to live in your development such as elderly, young families, etc? (Identify)
2. Estimate law enforcement requirements that will be needed (patrol hours and equipment).
3. How distant is your development from the Town's Fire Station?
4. What facilities have you placed in your development to assist fire department (dry hydrants)?

**D. Utilities:**

1. How far must existing electrical service extend to service your development?
2. What impact will your drainage system have?

**II ENVIRONMENT**

**A. Vegetation**

1. What type of natural vegetative cover presently exist on the site?
2. Are any existing vegetative forms unique to this area?
3. What portion of this vegetative cover will be disrupted by the development, both short and long term?
4. How quickly will excavated areas be re-vegetated and what types of vegetation are proposed?
5. What restrictions or covenants are being placed in the deeds to insure the vegetation is protected?

**B. Wildlife and Habitat**

1. Does the proposed development disturb major wildlife habitat(coordinate with NH Fish and Game)?
2. If so, what measures will be taken to protect and/or reduce the impact on wildlife?

**C. Flood Hazard**

1. Is the proposed development within or adjacent to a delineated flood hazard?

## **Drainage**

2. How will the proposed development affect the natural drainage system?
3. What type of soils exist in the development area?
4. What type of easements will be made for streams and intermittent water run offs?
5. What restrictions or covenants are being placed in the deeds to insure that culverts, both on-site and off-site are appropriately sized to insure adequate “way” for drainage (using 25-year storm standard)?

## **D. Grading of Slopes**

1. Will sloping land forms be graded in the proposed development?
2. What percent of the total sloping are will be graded?
3. What measures will be taken to control the runoff from the graded area?
4. What restrictions or covenants are being placed in the deeds to protect from erosion or flooding?
5. What is the composition of the soil and depth from top of slope to bottom (provide slope profile)?

## **F. Hydrogeologic Impact**

1. What percentage of your total acreage will be covered with impervious surfaces such as roofs, streets, driveways?
2. Will any wet areas be drained or filled?
3. Has this drainage or fill been coordinated with the conservation commission and an application made to NH Dredge and Fill?
4. Will any surface waters be diverted?
5. How will the withdrawal or water from new wells, the construction and water diversion affect the groundwater table?
6. How will the installation of septic systems affect the quality of the water in the area?

## **G. Soils**

1. Will any topsoil be removed or added to the site?
2. Are there any structurally weak or unstable soils or ledge on the site that may require special attention? What action is proposed?
3. How will construction impact soil erosion and sedimentation? What control measures are proposed?

## **H. Undevelopable Land**

1. Is there any undevelopable land on the site (wetlands, bogs, marshes, etc)?
2. Is the area being counted in the development and being used for open space?
3. Is the use of this land being controlled by deed restriction?
4. Is the developer donating it to the Conservation Commission, or donating it to the Town?
5. Will access to these lands be by means of trails or paths?

## **III PLANNING CONSIDERATION**

### **A. Public Easements**

1. What public easement will be created?

**Enclosure 4**  
**Town of Nottingham - Road/Street Specifications**