SUBDIVISION REGULATIONS

HAMPTON FALLS, NEW HAMPSHIRE

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RECORD OF AMENDMENTS TO 1994 PRINTED VERSION

All pages of the current version of the Subdivision Regulations are dated "December, 1994", with the following exceptions, which update these regulations as indicated:

Pages 9 & 10	Reprinted: March, 1995 - Amendment to add Section 5.9.2.1 and Section 5.9.3
Page 17	Reprinted: June, 1997 - Amendment to Section 7.4.8
Pages 7, 8 & 24	Reprinted: May, 1999 - Amendment to Sections 5.8.3, 5.9.1, 5.9.4 and to add Appendix II - Schedule of Fees
Page 12	Reprinted: October, 2000 - Amendment to add Section 7.1.6
Page 9	Reprinted: March, 2002 - Amendment to Section 6.1.4
Page 21	Reprinted: March, 2004 – Amendment to Sections 8.2.9 and 8.2.10
Page 8	Reprinted: March, 2005 – Amendments to Section 5.9.2
Page 19	September 2005 – Amendment to Section 7.9
Page 3	October 2007 – Add Definition "Security" to Section 4.2
Page 15	October 2007 – Amendment to Section 7.3.1 and 7.3.4
Page 15	October 2007 – Amendment to Section 7.4 through 7.4.8
Page 22	October 2007 – Amendment to Section 8.2.1 through 8.2.9
Page 23	October 2007 – Amendment to Section 8.4
Page 15	November 2007 – Amendment to Section 7.3 and 7.5
Page 21	November 2007 – Amendment to Section 8.1.2
Page 23	November 2007 – Amendment to Section 8.3
Page 11	September 2009 – Amendment to Section 6.2.9
Page 11	September 2009 – Amendment to Section 6.2.20
Page 15	September 2009 – Add Section 7.3.6
Page 15	October 2011 – Amendment to Section 7.4

SUBDIVISION REGULATIONS

Adopted June 9, 1952

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SECTION 1 - AUTHORITY AND TITLE

Pursuant to the authority vested in the Hampton Falls Planning Board by the voters of the Town of Hampton Falls at the Annual Town Meeting of 1952, and to the authority granted to the Planning Board under the New Hampshire Revised Statutes Annotated, Chapter 674:35-39, as amended, the Planning Board hereby adopts the following regulations governing the subdivision of land in the Town of Hampton Falls.

These regulations shall be known, and may be cited as, the "Town of Hampton Falls Subdivision Regulations," hereinafter referred to as "Subdivision Regulations." These regulations revise and replace the Hampton Falls Subdivision Regulations of 1990, and took effect upon adoption by the Board and filing with the Hampton Falls Town Clerk in accordance with RSA 675:6. A copy shall also be filed with the New Hampshire Office of State Planning in accordance with RSA 675:9.

SECTION 2 - PURPOSE AND INTENT

The purpose of these regulations is to provide for Planning Board review and approval or disapproval of all subdivision, consolidation, lot line adjustment, and easement plans (and subsequent revisions thereto). It is the intent of the Hampton Falls Planning Board to provide for the orderly present and future development of the Town of Hampton Falls, therein promoting the public health, safety, convenience and welfare of the residents. The Hampton Falls Planning Board specifically adopts the provisions of New Hampshire Revised Statutes Annotated, Chapter 674:36, as amended. It is the intent of the Hampton Falls Planning Board to promote the utilization of sound development standards.

SECTION 3 - JURISDICTION

The provisions of these regulations shall apply to all land within the boundaries of the Town of Hampton Falls.

3.1 Subdivisions

Any person proposing to subdivide land in the Town of Hampton Falls must apply to the Planning Board for approval of such subdivision.

A subdivision application must be made and approved before any offer to sell, rent or lease a proposed subdivision or part thereof, before any construction, land clearing or building development is begun, before any permit for the erection of any building may be granted, and before a subdivision plat may be filed with the Rockingham County Registry of Deeds.

3.2 Permits

No building permit may be issued for the construction or alteration of any building or structure within the purview of these Regulations until a copy of an approved subdivision plat has been presented by the applicant to the Building Inspector.

SECTION 4 - DEFINITIONS

4.1 Interpretations

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of these regulations. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; words used in the masculine gender include the feminine and neuter; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not optional.

In general, words and terms used in these regulations shall have their customary dictionary meanings. Definitions contained in the existing Town of Hampton Falls Zoning Ordinance are incorporated herein by reference.

4.2 Definitions

Abutter - Any property owner whose property is located in New Hampshire and adjoins or is directly across the street or stream, from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a 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.

Board - The Town of Hampton Falls Planning Board as established under the provisions of N.H. RSA 673:1, as amended.

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

Community Wastewater System - A non-municipal wastewater supply system that serves an average of at least twenty-five (25) individuals daily year-round or that has at least fifteen (15) service connections.

Community Water Supply - A non-municipal water supply system that serves an average of at least twenty-five (25) individuals daily year-round, or that has at least fifteen (15) service connections.

Completed Application - A final plat and application form submitted with all information, materials, and fees required by the Board, as stated within these regulations.

Cul-de-sac - A local street with only a single means of ingress and egress and having a turnaround at the end.

Development - Any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.

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

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

Lot Line Adjustment - The change of boundary lines between abutting parcels that does not result in the creation of any new building lots.

Planning Board Agent - The planning consultant, official, recording agent, or other person(s) assigned by the Board to perform plan review and other such duties.

Plat - The final map, drawing or chart on which the developer's plan of site development is presented to the Hampton Falls Planning Board for approval, and which, if approved, will be submitted to the Register of Deeds of Rockingham County for recording. Plats must be drawn in ink on mylar for recording purposes. A margin of at least one inch shall be provided outside ruled border lines on three sides and of at least two inches along the left side for binding. Only the following sizes are currently accepted at Registry for recording: 8 1/2" x 11"; 11" x 17"; 17" x 22"; 22" x 34".

Road Agent - Town representative who issues driveway permits, inspects the construction of new roads and acts on the Towns behalf in other matters dealing with roads in Town.

Security – A monetary guarantee provided by the Developer – usually in the form of an irrevocable Letter Of Credit or cash – that ensures funds are available to complete approved subdivision or site plan construction. The security amount includes the estimated cost of construction, as verified by the Town's Engineer, plus a 10% inflation factor and a 15% maintenance contingency. **(Amended 10/23/ 2007)**

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

Slope - The average steepness of the land surface under consideration. For the purpose of determining lot size categories, slope shall be determined by slope factors used by the National Cooperative Soil Survey soil classification (where A & B = 0-8%; C = 8-15%; D = 15-25%; and E = >25%).

Soil Type - As defined by High Intensity Soil Maps for New Hampshire prepared by a certified soil scientist.

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 street includes the following:

> any highway, road or right-of-way which the State or County has an obligation to maintain; any highway, road or right-of-way dedicated to and accepted by the Town of Hampton Falls; and, any highway, road, or right-of-way, whether or not formally accepted by the Town, which by traveled use or other appropriate circumstances has become a town road by reason of the recognition by the Town of a duty to regularly maintain such highway or right-of-way; however,

The word "street" shall not include:

> any existing public highway, road, or right-of-way which shall have been discontinued as an open highway or made subject to gates and bars, or which shall not have been maintained and repaired by the Town in suitable condition for travel thereon for five successive years or more.

Subdivision - The division of a lot, tract or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these regulations.

Surveyor - means a person licensed in accordance with RSA 310-A:53, as amended.

Town Engineer - The duly designated engineer of the Town of Hampton Falls, or if there is no such official, the planning consultant or official assigned by the Hampton Falls Planning Board.

SECTION 5 - PROCEDURE

5.1 General Information

5.1.1 Whenever any subdivision of land or buildings is proposed, the owner thereof, or his agent, shall apply in writing to the Board for approval. Application for subdivision shall be on forms supplied by the Town. The application shall conform to these regulations. If the applicant is not the landowner, the applicant shall provide the Board with written authorization from the owner to appear on his behalf.

5.1.2 The Board may make a visual on-site inspection of any proposed subdivision at any stage of the proposal, after prior arrangements are made with the applicant or land owner. Inspection is to be at such time when the site is free of snow cover, unless the Board is otherwise satisfied that such inspection is not required.

5.1.3 In acting upon any subdivision plan, the Board may refer to and take into consideration the recommendations of the Town Planner, the Building Inspector, the Road Agent, the Fire Department, the Police Department, the Conservation Commission, School Board and any other town agencies or outside specialists with which the Board consults.

5.1.4 Minor lot line adjustments or boundary agreements which do not create additional lots or increase the development potential of a lot require subdivision application and approval in the same manner as ordinary subdivisions, except that a public hearing shall not be required. However, notice to abutters shall be given prior to approval and any abutter may be heard on the application upon request. (RSA 676:4 Ie)

5.1.5 No subdivided property shall be transferred nor any contract for sale, lease or rental executed, and no structure erected before a plat of the subdivision has been approved by the Board, and recorded at the Rockingham County Registry of Deeds. In accordance with RSA 676:16, as amended, the transfer or sale of any lot in an unapproved subdivision will be enjoined by the Town and subject to a civil penalty of $1,000.00 for each lot or parcel so transferred or sold.

5.1.6 If a plan is withdrawn prior to having notification for the public hearing, no further action is required by the Board, and it will be considered terminated. One copy of any such plan(s) shall be retained for Board files.

5.1.7 Approval of the plan by the Board shall not constitute an acceptance by the Town of the dedication of any proposed street, highway, park or other public open space.

5.1.8 Pursuant to RSA 674:36, III, the Board may require special improvements on or off-site, which it deems reasonably necessary or desirable for the conditions or circumstances relative to the particular subdivision. Any such special requirements shall be stated in writing in the minutes of the Board with the reasons therefore. The Board may require, either that the applicant construct the improvements in whole or in part, or reimburse the municipality or any other party who, at the direction of the municipality, undertakes such improvements. The applicant's responsibility for such improvements is limited to that portion of the cost of the improvements which bears a rational nexus to the needs created by, and special benefits conferred upon, the subdivision, taking into consideration the municipality's ability to pay for such improvements.

5.2 Pre-application Review

The Board provides for an optional pre-application review of subdivision plats in accordance with RSA 676:4, II, as follows:

5.2.1 Preliminary Consultation Phase

A preliminary consultation and review on applications shall not bind either the applicant or the Board. The consultation may include, but is not limited to, discussions of the proposal in general terms to include the desirability of the development and the development's relationship to the Master Plan. Preliminary consultation may occur without the necessity of giving formal public notice as required by RSA 676:4 I (d), but must occur only at formal meetings of the Board. Review beyond such conceptual and general discussion may proceed only after identification of, and notice to, abutters and the general public as required by Section 5.5. In a preliminary consultation, the application may present a rough sketch or other information useful in defining the general scope and concept of the subdivision including how the land will be divided. The Board may make suggestions to assist the applicant in preparing the formal application and in resolving problems foreseen with meeting subdivision requirements or other applicable regulations of the Town.

5.2.2 Design Review Phase

The optional design review phase on applications is beyond a preliminary consultation and involves more specific design and engineering details. Such review shall not bind either the applicant or the Board. The design review phase may proceed only after notice to abutters and the general public as provided for in Section 5.5 of these regulations. The applicant shall submit a completed application form, a check for the filing fee, an abutter's list, and a preliminary plan, fifteen (15) days prior to the hearing date. If the applicant wishes to proceed beyond the design review phase, a public hearing for the final subdivision plan must be held.

5.3 Formal Application

5.3.1 Application for approval of the final subdivision plan shall be filed with the Board by the applicant or his agent in writing on forms provided by the Town. **Submitted material shall be complete and include material described in Section 6.** Should an application be

found incomplete, the Board shall notify the applicant, requesting that the necessary documentation be submitted and informing the applicants that no further consideration of the application can be made until the application is complete.

5.3.2 A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least 15 days prior to the public meeting of the Board at which it is to be submitted.

5.3.3 A completed application will be submitted to and accepted for consideration by the Board only at a Public Meeting for which notice has been given to the applicant, abutters and the general public.

5.3.4 Applications shall be disapproved by the Board without public hearing only for the following grounds:

5.3.4.1 failure of the applicant to supply information required by these Subdivision Regulations; or,

5.3.4.2 failure on the part of the applicant to meet reasonable deadlines as established by the Board; or,

5.3.4.3 failure on the part of the applicant to pay all required fees and charges.

5.4 Expedited Review

5.4.1 The Board provides for an expedited review and approval for proposals involving the following:

5.4.1.1 the application involves a proposal which creates not more than three (3) lots for building development; or,

5.4.1.2 concerns a proposal which does not involve creation of lots for subdivision purposes; or,

5.4.1.3 the application is for a lot line adjustment which does not create additional buildable lots.

5.4.2 Such expedited review allows for the submission and approval of a subdivision plan application at one or more meetings. No application may be approved, conditionally approved or disapproved without full notice to the abutters and the public as required in Section 5.5. The notice shall state that the Board may consider the application under the expedited review procedure and, if so accepted and so determined, may be considered and acted upon at the first and any subsequent public meeting of the Board.

5.4.3 A public hearing shall be held if requested by the applicant or abutters any time prior to a Board decision, or if the Board determines a hearing is necessary.

5.5 Public Notices

5.5.1 Notice of the design review phase or submission of a Completed Application shall be given by the Board to the abutters and the Applicant by certified mail, mailed at least ten (10) days prior to the meeting at which the application will be submitted.

5.5.2 The public will be given notice at the same time, by posting at the Town Offices and U.S. Post Office and publication in a local newspaper.

5.5.3 The notice shall give the date, time, and place of the 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, owner of record (if different) and the location of the proposal.

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

5.6 Board Action on Completed Application

5.6.1 The Board shall begin consideration of the Completed Application within thirty (30) days of its submission.

5.6.2 The Board shall act to approve, conditionally approve, or disapprove the Completed Application within sixty-five (65) days of submission.

5.6.3 The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. An applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable.

5.6.4 Upon failure of the Board to approve, conditionally approve, or disapprove the application, the Board of Selectmen shall, upon request of the applicant, immediately issue an order directing the Board to act on the application within thirty (30) days per RSA 676:4, I, (c)(1). If the Board does not act on the application within the thirty (30) day time period, then within forty (40) days of the issuance of the order, the Selectmen shall certify on the applicant's site plan review application that the plat is approved, unless within those forty (40) days the Selectmen have identified in writing a specific provision of the Site Plan Review Regulations, Subdivision Regulations, Zoning Ordinance, or other applicable regulation or by-law with which the application does not comply. Such certification by the Selectmen of the foregoing shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

5.6.5 In accordance with RSA 676:3, if the application is not approved, the Board shall provide the applicant with written reasons for disapproval. The decision shall be placed on file in the Board's records and shall be made available for public inspection within seventy-two (72) hours after the decision is made and a copy of the decision shall be filed with the Town Clerk.

5.7 Conditional Approval

5.7.1 The Board may grant conditional approval of a plat or application, which approval shall become final without further public hearing, upon certification to the Board by its designee or based upon evidence submitted by the applicant of satisfactory compliance with the conditions imposed. Final approval of a plat or application may occur in the foregoing manner only when the conditions are:

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

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

5.7.1.3 Conditions with regard to the applicant's possession of permits and approvals granted by other boards or agencies, provided said permits and approvals themselves have not required a change to the Plat submitted to the Board or to any other conditions imposed by the Board.

5.7.2 If the plat or application is approved with one or more conditions precedent that involve discretionary judgment, which are to be fulfilled prior to signing of the plat by the Board and filing of the same with the Register of Deeds, the Board shall hold a Compliance public hearing to determine whether the applicant has compiled and fulfilled the conditions previously set by the Board.

5.7.3 The applicant shall have one year to comply with the conditions of approval and to have the plan signed by the Board. During this first year the conditionally approved plans are exempt from changes in the zoning ordinance or subdivision regulations. If the conditions are not met within one year, the conditional approval shall lapse, unless the applicant is granted a one year extension by the Board prior to the expiration date. Extensions may be granted for a one year period only. The Board shall have the option of holding a public hearing, with notice to abutters and the public as required in Section 5.5, if the Board determines that conditions have changed appreciably. Conditionally approved plans that are granted extensions shall not be exempt from amendments to the zoning ordinance or subdivision regulations. The Board shall have the authority to deny a request for an extension to a conditionally approved plan if the applicant cannot comply with the conditions.

5.8 Recording and Filing of Plats

5.8.1 No subdivision plat shall be filed or recorded until it has been approved by the Board and all outstanding fees have been paid by the applicant. Approved plans shall be endorsed in writing on the plat with the signature of the Chairman of the Board.

5.8.2 The approved plat will be registered at the Rockingham County Registry of Deeds by the Board at the fee established by the Board. One copy of the recorded plat shall be obtained by the Board at the expense of the applicant.

5.8.3 See Appendix II for Schedule of Fees **(Amended 3/99)**

5.9 Subdivision Fees

5.9.1 See Appendix II for Schedule of Fees **(Amended 3/99)**

5.9.2 In accordance with NH RSA 676:4,I (g) the applicant shall be required to pay all reasonable costs or fees for professional review by the Town's appointed agents, special investigative studies, environmental assessments, and the legal review of documents, which are particular to the application, in addition to application fees as required by the Board.

5.9.2.1 Professional review costs may include, but are not limited to:

- Rockingham Planning Commission Circuit Rider technical review, meetings and other reasonable expenses directly accountable to the application. No Circuit Rider fee will be charged for phone calls or meetings necessary in making an initial application to the Planning Board, for the first Circuit Rider review of an application submitted to the Board, or for attendance at contracted night meetings. **(Adopted 7/27/04)**
- Town Engineer review, discussion and meetings with regard to overall plan review, roadway design, drainage and stormwater management, and erosion and sediment control plans.
- Rockingham County Conservation District review of septic or sewage disposal systems and drainage fields. **(Amended 7/27/04)**

5.9.2.2 If the Board requires a special investigative study, environmental assessment or legal review as outlined above, the applicant shall be required to provide the Town with funds equal to the estimated cost of said study, assessment or legal review. These funds shall be placed in a separate interest-bearing escrow account prior to starting the study, assessment or legal review. The escrow account shall be drawn down to pay any related expenses. If the expenses exceed the amount in the escrow account, the applicant shall be required to add additional funds to the account. Any funds remaining in the escrow account shall be returned to the applicant upon completion of the study, assessment or legal review. **(Adopted 3/28/95)**

5.9.3 The applicant shall be required to pay any outstanding Board fees for the subject parcel(s), even if incurred by a previous owner, prior to the Board's consideration of a new plan for the parcel(s). **(Adopted 3/28/95)**

5.9.4 No final approval will be granted and no mylar will be signed or recorded until all fees and other monies owed to the Town have been paid. **(Amended 3/99)**

5.10 Developments of Regional Impact

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

SECTION 6 - COMPLETED APPLICATION REQUIREMENTS

6.1 Submission Requirements

The following information is required on the subdivision plan or as part of the submission package in order for the application to be considered complete:

6.1.1 Application: A completely filled out and signed application form, which may be obtained in the Town Office.

6.1.2 Abutter's List: On a separate sheet of paper, a list of the names and mailing addresses of all abutters and the owner(s) of record (and applicant, if different), obtained from the Town records not more than five (5) days before submitting the application.

6.1.3 Fee: A check made payable to the Town of Hampton Falls equal to the fee required in Section 5.9.

6.1.4 Plan: Applicants shall submit five (5) paper copies of the subdivision plan in the format required by Section 6.2. In addition, the applicant shall provide the final approved plan in CAD drawing exchange file (DXF) format on a computer diskette or CD. The file shall contain either a separate layer for property lines to distinguish them from other linear features on the plan, or ONLY property lines. An ASCII text file defining all layers should be submitted with the CAD file. The CAD file will be the sole and exclusive property of the Town of Hampton Falls. **(Amended 11/27/01)**

6.2 Plan Format and Information Required

The subdivision plan shall conform to the following format and contain the following information:

6.2.1 Sheet size in conformance with the requirements of the Rockingham County Registry of Deeds.

6.2.2 Scale of the plan shall be not more than 1" = 100' (1 inch = 100 feet).

6.2.3 Margin of at least 1/2" outside ruled border lines on three sides and at least 2" along the left side for bindings.

6.2.4 Proposed subdivision name, plan number, current owner(s) of record (and applicant, if different) and all abutters keyed to plan.

6.2.5 Name, license number, and seal of the N.H. registered Land Surveyor, plus name, seal and address of engineer.

6.2.6 Date, north arrow, location (locus) map.

6.2.7 Tax map and parcel number, and zoning district(s) and lines.

6.2.8 Adequate space for the necessary endorsement by the proper authorities.

6.2.9 Locations of property lines and their dimensions and bearings, area of each lot and total parcel, well-radius, septic reserve area, footprint for any proposed building(s), existing building(s), existing and proposed easements, water courses, floodplains, ponds, rock ledges, tree lines and other essential features. Proposed building footprint(s) should be not be included on the recorded mylar. **(Amended 9/22/09)**

6.2.10 Title and deed references, and easements and other encumbrances.

6.2.11 The plat shall list all variances and special exceptions granted by the Board of Adjustment for the parcel involved and the dates granted.

6.2.12 Name(s) of proposed street(s) as approved by the Board of Selectmen.

6.2.13 Location and width of existing and proposed streets and roads, with grades, typical cross-sections, and road profiles for proposed streets. See Appendix I - Road Construction Detail for the Town of Hampton Falls.

6.2.14 Utilities on and adjacent to the tract including location, size and invert elevation of sanitary and stormwater sewers; location and size of water mains; location of gas mains, fire hydrants, electric and telephone poles and street lights. If water mains and sewer are not on or adjacent to the tract, indicate the direction and distance to, and the size of the nearest one.

6.2.15 Where the topography or other conditions are such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall be not less than 20 feet in width and shall have satisfactory access to existing or proposed public ways.

6.2.16 A topographical plan with contour lines at two (2) foot vertical intervals shall be shown.

6.2.17 Where the layout submitted covers only a part of the applicant's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted part will be considered in light of adjustments and connections with the street system of the part not submitted. Approval of the submitted area does not guarantee approval of the unsubmitted area.

6.2.18 The centerline of all streets shall be shown on the plan together with the centerline stationing. The stationing shall show all points of curvature and all points of tangency so that at a later date independent engineers may accurately lay out all the highways within the subdivision and check their work without any reference other than the recorded plan.

6.2.19 Numbers assigned to each lot in accordance with the system used throughout the Town otherwise and as available for review at the Office of the Town Clerk. The numbering system proposed in any subdivision should give consideration to any currently un-subdivided areas or areas awaiting future subdivision which might, as a part of a long-range plan, become extensions of the subdivision shown in this final plat.

6.2.20 Location and results of test pits and location of primary and secondary leach bed sites as required by NHWS&PCD and local requirements. Location of well heads and their seventy-five (75) feet radii shall be located entirely within the property boundaries. Well heads shall

not be located within the one-hundred (100) foot wetlands setback. By definition, well heads are structures and shall not be located within the 100' wetland buffer as stipulated in Article III, Section 8 of the Hampton Falls Zoning Ordinances. **(Amended 9/22/09)**

6.2.21 Soil data shall be provided as a part of the subdivision plan at the scale and dimensions required. Soils information shall be provided in the form of High Intensity Soil Survey (HISS) maps. Tests for determining soil information shall be performed by a certified soil scientist, who shall stamp the HISS map. Any cover letters or explanatory data provided by the soil scientist shall also be submitted. All costs of performing such investigations shall be borne by the applicant.

6.3 State and Federal Permits Required as Applicable

The following state or federal permits may be required as applicable:

6.3.1 N.H. Water Supply and Pollution Control Division subdivision approval.

6.3.2 N.H. Wetlands Board "Dredge & Fill" permit.

6.3.3 N.H. Department of Transportation driveway access permit.

6.3.4 N.H. Water Supply and Pollution Control Division Major Alteration Permit (RSA 485:17).

6.3.5 Any other state or federal permits required.

6.4 Local Items Required as Applicable

The following studies or plans may be required by the Board, as applicable:

6.4.1 Traffic impact analysis, as outlined in Section 7.6.

6.4.2 Soil erosion and sedimentation control plan as outlined in Section 7.7.

6.4.3 High Intensity Soil Survey Mapping, including the seal of the licensed Soil Scientist.

6.4.4 Wetlands Conservation District Special Use Permit, per Article III, Section 8 of the Zoning Ordinance.

6.4.5 Any other applicable local permit required.

SECTION 7 - REOUIREMENTS FOR THE SUBDIVISION OF LAND

7.1 General Requirements

The applicant shall observe the following general requirements and principles of land subdivision:

7.1.1 Reserve strips of land which, in the opinion of the Board, show an intent on the part of the applicant to control access to land dedicated or to be dedicated to public use shall not be permitted.

7.1.2 Land of such character where man's intrusion may result in significant adverse environmental impact shall not be used for residential occupancy nor for other uses which may cause significant adverse environmental impact until appropriate measures have been taken by the owner or his agent to lessen such impact. These areas include: aquifer recharge areas, seasonal wet soils, slopes in excess of 15 percent, and areas adjacent to water bodies.

7.1.3 Lot and area dimensions shall conform to the Zoning Ordinance and each lot shall be of adequate width and area, considering its location and size of adjoining lots, so as to avoid congestion of population and conditions unfavorable to health, safety and convenience.

7.1.4 The proposed subdivision shall conform to the Zoning Ordinance, Master Plan and any other pertinent federal, state and local laws or regulations.

7.1.5 Where necessary, in the judgment of the Board, rights-of-way for sidewalks for pedestrian travel and access may be required between subdivisions or their parts, or between a subdivision and public property.

7.1.6 Lots shall be formed to meet reasonable standards of design and procedures for subdivision, in order to further the orderly layout and use of land to ensure proper legal descriptions and monumenting of subdivided land.

7.1.6.1 Subdivision design should reflect the basic elements of sound development to preserve the character of the land and lots that are practicable and easily identifiable by property owners and town officials.

7.1.6.2 At no point shall any lot be narrower than 125 feet.

7.2 Scattered and Premature Subdivision

7.2.1 The Board may decline to approve a subdivision which it finds to be "scattered and/or premature" and which would, if approved, involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, sewerage, transportation, schools or other public services and/or which would require excessive expenditure(s) of public funds for the supply of such services.

It is intended that this regulation shall promote balanced, responsible and desirable growth and to control the timing of development by avoiding haphazard, scattered and uncoordinated development. The evaluation which follows recognizes that development may be deemed "scattered and/or premature" if it involves or could involve the lack of , or would require an excessive expenditure of public funds to provide services, or would result in a cumulative adverse impact upon Town's facilities and/or the neighborhood environment with respect to any or all of the following:

7.2.1.1 Distance to the nearest elementary school and effect on school bus transportation;

7.2.1.2 Potential fire protection problems owing to location and/or other special conditions relating to the development;

7.2.1.3 Potential police protection problems owing to location and/or other special conditions;

7.2.1.4 Potential snowplowing and other road maintenance problems owing to location;

7.2.1.5 Potential problems relating to collection of trash owing to location or other special conditions;

7.2.1.6 Inadequacy of access streets or roads and/or sidewalks;

7.2.1.7 Potential problems relating to on-site water supplies and/or sewerage disposal systems;

7.2.1.8 Inadequacy of water supply for fire protection purposes;

7.2.1.9 Potential drainage impact problems;

7.2.1.10 Conditions otherwise requiring excessive expenditure of public funds; and

7.2.1.11 Other potential problems within the meaning and purpose of this Section.

7.2.2 If it is determined by the Board that the proposed subdivision is, using the above criteria, scattered or premature unless special off-site improvements are made, including with respect to adversely impacted services, the Board may require the developer to make such improvements or to address such adverse impacts on facilities or services as conditions to the approval of the subdivision. These may consist of but not be limited to the following:

7.2.2.1 Improve any access street, existing or to be constructed to appropriate street and road standards, whether or not the Town does or will own these;

7.2.2.2 Build or reconstruct sidewalks if these be deemed necessary to the public safety;

7.2.2.3 Construct static water supplies (fire ponds) with dry hydrants for fire protection purposes;

7.2.2.4 Provide such traffic control facilities as are deemed necessary for the public safety.

7.2.3 The Board will consider all impacts of the proposed subdivision on facilities and services and may, if it deems necessary, apportion to the developer those costs which can be properly assessed against the development as are found to be required because of the development.

7.2.4 If it is determined by the Board that the proposed subdivision, using the above criteria, is scattered and/or premature and that the off-site improvements cannot be made to cure the adverse conditions, the Board may decline to approve such subdivision until at such time as these adverse conditions are determined by the Board to be curable.

7.3 Monumentation Requirements

7.3.1 Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting streets, point of curvature and point of tangency of curves. The point of intersection of short curves may be used instead, where such is practical, at the discretion of the Board. Monuments shall be placed on one side of the street and at each tangent and curve and at both corners of intersecting streets. Adjacent monumented points shall be inter-visible. **(Amended 10/23/2007)**

7.3.2 Monuments shall be tied into a public street intersection, U.S.G.S. benchmarks or other recognized existing monument. Monument locations shall be shown and properly dimensioned on the final plat.

7.3.3 Monuments shall be of granite and not less than 4" x 4" square, and not less than 42" long. Monuments shall be installed with a permanent magnet security fixed within the drill hole. Where an existing stone wall is used a monument, a prominent stone may be hand-drilled, marked with orange paint (at each hole) for visibility or staked with an iron pin and cap. **(Amended 11/27/2007)**

7.3.4 Iron pipes shall not be considered permanent monuments for the purpose of these regulations in delineating the right-of-way. **(Amended 10/23/2007)**

7.3.5 Iron pipes or drill holes shall be set at all non-frontage lot corners and angle points. **(Amended 11/27/2007)**

7.3.6 For those sites where wetlands exist, the applicant shall post placard markers—obtained from the Conservation Commission at the applicant's expense—along the wetland buffer setback and at points and corners, with one or more additional marker every 50 (fifty) feet. Markers must be in place prior to any tree cutting or excavation, and a certificate of wetland placard installation form shall be submitted to the Planning Board for the file. These markers are to remain in place after construction. In the event of future construction, the wetland buffer setback shall be verified and the wetland placard markers reestablished as necessary. **(Added 9/22/09)**

7.4 Construction and Maintenance Security **(Amended 10/23/2007)**

7.4.1 Before the mylar is signed by the Planning Board representative for a Subdivision Plan requiring road construction, security shall be provided to the Town of Hampton Falls by the applicant to guarantee completion of on-site and off-site construction as required by the Plan. The security agreement will include the estimated cost of construction, as verified by the Town Engineer, plus a 10% inflation factor; a 20% maintenance contingency (calculated on the sum of the estimated cost of construction plus the 10% inflation factor) will also be added to this total. The type of security, the amount, the form and the guarantors must be acceptable to the Planning Board. For example, if the cost of construction is $300,000, 10% ($30,000) will be added to cover inflation, and $66,000 will be included for the maintenance contingency. The resulting security amount is $396,000. **(Amended 10/25/2011)**

7.4.2 In the event that the proposed road construction intersects a town road, an indemnification agreement, as mandated by the Board of Selectmen, will be required.

7.4.3 The security shall remain in force until all of the required construction is completed to the satisfaction of the Planning Board. The Board, may however, agree to reduce the amount of the security as portions or phases of construction are completed and certified as completed by the Town Road Agent and the Town Engineer. When the Planning Board is satisfied that all conditions associated with the construction of the road have been met, the Board will recommend to the Selectmen that the Town accept the road; the 20% maintenance contingency will be retained until the conditions outlined in 7.4.7 are satisfied. **(Amended 10/25/2011)**

7.4.4 All required construction shall be completed within two years from the date of the recording of the plat at the Rockingham County Registry of Deeds.

7.4.5 No lots, units or other interests in real estate other than easements for drainage and other utilities shall be transferred until the security has been approved by the Board.

7.4.6 Acceptable forms of security are irrevocable letters of credit, cash, passbooks and certificates of deposit. All verbiage within the security agreement is subject to the approval of the Planning Board and/or its counsel. All security instruments shall be non-lapsing and shall only be released upon written consent of the Town of Hampton Falls or its designated agent. **(Amended 10/25/2011)**

7.4.7 After the road is accepted by the Selectmen, final release of the 20% maintenance contingency will not occur until:

7.4.7.1 At the end of a two year period, during which time construction proves to be satisfactory, the Town Engineer recommends to the Selectmen that the maintenance contingency be returned to the Developer; and

7.4.7.2 The Town has been reimbursed for all reasonable costs of hearings, inspections and any other costs incurred by the Town in the review and approval of the Plan and in supervising or inspecting construction in accordance therewith.

7.4.8 All security shall be held by the Town Treasurer in accordance with RSA 673:16. The Treasurer shall not release any security until he/she is in receipt of a resolution passed by a majority of the Board—or the Board's designated Committee—stating the purpose and amount to be released. The Town shall enforce such securities by all appropriate legal and equitable remedies.

7.4.9 Until such time as a street in an approved subdivision has been accepted by the Town as a Class V highway, snow removal and winter surface treatment shall be the sole responsibility of the applicant. It shall be the applicant's sole responsibility to plow such street in winter and to apply winter surface treatment to such street. All repairs necessary to the street(s), prior to acceptance of the deed for the street(s), either by the Town meeting or by the Board of Selectmen, shall be accomplished at the sole expense of the applicant offering the street(s) for acceptance by the Town. **(Amended 6/24/97)**

7.4.10 Notwithstanding the posting of security, Occupancy Permits shall not be granted to lots or sites governed by these regulations until such time as the site, be it house lot, a dwelling unit, or an industrial/commercial facility, is accessible by normal vehicular traffic from an existing

public street via an all weather road surface of such dimension and condition that it is capable of being kept reasonably free of ice and snow and that municipal emergency vehicles, particularly fire engines, can easily travel thereon in all seasons.

7.5 Special Flood Hazard Areas

7.5.1 Subdivision proposals shall identify all lands classified as Special Flood Hazard Areas in the "Flood Insurance Study for the Town of Hampton Falls, N.H.," together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the Town of Hampton Falls dated April 15, 1982.

7.5.2 The Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

7.5.3 The Board shall require that all subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, include within such proposals, base flood elevation data.

7.5.4 Sufficient evidence (construction drawings, grading and land treatment plans) shall be submitted so as to allow determination that:

7.5.4.1 all such proposals are consistent with the need to minimize flood damage;

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

7.5.4.3 adequate drainage is provided so as to reduce exposure to flood hazards.

7.6 Traffic Impact Analysis

The review of any subdivision conducted by the Board under these regulations shall ascertain that adequate provisions have been made by the owner or his/her authorized agent for traffic safety. To facilitate this review, the Board may require the developer to submit a traffic impact analysis when deemed necessary due to the size, location or traffic-generating characteristic of the development.

7.6.1 Traffic Impact Analysis shall address each of the following:

7.6.1.1 Traffic circulation and access, including adequacy of adjacent streets and intersections, entrances and exits, traffic flow, sight distances, curb cuts, turning lanes, and existing or recommended traffic signalization.

7.6.1.2 Pedestrian safety and access.

7.6.1.3 Off-street parking and loading.

7.6.1.4 Emergency vehicle access.

7.6.2 The Board may retain the services of a consultant qualified in traffic planning to review the traffic impact analysis and to ensure that adequate provisions are made in the development plan to reduce or eliminate those impacts. The Board may further require, pursuant to RSA 676:4, I(g), that the developer reimburse the Town for reasonable costs of this review. No plan shall be approved until such fees, if applicable, are paid in full.

7.7 Erosion and Sediment Control Regulations

7.7.1 GENERAL

The purpose of this regulation is to control soil erosion and sedimentation resulting from subdivisions and associated development. Subdivision plans shall include plans for controlling erosion and sedimentation as provided below.

7.7.2 WHERE REQUIRED

The applicant shall submit an erosion and sediment control plan to the Board for any tract of land being developed or subdivided, where one or more of the following conditions are proposed:

7.7.2.1 A cumulative disturbed area exceeding 20,000 square feet.

7.7.2.2 Construction of a street or road.

7.7.2.3 A subdivision of three or more building lots.

7.7.2.4 Disturbed critical areas.

Standard agricultural and silvacultural practices are exempt from this regulation. The Board may waive the requirement for all or part of an erosion and sediment control plan if it determines that a plan is unnecessary because of the size, character, or natural conditions of a site. All requests for waivers and action thereon shall be made in writing.

7.7.3 DESIGN STANDARDS

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

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

7.7.3.2 Whenever practical, natural vegetation shall be retained, protected or supplemented. The stripping of vegetation will be done in a manner that minimizes soil erosion.

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

7.7.3.4 The area of disturbance shall be kept to a minimum. Disturbed areas remaining idle for more than 30 days shall be stabilized.

7.7.3.5 Measures shall be taken to control sediment and retain it within the project area. Sediment in runoff water shall be trapped and retained within the project area using approved measures. Very poorly drained soils and waterbodies shall be protected from sediment.

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

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

7.7.3.8 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 30 days.

7.7.4 PLAN REQUIREMENTS FOR EROSION AND SEDIMENT CONTROL

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

7.7.4.1 Site drawing of existing and proposed conditions:

(a) Locus map showing property boundaries
(b) North arrow, scale, date
(c) Property lines
(d) Structures, roads, utilities, earth stockpiles, equipment storage, and stump disposal
(e) Topographic contours at two-foot intervals
(f) Extent of 100-year floodplain boundaries
(g) Soils information from High Intensity Soil Maps done by a Certified Soil Scientist
(h) Easements
(i) Areas of soil disturbance
(j) Areas of cut and fill
(k) Areas of poorly and/or very poorly drained soils including any portion to be disturbed or filled
(l) Location of all structural and vegetative erosion and sedimentation control measures
(m) Identification of all permanent control measures

7.7.4.2 Narrative section including:

(a) Construction schedule
(b) Earth movement schedule
(c) Description of temporary and permanent vegetative measures including seeding specifications
(d) Description of all structural erosion and sedimentation control measures, with detailed drawings of each
(e) Design calculations for all temporary and permanent structural control measures
(f) A proposed schedule for the inspection and maintenance of all measures

(g) Identification of all permanent control measures and responsibility for continued maintenance

(h) Calculations showing volume, peak discharge, and velocity of present and future runoff

7.7.5 RESPONSIBILITY FOR INSTALLATION/CONSTRUCTION

The applicant shall bear responsibility for the installation, construction, and disposition of all erosion and sediment control measures required by the provisions of this regulation. The Board may require a security in an amount and with conditions satisfactory to the Board. 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 plan.

7.7.6 MAINTENANCE

The applicant shall maintain all soil erosion and sediment control measures, including devices and plantings as specified in the approved plan, in effective working condition. Responsibility for maintenance by owners of the property on which permanent measures have been installed shall be included in the deed and shall run with the land. This information shall also be incorporated on the plan. For improvements which require easements on property owned by another the easement must be recorded at the Rockingham County Registry of Deeds. If the owner fails to adequately maintain such measures, the town shall have the authority to perform required maintenance. The cost of such work shall be borne by the owner.

7.7.7 PLAN APPROVAL AND REVIEW

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

Technical review of any erosion and sediment control plan prepared under this regulation shall be reviewed by the Hampton Falls consulting engineering firm at the expense of the applicant.

7.7.8 INSPECTION

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

7.8 Open Space

7.8.1 The applicant shall preserve all existing trees and shrubbery to the fullest extent possible. Special consideration shall be given to the arrangement and ultimate improvement or development of the lots to this end. Precautions shall also be taken to protect existing trees, shrubbery and vegetation during the construction of roads and utilities.

7.8.2 Where any land other than that included in public right-of-way is to be dedicated to the public use, the applicant shall not remove any trees from the site without written permission from the Board.

7.9 Septic System Requirements

Septic Systems shall comply with the requirements of the Building Code, Section 7.13. **(Amended 9/27/2005)**

SECTION 8 - CONSTRUCTION STANDARDS AND SPECIFICATIONS

8.1 Street Design and Construction Standards

The applicant shall follow the following minimum requirements and principles of street design and construction, and in all cases the street must be constructed under the supervision of the Town Engineer or Planning Board Consultant.

8.1.1 The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided and shall be of a width at least as great as that of such existing connecting streets.

8.1.2 The right-of-way (R-O-W) for Town roads is fifty (50) feet. The paved travel portion is twenty-four (24) feet wide (12 feet in each lane). The right-of-way extends thirteen (13) feet from the edge of pavement of each side and includes a four (4) foot gravel shoulder area on each side which abuts the pavement. This 50' right-of-way is deeded to the Town and is not owned by the property owner. It allows for, but is not limited to, drainage and snow storage, and shall remain clear of any temporary or permanent structures such as landscaping (trees and/or shrubs), stone walls/large stones, irrigation sprinklers, lamp posts, steel rods, etc. Drainage structures within this right-of-way are not to be removed or modified without prior approval from the Planning Board. Guidelines are in place for the proper location of mailbox posts (a copy can be obtained from the Building Inspector's office). The Town is not liable for damage to items placed in the Town's right-of-way. All violators may be subject to fine. **(Amended 11/27/2007)**

8.1.3 Except where near future connections may be possible, dead-end or cul-de-sac streets shall not in general exceed 1,200 feet in length, and shall be equipped with a turn-around roadway at the closed end with a minimum radius of 60 feet from the center to the outside edge of the right-of-way. In cases where a cul-de-sac is proposed, the entire area of the turnaround shall be constructed to the standards of this section.

8.1.4 Intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius. The minimum angle of two street intersections shall be 75 degrees.

8.1.5 Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 0.5%. The maximum grade within 100 feet of a street intersection shall be 3%.

8.1.6 Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate nor bear phonetic resemblances to the names of existing streets within the Town of Hampton Falls. Street names shall be approved by the Board of Selectmen.

8.1.7 The widths of blocks shall not be less than 300 feet, nor shall the length exceed 1,200 feet.

8.1.8 The minimum centerline radius of curves and the maximum degree of curvature shall depend on the design speed and the slope of the road, as determined by Table V-6 of A Policy on Geometric Design of Highways and Streets 1984 by the American Association of State Highway and Transportation Officials.

8.1.9 The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed streets and any existing public streets.

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

8.1.11 Where access to a subdivision depends on use of an existing public street(s) which does not meet the standards established in these regulations, the applicant shall improve such public street(s) or contribute to the improvement of such public street(s), in a sum equal to the proportionate use his subdivision will impose on said public street(s), assuming that all lands served by said public street(s) will eventually be similarly subdivided.

8.2 Roadway Specifications **(Amended 10/23/2007)**

8.2.1 Clearing and Grubbing: A minimum of a fifty (50) foot right-of-way shall be cleared of all stumps, brush, roots, boulder and like material and all trees not intended by the Board for preservation. None of this material shall be used for fill in the right-of-way.

8.2.2 Excavation: All loam and other yielding material should be removed or stripped from the roadway area to a depth of no less than twenty-four (24) inches below finished grade. Where fill is necessary to bring land up to finish grade, all loam and other yielding material shall be removed down to mineral soil and in no case less than necessary to allow for the twenty-four inch (24”) cross-section of the road and shall be thoroughly compacted before applying gravel.

8.2.3 A NHDOT 304.2 bank run gravel base containing no stone larger than six inches shall be constructed on the approved sub-grade in accordance with the currently used Standard Specifications. The width and depth of the gravel sub-base shall be in accordance with the “Typical Roadway Section for the Town of Hampton Falls” on file with the Planning Board and Town Engineer (Appendix I).

8.2.4 A 6” NHDOT 304.3 crushed gravel layer shall be constructed on top of the bank run gravel base, as illustrated in the “Typical Roadway Section for the Town of Hampton Falls” (Appendix I).

8.2.5 The contractor shall have the gravel sub-base tested by an approved laboratory including gradation and compaction testing. During the placement of the gravel(s) the Town Engineer may require additional testing to verify that the gradation of the gravel(s) meets the Town specifications. The cost of this testing will be paid for by the applicant.

8.2.6 Should conditions warrant, the Town Engineer may specify that a 12” sand base compacted to 95% of optimum be constructed under the gravel sub-base and tested at the expense of the developer.

8.2.7 Material used for road-way construction shall meet or exceed the N.H. Department of Transportation specifications for gravel sub-base.

8.2.8 A NHDOT Type-B bituminous surface (binder course) shall be placed in one layer. An approved self-propelled mechanical spreader shall be used. The binder course shall be spread in a layer to be two-and-one-half (2 ½) inches thick after compacting. Rolling shall be by a tandem roller weighing not less than two hundred and eighty-five (285) pounds per inch of wheel width. The roller shall move at a constant speed parallel to the direction of the road starting at the outside and moving to the center of the roadway over-lapping by half on each pass.

8.2.9 The NHDOT Type-F bituminous top (wearing surface) shall be applied to a depth of one and one-half (1 ½) inches when completely compacted and be rolled until compaction is completed. Prior to application, the existing binder pavement shall be thoroughly dry and free from dust, dirt and loose material. Sweeping with a power broom, supplemented by a hand brooming, may be necessary. Additionally, a tack coast shall be applied just prior to placement of the wearing course pavement. The rate of application of emulsified asphalt shall be between 0.02 and 0.052 gal/yd^2 as determined by the Engineer, depending on the absorbance and texture of the pavement.

8.2.10 Care shall be taken that joints do not show. If a significant time interval occurs between the successive passes of the paving machine, the contractor shall use a joint heater to insure a better bond. No paving shall be done between November 15 and April 15. **(Amended 3/9/2004)**

8.2.11 Temperature on days when paving is done shall be at least forty (40) degrees F., and rising. When paving is done, there shall be no frost in the ground. **(Amended 3/9/2004)**

8.3 Inspections

At various stages of the construction, the work of the contractor shall be inspected by the Town Engineer to insure that these standards are being followed. The Town Engineer shall certify by inspection the completion of each of the steps in the construction including (but not limited to): clearing and grubbing, excavation, pavement and proper compaction of gravel base and surfacing. The costs of these inspections are to be borne by the applicant. **(Amended 11/27/2007)**

For each project, the Board shall select the Town Engineer to provide inspection services after conducting a request for proposals. The applicant shall provide funds, in an amount equal to the estimate of the Town Engineer selected by the Board, to be placed in an interest-bearing escrow account by the Town. Funds from the security will be used to pay the Town Engineer's invoices as inspections are completed. Any unused portion of the security shall be returned to the applicant upon completion of the inspections.

8.4 Sidewalks

When considered necessary by the Board, a sidewalk on one side of the street may be required. Such sidewalks shall be four (4) feet wide and paved with at least two (2) inches of bituminous concrete pavement laid over at least twelve (12) inches of compacted and graded crushed gravel. Sidewalks shall be separated from the shoulders by curbing or at least three (3) feet of grass planting. **(Amended 10/23/2007)**

8.5 Driveways and other Street Accesses

In cases of driveway cuts or other accesses to approved building lots from any street, such driveways or accesses shall in all respects, as determined applicable by the Town Engineer, conform with the specifications of Administrative Rules for the Permitting of Driveways and Other Accesses to the State Highway System (1993 Edition, as amended). Driveways and other accesses to be constructed to or on existing approved and accepted streets shall conform also to the permit provisions of Section 5 of the Building Code of Hampton Falls.

8.6 Drainage

All proposed drainage facilities and culverts shown on the Final Plat shall be installed, natural water courses shall be cleaned and increased in size where necessary to take care of storm runoff, drainage swales at least three feet in width shall be constructed in the street right-of-way on both sides of the paved roadway before building permits are issued. All work shall be carried out to the satisfaction of the Board.

Stormdrains, culverts, and related installations, including catch basins, gutters, and manholes shall be installed as necessary to provide adequate disposal of surface water from all streets within the subdivision and adjacent land. Proper connection shall be made with any existing drains in adjacent streets or easements. Where property adjacent to the subdivision is not subdivided, provisions shall be made for the proper projection of the drainage system by continuing appropriate drains to the exterior boundaries of the subdivision at such size and grade as will allow for said projection. If in the Board's judgment there will be no substantial danger from soil erosion or danger to the public health and safety, the Board may permit discharge into local streams and may permit the discharge of storm water and established water courses in open ditches across proposed lots of two (2) acres or larger.

Where discharge of storm water shall be onto private property adjoining the proposed subdivision proper easements, minimum width of twenty (20) feet, and discharge rights shall be secured by the applicant and recorded at the Rockingham County Registry of Deeds.

Runoff computations for the watershed and that generated within the subdivision shall be provided upon request of the Board. Calculations for the design of all pipes and culverts shall also be submitted. Those computations shall be based on the Burkli-Zeigler, Rational, or other accepted formula and will be based on a storm frequency of twenty-five (25) years.

In no case shall pipe of less than twelve (12) inches in diameter be used for storm drainage; larger pipe may be required as deemed necessary by the Board. All drainage pipe shall be reinforced concrete pipe. The applicant shall show the site and location of all existing and proposed storm drainage facilities on plans submitted to the Board. Drainage pipes and culverts built under roads shall extend to the limits of the gravel shoulder and where they connect to open ditches, shall have head walls of type currently used by the New Hampshire Department of Transportation.

8.7 Utilities

All utility services including electric, telephone, and cable TV shall be placed underground within the subdivision, in conformance with current standards. Prior to compacting the gravel, sub-base and laying the binder course of bituminous concrete paving, all underground utility work shall be complete.

8.8 Fire Protection **(Amended 5/25/99)**

8.8.1 The applicant shall include adequate provision for emergency water supply for Fire Protection as follows:

8.8.1.1 Emergency water supply that meet NFPA 1 and NFPA 1231, Standard on Water Supplies for Suburban and Rural Fire Fighting, as amended.

8.8.1.2 With the concurrence of the Hampton Falls Volunteer Fire Department, use of existing permanent water sources may be required in addition to, in conjunction with or in lieu of the requirements of 8.8.1.1.

8.8.1.3 Building Permits will not be issued until the requirements for emergency water supply have been met.

8.9 Street Signs and Pavement Markings

Prior to the issuance of occupancy permits, all street signs and pavement markings shall be installed to the satisfaction of the Road Agent.

SECTION 9 – ADMINISTRATION AND ENFORCEMENT

9.1 General

9.1.1 These Regulations shall be administered by the Board with the assistance of the Building Inspector, Town Engineer, planning board agent and such other persons as the Board shall designate. It shall be the duty of the Board of Selectmen to enforce the Subdivision Regulations. The Selectmen in enforcing these Regulations shall act upon complaints from the public or information from the Board, Building Inspector, Town Engineer, planning board agent or others, and shall, whenever practicable, take such action as is necessary.

9.1.2 Agents designated by the Board of Selectmen, Building Inspector, Town Road Agent, Town Engineer shall be charged with the responsibility of inspecting improvements and development of subdivisions on site for compliance with the Subdivision Regulations.

9.2 Appeals

Any person aggrieved by any decision of the Board concerning a plat or subdivision may appeal said decision to the Superior Court, as provided by RSA 677:15.

9.3 Amendments

The Board may from time to time amend these regulations. Amendments to the Subdivision Regulations shall include the following steps:

9.3.1 The Board shall hold at least one (1) public hearing on the proposed regulations and/or amendments.

9.3.2 Notice for time, place and date of any hearing to amend shall be given at least ten (10) calendar days before hearing, not including day of posting or day of hearing. Notice of hearing shall be published in a paper of general circulation in Town and posted in two (2) public places. Notice shall include an adequate statement describing the proposal and the place where a full text of proposal is on file for public inspection. Posting shall include a copy of the full text.

9.3.3 The Board may adopt the amendments upon completion of the public hearing by an affirmative vote of a majority of its members.

9.3.4 Regulations and/or amendments adopted shall be legal and have full force and effect when copies are certified by a majority of the Board members and filed with the Town Clerk. A copy of the regulations and/or amendments shall be forwarded to the Office of State Planning.

9.4 Fines and Penalties

Any violation of these regulations shall be punishable as per RSA 676:17, 17-a, and 17-b, as the Board of Selectmen shall elect. The Board shall also have the authority to seek injunctive relief pursuant to RSA 676:15.

9.5 Waiver Procedure

9.5.1 When a proposed subdivision plat is submitted for approval, the applicant may request in writing to waive specific requirements of these Regulations as they pertain to the site plan. The applicant shall present reasons in writing why the waiver is needed.

9.5.2 The Board may grant a waiver in a special case, so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations; and further provided that the Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case. Such waivers will be entertained and acted upon by the Board only at a properly noticed public hearing.

9.6 Conflicting Provisions

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

9.7 Validity

If any section or part of section or paragraph of these Regulations 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.

9.8 Effective Date

These revised regulations are effective as of January 19, 1995 on which day they have been filed with the Hampton Falls Town Clerk.

APPENDIX I

ROAD DESIGN DIAGRAM

APPENDIX II

SCHEDULE OF FEES

1. Subdivision Regulation*

1.1	Application Processing Fee	$50.00
1.2	Newspaper Notice	Actual Cost
1.3	Abutter Notices - including landowner,	$4.00 per notice, applicant and others as required by statute plus postage
1.4	Per lot or housing unit fee - based on the	$125.00 per lot final number of lots approved or housing unit
1.5	Technical/Assessment/Legal Review or Other Special Studies (See Subdivision Reg. Section 5.9.2.2 for required pre-funding)	Actual Cost
1.6	Recording and Filing Fee	$35.00 plus Registry of Deeds fee
1.7	Tax Map and Record Changes Fee	$15.00 per lot

***** For Design Review only 1.1, 1.2, and 1.3 are required

2. Lot Line Adjustments

2.1	Application Processing Fee	$50.00
2.2	Newspaper Notice	Actual Cost
2.3	Abutter Notices - including landowner,	$4.00 per notice, applicant and others as required by statute plus postage
2.4	Recording and Filing Fee	$35.00 plus Registry of Deeds fee
2.5	Technical/Assessment/Legal Review or Other Special Studies (See Subdivision Reg. Section 5.9.2.2 for required pre-funding)	Actual Cost

SCHEDULE OF FEES cont.

3. Scenic Road Alteration Permits

3.1 Application Processing Fee	$50.00
3.2 Newspaper Notices (two required by statue)	Actual Cost

4. Wetland Special Use Permit

4.1 Application Processing Fee	$100.00
4.2 Newspaper Notice	Actual Cost
4.3 Technical/Assessment/Legal Review or other Special studies (See Subdivision Reg. Section 5.9.2.2 for required pre-funding)	Actual Cost

5. Site Plan Review **

5.1 Application Processing Fee	$100.00
5.2 Newspaper Notice	Actual Cost
5.3 Abutter Notices - including landowner,	$4.00 per notice, applicant and others as required by statute plus postage
5.4 Hearing Fee	
5.4.1 Site Plans with no new structures or additions	$100.00
5.4.2 Site Plans involving new structures or additions to existing structures	$25.00 per 1,000 square feet of new area - Minimum $100 to Maximum of $1,000
5.5 Technical/Assessment/Legal Review or other special studies (see Site Plan Reg. Section 5.8.2.2 for required pre-funding)	Actual Cost
5.6 Record and Filing Fee	$35.00 plus Registry of Deeds fees

SCHEDULE OF FEES cont.

5.7	Bed and Breakfast	See Section 6.7
5.8	Tax Map and Record Charge	$15.00 per lot

****** Design Review only 5.1, 5.2 and 5.3 are required.

General Notes

1. If two approvals are needed and are applied for simultaneously (example, lot line adjustment and subdivision) certain fees such as newspaper or abutters notices may be reduced.
2. Questions to or general correspondence with the RPC Circuit Rider is done at no fee. Plan review is required before the application is considered for acceptance of jurisdiction.
3. Informal, conceptual or preliminary consultations do not require fees and are non-binding upon the Board and the Applicant.
4. All fees or other charges are required to be prepaid (or pre-funded) and failure to do so may result in the application being denied or not being processed.

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