

CHAPTER 22

SUBDIVISION REGULATIONS

CITY OF SOMERSWORTH

NEW HAMPSHIRE

CHAPTER 22: SUBDIVISION REGULATIONS
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CHAPTER 22
SUBDIVISION
REGULATIONS

Section 1. AUTHORITY

In accordance with New Hampshire Revised Statutes Annotated (RSA) Chapter 674:35-36, as the same may subsequently be amended, the City of Somersworth hereby adopts the following regulations governing the subdivision of land in the City of Somersworth, New Hampshire.

Section 2. PURPOSE

The purpose of this ordinance is to provide against such scattered and premature subdivision of land as would involve danger or injury to health, safety, or welfare by reason of the lack of water supply, sanitary facilities, drainage, transportation, schools, fire protection, or other public services; to provide for the harmonious development of the municipality and its environs; to secure safety against flood and other dangers; to encourage the use of desirable new techniques in land development; to encourage economy in the process of land development; to assure the City the completion of on-site public improvements without cost to the City, and within a reasonable period of time; to assure that the subdivider assumes that portion of the costs for the completion of public improvements, which bears a rational nexus to the needs created by, and the special benefits conferred, upon the subdivision, with full and adequate security to be performed within a reasonable period of time; and together with all such purposes empowered to a planning board in accordance with the New Hampshire Revised Statutes Annotated 674:36 II, as currently existing and as may subsequently be amended as if more fully stated herein.

Section 3. APPLICABILITY

A. In accordance with New Hampshire RSA 672:14, as the same may be subsequently amended, "subdivision" means 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.

B. The division of a parcel of land held in common and subsequently divided into parts among the several land owners shall be deemed a subdivision under this title.

C. Except as noted below, whenever any subdivision of land is proposed which involves more than three (3) lots or units, before any contract for the sale of or offer to sell any part thereof is executed, before any application for a permit for the erection of structures thereon shall be made, and before the construction of any streets or roads therein, the property owner or his/her authorized agent shall apply for and secure Planning Board approval for such subdivision in accordance with the rules and regulations contained herein. Notwithstanding this provision, nonbinding reservation agreements in accordance with Attorney General Rule 308.03, as currently existing and as subsequently amended, shall be allowed.

D. When the subdivision involves a condominium conversion of any unit less than five (5) units, including an existing building, mobile home park, campground, or portion of an existing building, pursuant to New Hampshire RSA 356-B, as the same may be subsequently amended, and the existing structure(s) is not enlarged or otherwise altered in any way, nor are any alterations made to the lot itself, then the subdivision is exempt from the review and approval of the Planning Board, provided that the condominium conveyance complies with all other applicable state and local laws and regulations, including the fire safety codes.

Section 4. DEFINITIONS

Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations, have the meaning herein indicated:

- ADT (Average Daily Traffic): The average number of vehicles per day that pass over a given point, in either direction.
- 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 that his/her 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, as the same may be subsequently amended.
- Applicant: A developer, submitting an application for development.
- Berm: A mound of soil, either natural or man-made, used to obstruct views, noise and light.

- Board: Shall mean the Planning Board of the City of Somersworth.
- Boundary Line Adjustment: Means adjustments to the boundary between adjoining properties, where no new lots are created. (Added 05/03/2004.)
- Buffer: A visual screen constructed of wood/ concrete block, masonry, or landscape material which screens adjacent property from the use contemplated. Such buffer shall screen noise, light, solid waste, and other objectionable influences.
- Caliper: The diameter of a tree trunk measured in inches, six (6) inches above ground level for trees up to four (4) inches in diameter, and twelve (12) inches above ground level for trees over four (4) inches in diameter.
- Cartway: The area of the street within which vehicles are permitted, which may include travel lanes, parking lanes, and deceleration and acceleration lanes, but not including shoulders, curbs, sidewalks or swales. Where there are no curbs, the cartway is that portion between the edges of the paved, or hard surface, width.
- Dedication: An act which conveys property or interest thereto.
- Density: The permitted number of lots or units per acre of land to be developed.
- Detention Basin: A man-made or natural water collector facility designed to collect surface and sub-surface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.
- Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development.
- Development: A planning or construction project involving substantial property improvements and usually a change of land use character within the site; the act of using land for building or extractive purposes.
- Easement: A right in the owner of one parcel of land, by reason of such ownership, to use the land of another for a special purpose not inconsistent with a general property in the owner.
- Final Approval: The official action of the Planning Board taken on a preliminarily approved major subdivision, after all conditions, engineering plans, and other requirements have been completed or fulfilled and the required improvements have been installed, or guarantees properly proposed for their completion, or approval conditioned upon the posting of such guarantee.

- Final Plat: The final map of a subdivision which is presented to the Board for final approval and which, if approved, will be submitted to the Strafford County Register of Deeds for recording.
- Ground Cover: A planting of low growing plants or sod that in time forms a dense mat covering the area, preventing soil from being blown or washed away.
- Improvement: Any man-made, immovable item which becomes part of, placed upon, or is affixed to, real estate.
- Individual Sewage Disposal System: A system for the disposal of sanitary sewage in the ground, such as a septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device serving a single unit.
- Lot: A designated parcel, tract, or area of land established by a plat or otherwise permitted by law and to be used, developed, or built upon as a unit.
- Lot Area: The size of a lot measured within the lot lines and expressed in terms of acres, square feet, hectares or square meters.
- Lot Frontage: That portion of a lot extending along a right-of-way boundary of a street which has been formally accepted by the City.
- Maintenance Guarantee: Any security which may be required and accepted by the City to ensure that necessary improvements will function as required for a specific period of time.
- Major Subdivision - Any subdivision not classified as a minor subdivision.
- Minor Subdivision - A division of a lot, tract, parcel, or unit into three (3) or less separate parcels or units, provided that such subdivision does not involve a planned development, any new street, or the extension of any utility or other municipal improvement.
- Open Space: Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. It may include accessory structures and improvements.
- Performance Guarantee: Any security that may be accepted by the City as a guarantee that the improvements required as part of an application for development are satisfactorily completed.

- Plat: A map or maps of a subdivision.
- Pre-Filing Conference: An initial meeting between developers and municipal representatives which affords developers the opportunity to present their proposals informally.
- Retention Basin: A pond, pool, or basin used for the permanent storage of water runoff.
- Right-of-Way: A strip of land acquired by reservation, dedication, prescription or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sewer line, sanitary storm sewer and similar uses.
- Screen: A structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property.
- Setback: The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.
- Sewer: Any pipe conduit used to collect and carry away sewage or storm water runoff from the generating source to a treatment plant or receiving streams.
- Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- Site Review Technical Committee: A Committee of technically qualified individuals from various departments and boards of the City whose function is to assist the planning board in reviewing the technical components of plans.
- Soil Percolation Test: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.
- Street: Means and includes street, avenue, boulevard, road, alley, highway and other way, exclusive of driveways not serving more than two adjacent lots, which is lawfully existing and maintained for vehicular travel. The word street shall include the entire right-of-way.

- Street Hierarchy: The conceptual arrangement of streets based upon function. A hierarchical approach to street design classifies streets according to function, from high traffic arterial roads down to streets whose function is residential access. Systematizing street design into a road hierarchy promotes safety/ efficient land use, and residential quality.
- Trip: A single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time. (The total of all "trips" are defined as "trip ends".)

Section 5. SUBDIVISION APPLICATION PROCEDURE

A. PRE-FILING CONFERENCE

In order ensure that the applicant understands the procedural and technical requirements of the subdivision regulations and any applicable zoning requirements/ it is recommended that the applicant discuss all plans for the proposed subdivision with the Director of Planning and Economic Development or his/her designee and City Engineer or his/her designee prior to the filing of an application.

B. PRELIMINARY CONSULTATION

The Planning Board may provide preliminary consultation on applications prior to formal consideration. Such review shall be limited to an evaluation of the basic concept of the proposal and general discussion as to the desirability of the development with respect to the City's Master Plan Reports, Official Map, Capital Improvements Plan, and any other applicable ordinances of the City of Somersworth. This review shall be non-binding for both the applicant and the Planning Board. Requests for preliminary consultation and review shall be made in writing to the Director of Planning and Economic Development.

C. FORMAL APPLICATION

1. Prior to formal submission of an application for major subdivision review, and minor subdivision review if deemed necessary by the Director of Planning and Economic Development, the applicant shall meet with the Site Review Technical Committee. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that technically conforms to all pertinent ordinances and regulations.

It is the responsibility of the applicant to provide technical information and expertise sufficient for evaluation of the proposal. The Site Review Technical Committee may also request technical assistance in any field or input from City officials, Boards or Commissions. In the event that said technical assistance would require remuneration, the applicant shall be responsible for such cost.

The Site Review Technical Committee shall make all recommendations to the Planning Board, in writing, prior to the formal submission of an application.

2. After meeting with the Site Review Technical Committee, an owner of land which is subject to these regulations, or his/her agent, shall file a completed application with the Planning Board for review pursuant to these regulations.
3. Upon receipt of a completed subdivision application, and in the case of major applications, recommendations from the Site Review Technical Committee, the Planning Board shall, within thirty (30) days, place the item on its agenda for a public hearing. A completed application sufficient to invoke jurisdiction of the Board shall be submitted to and accepted by the Board only at a public meeting of the Board, with notice as provided in RSA 676:4(d), as the same may be subsequently amended.
4. Public hearings shall not be required when the Board is considering or acting upon:
 - a. minor lot line adjustments or boundary adjustments which do not create building lots, except that notice to abutters shall be given prior to approval in accordance with RSA 676:4(a) and any abutter may be heard on the application upon request;
 - b. disapprovals of applications based upon failure of the applicant to supply information required by the regulations, including abutters' identification; or failure to meet established deadlines by the Board; or failure to pay costs of notice or other fees required by the Board.
5. The Planning Board shall act to approve, conditionally approve, or disapprove within sixty-five (65) days after formal acceptance of an application for subdivision review. The Planning Board may petition the City Council for an extension of time not to exceed an additional ninety (90) days before acting to approve, conditionally approve, or disapprove an application. The applicant may waive the requirement for Site Review Technical Committee or Planning Board action within the time periods specified in this subsection and consent to such an extension as may be mutually agreeable.

(Amended 05/03/2004.)

6. A completed application for subdivision review is one which shall:
 - a. be made on forms available at the Department of Planning and Economic Development;
 - b. be accompanied by a fee of an amount to be determined in accordance with the fee schedule contained in Section 8;
 - c. be accompanied by all plans and documents required in Section 6, in accordance with the Design and Improvement Standards of Section 7;
 - d. be accompanied by a list of direct abutting property owners, as well as those that lie within two hundred (200) feet of the subject parcel. This information shall include Somersworth tax map and lot numbers, property owner's name and current mailing address;
 - e. include information sufficient to determine whether the development complies with the Zoning Ordinance;
 - f. include requests for waivers, if any, in accordance with Section 8;
 - g. be accompanied by a description of the project in terms of proposed stages or phases, if applicable,;
 - h. be accompanied by any other exhibits or data that the Site Review Technical Committee or Planning Board may require in order to adequately evaluate the proposed development, including but not limited to:
 - i. Calculations relating to storm water runoff.
 - ii. Estimates of traffic generation.
 - iii. An Impact Analysis which takes into account the following items:
 - a) demographics
 - b) city/school facilities & infrastructure
 - c) environmental.The analysis shall be tailored as much as possible to reflect the local area. (Amended 05/03/2004.)
 - i. where City sewer service is not available, be accompanied by evidence that all proposed lots are of sufficient size to support individual subsurface disposal systems by submitting certification of subdivision approval by the New Hampshire Water Supply and Pollution Control Commission;
 - j. be accompanied by evidence that all State permits have been received or are pending.

D. MOBILE HOME SUBDIVISIONS

The filing and review procedures for Mobile Home Subdivisions, including Mobile Home Parks, shall be the same as required for conventional subdivision, except that the applicant must indicate at the time of application whether the subdivision is for the placement of mobile homes or conventional dwellings. If said subdivision is to be developed for mobile homes, it shall be noted as such on the final plat to be filed and recorded with the Register of Deeds.

Section 6. SPECIFICATIONS FOR PLANS AND DOCUMENTS TO BE SUBMITTED

A. GENERAL GUIDELINES

Prior to review by the Planning Board, the applicant shall file, with a completed application, copies of the subdivision plat in a number specified by the Department of Planning and Economic Development and of a sheet size not to exceed 24" x 36".

After approval by the Planning Board, the applicant shall submit a final plat clearly and legibly reproduced on linen mylar or other permanent polyester base material, together with six (6) copies of the plat to the Planning Office for signature and recording with the Strafford County Register of Deeds. The size of the plat shall conform to the requirements for filing of the Strafford County Register of Deeds. 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 purposes. Space shall be reserved on the plat for endorsement by all appropriate agencies. In addition, the applicant shall provide the final plat in CAD drawing exchange file (DXF) or format acceptable to the City on computer diskette or CD. An ASC II text file defining all layers should be submitted with the CAD file. The CAD file will be the sole and exclusive property of the City of Somersworth. (Amended 05/03/2004.)

B. MINOR SUBDIVISION PLAT

The minor subdivision plat shall include the following information:

1. name of subdivision, name and address of owner of record, subdivider, land surveyor (stamp and license number) and name and seal of engineer, if any;
2. date, bargraph scale not to exceed fifty (50) feet to the inch, north point;
3. approved title block in lower right hand corner, denoting type of application, Somersworth tax map and lot numbers, county, name of municipality and street location;
4. names and corresponding map and lot numbers of abutting property owners;
5. a signature block to be used by the City at the time of final endorsement of the plan;

6. locations, names, and widths of existing and proposed streets, boundary lines of the subdivision and all lots, locations of buildings, easements (including required sight triangle easements), rights-of-way, with accurate distances, true bearings, angles and curve data; all dimensions shall be shown in feet and decimals of a foot;
7. accurate location and description of all monuments to be set at street intersections, points of curvature, tangency of curved streets and at angles of lots;
8. the area of all lots, in square feet, noted thereon, lots shall be numbered consecutively, in accordance with the requirements of the Somersworth Assessing Department;
9. if applicable, proposed location of all utilities such as existing and proposed water mains, sanitary sewers, or individual sewage disposal facilities. Proposed individual sewage disposal systems to include location of soil percolation test pits;
10. if applicable, copy and/or delineation of existing or proposed covenants and deed restrictions;
11. boundaries of zoning districts lying within the subdivision, municipal boundary if any. A list of the applicable zoning provisions, including minimum setback requirements. A list of variances or special exceptions required or requested;
12. if applicable, the boundaries of the 100 year flood plain as indicated on the Federal Flood Insurance Rate Maps (FIRM), the City of Somersworth Aquifer Protection District and the City of Somersworth Wetlands Conservation Overlay District, both as outlined in the Zoning Ordinance;
13. a location map drawn at a scale of 1" = 1000' showing the entire subdivision and its relation to the surrounding area within a radius of 3,000 feet; said map shall delineate all streets and other relevant physical/natural features;
14. evidence that all necessary State permits have been received or are pending;
15. completed abutters sheet identifying both abutting property owners and property owners within two hundred feet of the development and their current mailing addresses; and
16. any revision(s) to the original plat must include the date and description of the revision(s).

C. MAJOR SUBDIVISION PLAT

In addition to all of the requirements outlined above in Section B for the Minor Subdivision Plat, the Major Subdivision Plat shall include:

1. boundary lines of all areas reserved for parks, playgrounds, open space or other purposes;
2. road profiles, showing accurate existing and finished grades, existing and proposed cross sections together with construction plans, including details of any drainage structures, grading of banks, and other such information as the Planning Board may require, profiles within 100 feet of an intersection where a proposed street intersects an existing street;
3. drainage calculations;
4. soil erosion and sedimentation control plan;
5. boundary line detail of the Wetlands Conservation Overlay District and/or the wetlands areas to be filled/alterd as applicable, clearly delineating markers to be found in the field;
6. location of natural features such as water courses, rock outcroppings, stands of trees, and other essential physical features;
7. contours of two (2) foot intervals, shown in dotted line for existing surfaces and solid lines for proposed final grades; all elevations shall be referenced to the U.S. Geological Survey, provided that benchmarks exist within one-half (1/2) mile of the boundary of the subdivision;
8. lighting plan and details;
9. landscaping plan showing location, types and sizes of plantings and screenings;
10. plan depicting site identification signs, traffic control signs, directional signs and signs identifying proposed street names;
11. engineering plans for required off-site improvements; and
12. a description and delineation of proposed phasing for development, if applicable.

D. LEGAL DOCUMENTS REQUIRED

Where applicable to a specific subdivision, the following are required, in a form approved by the City Attorney, prior to approval or as a condition of approval of a subdivision plan.

1. agreement and associated deed to convey to the City land to be used for streets and other public purposes, with transfer of title to such interest to be effective on such date as the City accepts the land; together with a title certificate of a New Hampshire attorney certifying that such conveyance will be free and clear of any other liens and encumbrances, especially mortgages.
2. easements and rights-of-way, including details relative to use and maintenance, over property to remain in private ownership;
3. rights to drain onto or across other property, whether public or private ownership; and
4. performance and maintenance guarantee(s) in a form which is approved by the City, which may be a bond or other security in an amount, and with surety and conditions satisfactory, providing for and securing of the municipality, the actual construction, installation, and maintenance of such improvements and utilities within a period specified by the planning board, and expressed in the bond or other security, together with the right of the municipality to enforce such bonds or other security by all appropriate legal and equitable remedies.

E. WAIVERS

The Planning Board reserves the right to waive certain requirements of Section 6 above and to request additional information, when deemed appropriate and necessary to effectively evaluate the subdivision application. Requests for waivers shall be made in writing in accordance with Section 8 of this Chapter.

Section 7. DESIGN AND IMPROVEMENT STANDARDS

A. GENERAL REQUIREMENTS

1. Design of the development shall take into consideration all existing local and regional plans as may be applicable.
2. The following specific areas shall be preserved as undeveloped open space to the extent consistent with the reasonable utilization of land, and in accordance with applicable State or local regulations:

- a. unique and/or fragile areas including wetlands as defined in the Zoning Ordinance;
 - b. lands in the flood plain, as defined by the Federal Flood Insurance Rate Maps;
 - c. steep slopes in excess of 20 percent as measured over a 10 foot interval; and
 - d. significant trees or stands of trees;
3. The development shall be laid out to avoid adversely affecting groundwater and aquifer recharge; to reduce cut and fill; to avoid unnecessary impervious cover; to provide adequate access to lots and site; and to mitigate adverse effects of noise, odor, traffic, drainage, and utilities on neighboring properties.
 4. When the layout presented to the Board for approval only covers part of the developer's holdings and when, in the opinion of the Board, the remaining land holds potential for further subdivision, the applicant shall provide a conceptual plan (to scale) depicting how the remaining land will be developed.

B. LOTS

1. The layout of lots shall conform to the requirements of the Zoning Ordinance and shall be appropriate for the intended construction. Corner lots shall have extra width to permit the required lot frontage on each street. Side lot lines shall generally be at right angles to straight street lines, or radial to curved street lines. Except in cases of unusual topography or property lines, through lots bounding on two generally parallel streets will not be permitted.
2. The width of a block shall not be less than two hundred (200) feet, nor shall its length exceed twelve hundred (1200) feet.

C. STREETS

1. The arrangement of streets in the subdivision shall provide for the extension of principal streets into adjoining developments or for their proper extension when adjoining property is not subdivided. Where a subdivision abuts an existing street with an inadequate alignment, or right-of-way width, the subdivision plat shall include in the street dedication all land needed to meet the standards established by these regulations, and as approved by the Planning Board.
2. The plan of any proposed subdivision shall show all work required to connect and complete the improvements and utilities between the proposed street pattern and any non-improved connecting street in an existing subdivision.

3. Except where near future connections may be possible, dead-end or cul-de-sac streets shall not in general exceed 800 feet in length, and shall be equipped with a turn-around roadway at the closed end with a minimum radius of 50 feet from its center to the outside edge of the right-of-way. The centerline of the cul-de-sac shall be aligned with the center line of the street. A landscaped island may be required at the discretion of the Planning Board. When required, said island shall be sized to provide a street width of no less than 20 feet around the island. Hammerhead turnarounds on dead-end streets may be permitted at the discretion of the Planning Board. When proposed, the design of these facilities will be subject to the review and approval of the City Engineer, the Fire Chief and the Public Works Director.

(Amended 05/03/2004.)

4. Except where it is impractical because of the character of the land, streets shall intersect so that within 75 feet of the intersection the street lines are right angles, and the grade does not exceed plus or minus 2 percent.
5. All streets shall be constructed and paved, and all culverts, drainage structures, storm sewers, gutters, drainage ditches and other improvements required by the subdivision plat and accompanying documents shall be installed in conformance with standards and specifications utilized by the City of Somersworth Department of Engineering, Water Works, Public Works Department and in accordance with State laws.
6. The pavement design of any street and its associated improvements, based on the street classification, shall conform to the specifications shown in Appendix 1.
7. Sight triangle easements at intersections shall be required and shall include the area on each street corner that is bounded by a line joining points on each front line 30 feet from the intersection of the tangents of such streets. The planting of trees or other plantings or the location of structures exceeding 3 feet in height that would obstruct the clear sign across the area of easements shall be prohibited.
8. The developer shall be responsible for repairing or reconstructing any existing roadway and/or sidewalk which is disturbed as a result of construction of any development or development phase, to a condition which is better than or equal to its condition prior to disturbance.
9. No privately owned reserved strip shall be permitted, which controls access to any part of the subdivision or to any parcel of land from any street, or from any land dedicated to public use, or which may be so dedicated.

10. Granite bounds, as approved by the Board, shall be installed at all intersections of streets, at all points of change in direction or curvature of streets, and at any other points the Board may deem necessary to control the lines of the streets. At all property corners which do not abut the public right-of-way, bounds as approved by the Board shall be installed.
11. Side slopes shall not exceed one (1) foot vertical rise per every three (3) feet of horizontal length without retaining walls or other special considerations. Erosion prevention measures may be required on all slopes until permanent growth is established.
12. The developer shall be responsible for placing grade stakes at 50 foot intervals adjacent to the road course where there are abrupt changes in grade and at 100 foot intervals where a more level contour is present. Each stake shall be securely placed where it will not be disturbed by construction and will indicate a station number, its offset from the centerline of the street, and the extent of cut or fill to the finished centerline grade. Grade stakes shall be preserved until the completion of the roadway.

D. OFF-STREET PARKING

The number, size, and design of parking spaces and areas shall conform to the requirements of the Zoning Ordinance.

E. WATER SUPPLY

1. General

- a. All subdivisions shall make adequate provisions for water supply. The Planning Board, pursuant to the recommendation of the Somersworth Water Works, may require the extension of a public water supply system to and within a proposed subdivision.
- b. All proposals for new public water supplies or extensions to existing public water systems, or the installation of dry lines, or the use of wells or other water sources, shall be approved by the City Engineer in accordance with the Somersworth Water Works regulations and, where applicable, regulations of the State of New Hampshire Water Supply and Pollution Control Division.
- c. Information relative to the municipal water supply availability shall be supplied in the following form:
 - i. Capacity of municipal water supply system at time of proposal, expressed in gallons per day.

- ii. Average demand for municipal water in the preceding August, expressed in gallons per day
- iii. Residual Supply Remaining (capacity minus demand), expressed in gallons per day.
- iv. Estimated municipal water demand of project ([iv] shall not exceed 10% of [iii]).

2. Fire Hydrants

- a. Fire hydrants shall be furnished for any development connected to the municipal water supply system, and minimum fire flows shall be determined adequate by the Fire Department.
- b. Hydrants shall be spaced to provide necessary fire flow. The average area per hydrant shall not exceed 120,000 square feet. In addition, hydrants shall be so spaced so that each structure shall be within three hundred and fifty (350) feet of a hydrant (distance measured as usable, not as a straight line).
- c. Hydrants shall be located at the ends of lines, and valves of full line size shall be provided after hydrant tees at the ends of all dead lines that may be extended in the future.
- d. Size, type and installation of hydrants shall conform to the specifications of the Somersworth Fire Department.

F. SANITARY SEWERS

1. General

- a. All installations shall be properly connected to an approved and functioning sanitary sewer system prior to the issuance of a Certificate of Occupancy.
- b. Depending on the number of housing units, residential subdivisions shall be connected to an existing public sewer system if public service is available within the following distances:

<u>Size of Development</u>	<u>Distance</u>
1 unit	200 feet
2 units	400 feet
3 units	600 feet
4 units	800 feet
5-15 units	1,000 feet

For developments with more than 15 units and located within one mile of an existing public sanitary sewer system, adequate justification shall be provided as to why they should not provide a connection to the existing public sewer system. For developments with more than fifteen units and located more than one mile from an existing system, the sanitary sewer system strategy shall be determined a case-by-case basis, taking into consideration the density of development and cost.

- c. If a public system is not in place or cannot be extended, the developer must provide individual subsurface disposal systems where appropriate, given site density, soil, slope and other conditions and subject to applicable state and local regulations.
- d. All proposals for new public sanitary sewer systems, or extensions to existing public sewer systems or the use of individual subsurface disposal systems shall be approved by the City Engineer and, where applicable, the State of New Hampshire Water Supply and Pollution Control Division.

2. System Design and Placement

- a. The sanitary sewer system shall be adequate to handle the necessary flow based on complete development.
- b. System design and placement shall comply with the construction specifications utilized by the City of Somersworth Engineering Department.

G. STORM WATER MANAGEMENT

1. Design of the storm water management system shall be based on environmentally sound site planning and techniques. All design calculations shall be based on a twenty-five year storm.
2. The best available technology shall be used to minimize off-site storm water run-off, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage patterns and minimize off-site discharge of pollutants to ground and surface water. Best available technology may include measures such as detention and retention basins, recharge trenches, porous paving and piping, control terraces, and swales.
3. The rate of post-development storm water run-off that is directed off-site shall not exceed the pre-development storm water run-off rate.

4. All streets shall be provided with adequate drainage facilities to allow for the removal of storm water and to prevent flooding of the pavement and erosion of adjacent surfaces. No water from adjacent lots will be permitted to run across street surfaces, but shall be directed into catch basins or swales.
5. Storm water management system strategy and design shall comply with the specifications of the City of Somersworth Engineering Department.

H. LANDSCAPE DESIGN

1. General Requirements

- a. Landscaping shall be provided as part of the subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design and preserving and enhancing the natural and scenic qualities of the site.
- b. Landscaping may include plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences and street furniture.

2. Landscape Plan

A landscape plan shall be submitted with each major subdivision application. The plan shall indicate existing, as practical, and proposed trees, shrubs, and ground covers, natural features such as rock outcroppings, and other landscape elements. The plan shall show where they are or will be located and planting and/or construction details. Where existing vegetation is to be retained, the applicant shall include in the plans proposed methods of protecting it during construction.

3. Site Protection and General Planting Requirements

- a. Existing trees shall be preserved wherever feasible, and where trees are not preserved in the front yard, each lot shall have two trees of not less than two (2) inches caliper and of a species hardy enough to survive local climatic conditions installed in the front yard.
- b. Protection of Existing Plantings: Maximum effort should be made to preserve small stands of trees to minimize the potential for die-back due to grade changes and compaction. No materials or temporary soil deposits shall be placed within four (4) feet of shrubs or ten (10) feet of trees designated on the landscape plan to be retained.

Protective barriers and tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Snow fences and silt fences are examples of acceptable barriers.

- c. Slope Plantings: Landscaping of all cut and fills and/or terraces shall be sufficient to prevent erosion and all roadway slopes steeper than one (1) foot vertically to three (3) feet horizontally shall be planted with ground cover appropriate for soil conditions, water availability and prevention of soil erosion.
- d. Cul-de-sac Plantings: Islands within all cul-de-sacs throughout the development shall be planted with vegetation which does not obstruct the view of pedestrian or vehicular traffic.
- e. Remaining disturbed areas: All areas which are disturbed as the result of the development and which are not covered with essential pavements, a structure or landscaping as provided in this subsection, shall be loamed and seeded.

I. OPEN SPACE/RECREATION

- 1. The area of each parcel of open space designed for active recreational purposes shall be of such minimum dimensions as to be functionally usable.
- 2. Open space parcels shall be convenient to the dwelling units they are intended to serve.
- 3. Any lands set aside for open space, parks and/or playgrounds shall contain appropriate covenants and deed restrictions approved by the City Attorney ensuring that:
 - a. The open space areas will not be further subdivided in the future;
 - b. The use of the open space will continue in perpetuity for the purpose specified;
 - c. Provisions will be made for the maintenance of the open space and/or recreational park areas.

J. UNDERGROUND WIRING

- 1. All electric, telephone, television, and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.

2. Lots that abut existing easements or public rights-of-ways where overhead or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utility's overhead lines shall be installed underground.
3. Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines.
4. Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required.

K. LIGHTING

1. Lighting shall be provided in accordance with the recommendations of the Utilities Committee of the City Council. Generally, lighting for safety shall be provided at all intersections and at distances along the street of not less than four hundred (400) feet.
2. The developer shall be responsible for all costs associated with the street lighting installation and shall be responsible for payment of the electric bill to run the lighting until such time as the street is formally accepted by the Somersworth City Council.

L. CURBING

1. Vertical or sloped granite curbing shall be installed on each side of the proposed roadway. Such curbs shall be backfilled opposite street side with gravel, lawn or sidewalk to the top of the curb grade, extending back a minimum of three feet. (Amended 05/03/2004.)

M. SIDEWALKS

1. Sidewalks shall not be less than five (5) feet in width and conforming to the grades of the street, and may be constructed on one or on both sides of the street. (Amended 05/03/2004.)
2. Where required, in the judgment of the Board, rights-of-way for pedestrian travel and access may be required between subdivisions or its parts and/or between a subdivision and public property.

N. STREET NAMES/SIGNS

1. Design and placement of traffic signs shall be consistent with state and local regulations and/or the requirements specified in the current edition of the *Manual on Uniform Traffic Control Devices (MUTCD)*, published by the U. S. Department of Transportation.
(Amended 05/03/2004.)

2. Street names of all proposed streets shall be subject to approval by the City Engineer. Streets which join or are in alignment with streets or abutting properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the City of Somersworth.
3. At least two street names signs shall be placed at each four way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of uniform size and color.

0. IMPROVEMENT GUARANTEES

1. Purpose

Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, and other improvements. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.

2. Procedure

- a. Before the recording of a final subdivision plat, or as a condition of final subdivision plat approval, the Planning Board shall require and shall accept the following guarantees, in a form approved by the City:
 - i. The furnishing of a performance guarantee either in the form of a performance bond, an irrevocable letter of credit or escrow account, in an amount not less than [110] percent of the cost of installation of all public improvements. The performance guarantee shall be issued for a period of time to be determined by the Planning Board.
 - ii. A surety bond or other form of security to cover maintenance of roads and other improvements for a period of two (2) years from the date of completion, in an amount not less than twenty-five [25] percent of said cost of improvements. If repair or unusual maintenance is necessary or if additional improvements are required, then such costs as are deemed necessary by the City Engineer shall be drawn against said surety. (Amended 03/21/2005.)
- b. The time period allowed for installation of the improvements for which the performance guarantee has been provided may be extended by the Planning Board or its designee, provided that the life of the performance guarantee exceeds the expected date of project completion.

- c. Upon substantial completion of all required improvements, the developer may notify the Planning Board, in writing by certified mail, of the completion or substantial completion of improvements, and shall send a copy to the City Engineer. The City Engineer shall inspect all improvements of which such notice has been given and shall file a written report with the Planning Board indicating either approval, partial approval or rejection of such improvements. The cost of the improvements as approved or rejected shall be set forth and shall be the basis for partial or full release of the performance guarantee.

P. ACCEPTANCE

No street shall be accepted by the City until it has been inspected by the City Engineer, or his/her designee, and found to be constructed in accordance with the specifications prescribed herein or additionally prescribed or agreed to by the Planning Board and approved by the City Council. Upon completion of the final inspection, the City Engineer shall forward to the City Council, in writing, a recommendation that the street be accepted, conditionally accepted, or not be accepted. The street shall only be considered accepted by the City after a formal vote by the majority of the City Council. The acceptance of the maintenance bond or other security as outlined in Section 0 above may be a precondition to acceptance of the street by the City Council.

Prior to the acceptance of the street by the City of Somersworth, the developer shall be responsible for the provision of maintenance and all other services to and on the street. The City of Somersworth will not maintain the street or provide any customary and usual services to the property owners along the street (including snow plowing, garbage pick-up, school bus pick up and delivery, street lighting and street cleaning) until the City Council has formally accepted the street.

Section 8. ADMINISTRATION AND ENFORCEMENT

A. WAIVERS

- i. General: Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with any section of these regulations or the purposes of this chapter may be served to a greater extent by an alternative proposal, it may approve waivers to these regulations so that substantial justice may be done and the public interest secured, provided that such waiver shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. it does so by a two-thirds vote of its full membership;
 - b. the granting of the waiver shall not be detrimental to the public safety, health, or welfare or injurious to other property;
 - c. the conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - d. 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 letters of these regulations are carried out.
 - e. The waiver will not, in any manner, vary the provisions of the Zoning Ordinance, Master Plan Reports, or Official Maps.
2. Conditions: In approving waivers, the Planning Board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
 3. Procedures: A petition for any such waiver shall be submitted in writing by the applicant at the time when the application is filed for the consideration of the Planning Board. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner.

B. AMENDMENTS

For the purpose of providing for the public health, safety and general welfare, the Planning Board, following a properly advertised public hearing, may from time to time amend, change, alter, add or rescind the provisions imposed by these regulations.

C. ENFORCEMENT

These regulations shall be enforced by the Planning Board or its duly authorized representative, which shall include the City of Somersworth Code Enforcement Officer, with full powers to enforce the conditions of the Board, with all those procedures outlined and enabled in RSA 676, et.seq., including 676:17 "Fines and Penalties," and 676:17-1 "Cease and Desist Orders," and such procedures as they may exist or as they may be amended are incorporated herein by reference.

D. MINOR FIELD MODIFICATIONS

If at any time before or during the construction of the improvements required pursuant to a

subdivision approval the applicant demonstrates to the satisfaction of the Director of Planning and Economic Development that unforeseen conditions make it necessary or preferable to modify the design of the requirement/improvement, the Director of Planning and Economic Development may authorize modifications provided that the modifications do not amount to a waiver or substantial alteration of the function of any improvements required by the Board.

E. PENALTIES

Any person, firm or corporation, making any subdivision of land who violates any provision of these regulations shall be subject to the penalties provided in New Hampshire RSA Section 676:16, as the same may be subsequently amended.

F. REVOCAION OF PLANNING BOARD APPROVAL

An approved and recorded subdivision plat may be revoked by the Board in whole or in part, under the following circumstances: 1) at the request of or by agreement with the applicant; 2) when any requirement or condition of approval has been violated; 3) when the applicant has failed to perform any condition of approval within the time specified or within four years; 4) when four years have elapsed without any vesting of rights and the plan no longer conforms to applicable regulations; or 5) when the applicant has failed to provide for the continuation of adequate security. (Amended 05/03/2004.)

G. FOUR-YEAR EXEMPTION

Every plat approved by the Planning Board and properly recorded in the Registry of Deeds shall be exempt from all subsequent changes in the Subdivision Ordinance and the Zoning Ordinance adopted by the City except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of four (4) years after the date of recording; provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his/her successor in interest shall vest and no subsequent changes in Subdivision Regulations or the Zoning Ordinance shall operate to affect such improvements; and further provided that:

1. Active and substantial development or building has begun on the site by the owner or his/her successor in interest in accordance with the approved plat within 12 months after the date of approval, or in accordance with the terms of said approval, and, if a bond or other security to cover the cost of roads and other improvements is required in connection with such approval,

such bond or other security is posted with the City at the time of commencement of such development.

Active and substantial Development and Building shall be defined as:

- a. Construction of and/or installation of basic infrastructure to support the development (including all of the following: roadways; pedestrian access ways, parking lots, etc. to a minimum of gravel base; and utilities placed in underground conduit ready for connection to proposed buildings/structures) in accordance with the approved plans; and
- b. Construction and completion of drainage improvements to service the development (including all of the following: detention/retention basins, treatment swales, pipes, underdrain, catch basins, etc.) in accordance with the approved plans; completion of drainage improvements means that these facilities shall be fully operational; and
- c. All erosion control measures (as specified on the approved plans) must be in place and maintained on the site; and
- d. Items a, b, c shall be reviewed and approved by the City.

Movement of earth, excavation, or logging of a site without the completion of items a, b, c and d, above, shall not be considered "active and substantial development". Plans approved in phases shall be subject to this definition for the phase currently being developed. The Planning Board may, for good cause, extend the 12-month period set forth in Section 8.G.1. (Added 04/16/2007.)

2. Development remains in full compliance with the public health regulations and ordinances applicable.
3. At the time of approval and recording, the plat conforms to the Subdivision Ordinance and the Zoning Ordinance then in effect.

A failure to complete such conditions within said four year period will entitle the planning board to commence revocation proceedings on the subdivision in accordance with RSA 676:4-a.

H. SCHEDULE OF FEES

1. The following fee schedule shall apply to subdivision applications:

Advertising fee:	\$35.00, or current rate
Application Fee:	Minor Subdivision - \$75.00 per lot Major Subdivision - \$100.00 per lot
Postage:	Per direct abutter - Current rate for certified mail Per 200' abutter - Current rate for first class mail

Plan amendment or approval extension:	\$50.00
Conceptual/Preliminary Reviews:	\$25.00

(Amended 09/03/2002.)

2. **Special Studies:** Reasonable fees, in addition to the above fees, may be imposed by the Board to cover the costs of special investigative studies, and the review of documents and other matters which may be required by particular applications. Such fees shall be paid for prior to the granting of final subdivision approval.
3. **Recording:** The applicant shall pay the costs of recording the final subdivision plat prior to final subdivision approval, in accordance with the fees established by Strafford County Register of Deeds. The check shall be made payable to the Strafford County Register of Deeds.
4. **Inspections:** Inspections shall be made at frequent intervals during the construction of the subdivision by the City Engineer to ensure that the provisions of these regulations are adhered to and that the streets and improvements are built according to the plans, profiles and typical sections approved by the Planning Board. The cost of such inspection shall be paid by the subdivider to the City of Somersworth in the amount not less than three percent (3%) of the cost of construction of all streets and utilities.
5. **Independent Contractor:** **The Planning Board may require that an independent contractor be hired to perform inspections. The cost to the applicant shall be the actual amount charged to the City for such services by the independent contractor.**

Section 9. INTERPRETATION, CONFLICTS AND SEPARABILITY

- A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.
- B. **CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS**
 1. **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restriction different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 2. **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these

3. regulations are more restrictive, impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determination of the Planning Board in approving a development or enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

C. SEPARABILITY

If any part or provision of these regulations and application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The City hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application.

D. SAVINGS PROVISION

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided for in these regulations.

APPENDIX

STREET CLASSIFICATION BASED
UPON ESTIMATED AVERAGE DAILY
TRAFFIC VOLUME

RESIDENTIAL¹
1-1000 VPD*

URBAN
1000+ VPD*

STREET DESIGN STANDARDS

1) Minimum right-of-way width:	50'	60
2) Minimum pavement width: (An additional 10' per lane will be required for on-street parallel parking)	24'	28'
3) Center of street to ditch line:	22'	24'
4) Minimum grade:	0.6%	0.6%
5) Maximum grade:	8%	8%
6) Base course depth: (traveled way and shoulders)		
Gravel ²	18"	18"
Crushed gravel ³	4"	4"
Total base depth	22"	22"
7) Paving, roads and shoulders: (if paved shoulders required)		
Hot bituminous paving ⁴		
Base (binder course)	2"	2"
Top (wearing course)	1"	1"
8) Road Crown:	0.25"/1	0.25"/1
9) Maximum Cul-de-sac length	800'	
	(Amended 05/03/2004)	
10) Minimum Cul-de-sac diameter:		
Pavement diameter	80'	
Property line diameter	100'	
Pavement width	20'	
11) Minimum street sight distance:	<u>20 / 25 / 30 / 35 / 40 / (mph)</u>	
	<u>125' / 175' / 250' / 325' / 400 /</u>	

○) Curb type: granite (sloped or vertical) 6" reveal
 (Amended 05/03/2004.)

13) Sidewalk Construction:
 Width 5'
 Base course 6' crushed gravel
 Paving 2 lifts

INTERSECTION DESIGN STANDARDS	RESIDENTIAL	URBAN
14) Maximum grade with 50 feet of intersection:	5%	3%
15) Minimum centerline radius:	200 – 300'	300'
16) Minimum tangent between reverse curve:	100'	250'
17) Minimum curb radius:	25' – 30'	35'



NOTES

*VPD - Vehicles Per Day

- 1 For rural areas, the Planning Board may grant waivers from the design standards where appropriate, based upon projected traffic, topography, and number of driveways.
- 2 Required base depths in poorly and very poorly drained soils may be increased by 6" at the discretion of the Planning Board.
- 3 Type of gravel and method of construction shall be in accordance with Section 304 of the current version of "Standard Specifications for Road and Bridge Construction" by the State of New Hampshire Department of Transportation hereby incorporated into these regulations by reference. (Amended 05/03/2004.)
- 4 Ibid.
- 5 In accordance with Section 403 of the current version of "Standard Specifications for Road and Bridge Construction" by the State of New Hampshire Department of Transportation, hereby incorporated into these regulations by reference. (Amended 05/03/2004.)

