

# ***SUBDIVISION***



# **REGULATIONS**

**Town of Gilmanton, New Hampshire  
Planning Board  
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<b>Adopted:</b>	<b>January 14, 1969</b>
<b>Amended:</b>	<b>December 18, 1989</b>
	<b>December 12, 1991</b>
	<b>July 08, 1994</b>
	<b>January 13, 1998</b>
	<b>December 10, 1998</b>
	<b>January 26, 1999</b>
	<b>October 14, 1999</b>
	<b>October 13, 2011</b>
	<b>June 11, 2020</b>



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**TOWN OF GILMANTON, NEW HAMPSHIRE  
SUBDIVISION REGULATIONS**

**SECTION I. AUTHORITY**

Pursuant to the authority vested in the Gilmanton Planning Board by the voters of the Town of Gilmanton on March 12, 1968 and in accordance with the provisions of RSA 674:35 of the New Hampshire Revised Statutes Annotated, and as amended, the Gilmanton Planning Board adopts the following regulations governing the subdivision of land in the Town of Gilmanton, New Hampshire, hereinafter known as Gilmanton Subdivision Regulations.

**SECTION II. PURPOSE AND APPLICABILITY**

The purpose of these regulations is to provide for the orderly present and future development of the Town by promoting the public health, safety, convenience and welfare of its residents, including those provisions detailed in RSA 674:36.

Consideration shall be given to all subdivision applications as to the short and long-term impact the proposal may impose upon the community. Considerations may include, but are not limited to:

1. Adequacy of water supply, drainage, sewage disposal and streets.
2. Ability of the Town to provide street maintenance and snow removal, schools, fire protection and other services without excessive expenditure of public funds.
3. Provision for the harmonious development of the Town and its environs.
4. Preservation of wildlife habitat, natural and man-made features and open space.
5. The character and use of land and buildings in the general vicinity of the proposed subdivision in evaluating the suitability of the subdivision.
6. The impact of the proposed subdivision on the character of the Town as a small rural community and on the Town's well-being, prosperity and sound financial condition.

These regulations apply to Planning Board review and approval or disapproval of all subdivisions as defined by RSA 672:14 and minor lot line adjustments or boundary agreements. They do not apply to voluntary mergers as outlined in RSA 674:39-a.

### SECTION III. DEFINITIONS

- A. **Abutter:** As defined by RSA 672:3, as amended, Means: 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 land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A: 1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.
- B. **Applicant:** Means the owner of record of the land to be subdivided, or his\her designated agent.
- C. **Application, Complete:** Means a final plat and all accompanying materials and fees as required by these regulations.
- D. **Approval:** Means recognition by the Planning Board certified by written endorsement on the plat, that the plat meets the requirements of these Regulations and in the judgment of the Board satisfies all criteria of good planning and design.
- E. **Approval, Conditional:** Means recognition by the Planning Board, certified by written endorsement on the plat, that the plat is not finally approved nor ready for filing with the Registry of Deeds until such time as certain conditions, set forth by the Board, are met. This is not to be confused with a plat that has been approved *subject to certain conditions* that would be met as part of the implementation of the plan.
- F. **Average Slope:** Means the steepness of land surface of a lot. Average slope is calculated as a percentage by dividing the total change in elevation across a lot by the distance across the lot and multiplying by 100. Change in elevation and distance are measured on a line drawn perpendicular to the contours through the point on the lot where a building would logically be placed.
- G. **Board:** Means the Planning Board of Gilmanston.



- H. *Composite Average Slope:*** To be used in calculating the steepness of the land surface of a lot where peaks, gullies or ridges are present on the lot. Composite average slope is calculated by finding the distance to the property line (or to the high or low point) on one side of a ridge (or gully) and the numerical change in elevation in that distance. To these are added the distance and elevations change respectively on the other side of the ridge (or gully). If more than one ridge or gully is present on a lot, the same steps are taken for each ridge or gully. The composite average slope is calculated as a percentage by dividing the total change in elevation across a lot by the total distance across a lot and multiplying by 100. Changes in elevation and distance are measured on a line drawn perpendicular to the contours through the point on the lot where a building would be logically be placed.
- I. *Development:*** Means any construction or grading activities on real estate for other than agricultural and silvicultural (tree care and harvesting) practices.
- J. *Easement:*** Means the authorization by a property owner for the use by another, and for a specific purpose, of any designated part of his/her property.
- K. *Frontage:*** Means that side of a lot abutting a street or body of water and ordinarily regarded as the front of the lot.
- L. *Lot:*** Means a parcel of land capable of being occupied that is of sufficient size to meet the minimum requirements for use, building coverage, and area.
- M. *Lot of Record:*** Means a parcel, the plat or description of which has been recorded at the County Registry of Deeds.
- L. *Lot Line Adjustment:*** Means adjustments to the boundary between adjoining properties, where no new lots are created.
- M. *Plat:*** Means the map, drawing or chart on which the plan of subdivision is presented to the Board for approval, and which, if approved, will be submitted to the County Register of Deeds for recording.
- N. *Public Hearing:*** Means a meeting, notice of which must be given per RSA 675:7 and 676:4, I. (d) as amended, at which the public is allowed to offer testimony.
- O. *Public Meeting:*** Means the regular business meeting of the Planning Board as required per RSA 673:10, as amended. Notice must be posted at least 24 hours in advance and the meeting must be open to the public, although participation by the public is at the discretion of the Board.
- P. *Right-of-Way:*** Means a strip of land for which legal right of passage has been granted by the landowner to provide access to a lot, which lacks adequate frontage.

- Q. *Setback:*** The distance between a building or structure and the nearest property line, wetland, or sewage disposal system.
- R. *Sewage Disposal System (Individual):*** Means any on-site sewage disposal or treatment system that receives either sewage or other wastes, or both. For the purposes of this regulation, this means all components of the system, including the leach field.
- S. *Street:*** Means a publicly approved road, Class V or better, maintained for vehicular travel, or a road that appears on a subdivision plat approved by the Planning Board.
- T. *Subdivision:*** As defined by RSA 672:14, as amended, means the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.
- U. *Subdivision, Major:*** Means a subdivision of four (4) or more lots, or one which involves the creation of new streets and/or utilities, regardless of the number of lots.
- V. *Subdivision, Minor:*** Means a subdivision of land into not more than three (3) lots for building development purposes, with no potential for resubdivision on an existing street; or one which does not involve the creation of new streets and/or utilities.

#### **SECTION IV. GENERAL REQUIREMENTS FOR SUBDIVISION OF LAND**

- A. Character of Land for Subdivision:** Land of such character that it cannot, in the judgment of the Board, be safely used for building development purposes because of exceptional danger to health or peril from fire, flood, poor drainage, excessive slope, or other hazardous conditions, shall not be platted for residential, commercial, or industrial subdivision, nor for such other uses as may increase danger to life or property, or aggravate the flood hazard.

Note: Steep land (25% natural slope or greater over the majority of lots), areas with high water table (within 2 feet of the surface), flood plains, areas with less than 3 feet of natural soil over impermeable material (percolation rate slower than 30 minutes per inch) are problems of such nature to endanger health, life, or property and as such, shall not be platted unless a design solution acceptable to the Planning Board can be presented.

- B. Premature Subdivision:** The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, sewage disposal, drainage, transportation, schools, fire protection, or other public services which necessitate the excessive expenditure of public funds for the supply of such services.

## **SECTION V. SUBDIVISION REVIEW PROCEDURES**

### **A. Preliminary Conceptual Consultation – Town Staff**

- 1) The applicant shall arrange a meeting with Town Planning Staff to discuss a proposal in conceptual form and in general terms. Although this phase is strictly optional, the Board strongly suggests that the applicant avail him/herself of the opportunity to resolve any issues at this early stage that might become a problem later on. Such pre-application consultation shall be informal and directed toward:
  - a. Reviewing the basic concepts of the proposal.
  - b. Reviewing the proposal with regard to the Gilmanton Master Plan and Zoning Ordinance.
  - c. Explaining the state and local regulations that may apply to the proposal.
  - d. Determination of the proposal as a major or minor subdivision, and of the submission items that would be required.
- 2) Preliminary conceptual consultation shall not bind the Applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.

### **B. Design Review Phase**

- 1) Prior to submission of an application for Board action, an applicant may request to meet with the Board or its designee for non-binding discussions at the conceptual and general stage, prior to the specific design and development of engineering details of the potential application. If an applicant chooses to proceed to the Final Application stage without first completing the Design Review Phase, they do so at the risk of potential required revisions and re-engineering at additional expense.
- 2) The design review phase may proceed only after proper notification, as set forth in Section V. H.
- 3) Statements made by Board members shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.

- 4) A rough sketch of the site should be provided, showing:
  - a) *Location of lot lines;*
  - b) *Lot measurements; and*
  - c) *The streets surrounding the site.*

**C. Submission of Final Application**

- 1) A completed application shall be filed with the Planning Board only at its regular monthly meeting. A completed application shall consist of all data required in Section VI of these regulations.
- 2) At the next meeting for which notice can be posted, or 30 days from the date of delivery, the Board will determine whether the application is complete. If the application is incomplete, the applicant will need to resubmit under a new notification procedure.
- 3) Acceptance of an application shall only occur at a meeting of the Planning Board after due notification has been given according to Paragraph I. Acceptance will be by affirmative vote of a majority of the Board members present.
- 4) Once an application has been accepted as complete by the Board, the **65-day review** period begins.

**D. Board Action on Final Application**

- 1) The Board shall begin consideration of the Completed Application upon acceptance. The Board shall act to approve, conditionally approve, or disapprove the Completed Application within **65 days** of acceptance, consistent with RSA 676:4.
- 2) 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.
- 3) Approval of the application shall be certified by written endorsement on the Plat and signed and dated by the Chairman of the Board. If any application is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the Applicant within **144** hours of the decision.
- 4) An approved plan shall be recorded by the Planning Board with the Belknap County Register of Deeds within **120** days of approval. Any subdivision plan not filed within this timeframe shall be considered void, unless said time frame is extended by the Planning Board.

**E. Failure of the Planning Board to Act**

- 1) In the event that the Planning Board does not act on an accepted application within the prescribed time period, the applicant may petition the Selectmen to issue an order directing the Planning Board to act per the requirements of RSA 676:4C.

**F. Conditional Approval**

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. If the applicant has not complied with the conditions of approval within one (1) year, the approval is considered null and void and the applicant must submit a new subdivision application. A further public hearing is not required when such conditions:

- 1) *Are administrative in nature and /or;*
- 2) *Involve no discretionary judgment on the part of the Board and/or;*
- 3) *Involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Bureau, the Alteration of Terrain Bureau, or the Subsurface Systems Bureau; however, any subsequent change to the plan required by such approvals would constitute grounds for a new application process.*

**G. Public Hearing**

Prior to the approval of an application, a public hearing shall be held as required by RSA 676:4.

**H. Notification**

- 1) Notice of a Design Review, submission of an application, or a Public Hearing shall be given by the Board to the abutters, the applicant, holders of conservation, preservation or agricultural preservation restrictions, and every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat.
- 2) Notice shall be by certified mail, mailed at least ten (10) days prior to the submission. The public will be given notice at the same time, by posting at the Academy Building, the Corners and Iron Works Post Offices, and publication in the Laconia Daily Sun and Town Website.

- 3) The notice shall give the date, time, and place of the Planning Board meeting at which the application will be formally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the applicant and the location of the proposal.

**I. Fees**

- 1) The applicant shall be responsible for all fees incurred by the processing of applications. Failure to pay such costs shall constitute valid grounds for the Board to not accept the application as complete.
- 2) Upon formal submission of the application, all applicable fees according to the fee schedule will apply:
- 3) Upon approval of the application, the costs for:
  - a) Making changes to the Town's tax maps;
  - b) The cost of recording the Mylar and/or Decision Letter with the Register of Deeds.
  - c) When applicable, the LCHIP Fee of \$25.00, payable to the Belknap County Registry of Deeds.
- 4) It shall be the responsibility of the applicant to pay reasonable fees for special investigative studies, engineering review, fiscal analysis, environmental assessments, and legal review of documents, administrative expenses, and other matters, which may be required to make an informed decision on a particular application.

**J. Site Inspections**

- 1) Whenever the Board deems it necessary for the consideration of an application to visit the site, the Board shall arrange a time that is reasonable for the applicant.
- 2) Such a site inspection shall be posted as a meeting of the Board pursuant to the Right-to-Know provisions of RSA 91-A. If there is a quorum present at the site inspection, minutes shall be kept.
- 3) All applications are conditioned upon the owner allowing access to the property, to the extent reasonable and necessary to properly review the application. Denial of access automatically terminates any further consideration of the proposal.

**K. Concurrent and Joint Hearings**

The applicant or the Planning Board may request a joint hearing with one or more land use boards in conjunction with a subdivision hearing if approval from all boards is required for the same project. (NH RSA 676:2 as amended)

**L. Voluntary Lot Merger**

Any owner of 2 or more contiguous preexisting approved or subdivided lots or parcels who wish to merge them for municipal regulation and taxation purposes may do so by applying to the planning board's designee. Except where such merger would create a violation of then-current ordinances or regulations, all such requests shall be approved, and no public hearing or notice shall be required. No new survey plat need be recorded, but notice of the merger, sufficient to identify the relevant parcels and endorsed in writing by the planning board's designee, shall be filed for recording in the registry of deeds and a copy mailed to the municipality's assessing officials. No such merged parcels shall thereafter be separately transferred without subdivision approval. Not city, town, county, or village district may merge preexisting subdivided lots or parcels except upon the consent of the owner.

**SECTION VI. SUBMISSION REQUIREMENTS**

**A) LOT LINE ADJUSTMENT**

For lot line adjustment plans, applications shall consist of the following items unless written request for waiver(s) is granted by the Board:

1. Name, address and signature of applicant;
2. Name, address and signature of owner(s) of record, if different from applicant;
3. Name and address of person or firm preparing the plan;
4. Names and addresses of all current abutting property owners as displayed in the Assessing Department's records within five (5) days of application due date;
5. North arrow;
6. Scale;
7. Date prepared;
8. Locus map showing general location of the site within the Town;
9. Property boundary lines, inclusive of distances and angles plotted to scale;
10. Areas of lots in square feet and acres detailing pre & post sizes;
11. Existing and proposed driveways on-site;
12. Current zoning classification of property, and location of district boundaries if located in two or more zones;
13. The location of all building setbacks required by the Zoning Ordinance;

14. A note referencing and delineations on the plan of all easements, rights-of-way and deeded property restrictions;
15. Planning Board approval block;
16. If deemed necessary by the Board because of on site conditions, wetland mapping of the lots involved may be required;
17. The seal of a duly registered and licensed land surveyor shall be affixed to the final plan attesting that the final plan is substantially correct and which certifies that all bounds have been set and that the survey will close within one ten thousandth of a foot ( $1'/10,000'$ ) and

## **B) Minor, Major and Open Space Subdivisions**

A completed application for Major & Minor Subdivisions or Open Space Subdivisions, provided for under the Zoning Ordinance, shall consist of the following items unless written request for waiver(s) is granted by the Board:

A completed application form, accompanied by:

1. Names and addresses of all abutters, taken from the town records not more than five (5) days before the day of filing;
2. Names and addresses of all persons whose name and seal appears on the plat;
3. Names and addresses of all holders of conservation, preservation or agricultural preservation restrictions;
4. Payment to cover filing and notification fees;
5. One Mylar and 7 paper copies of the Plat, prepared according to the standards of the NH Land Surveyors Association and the County Register of Deeds, as follows:
  - a. Plats shall be at any scale between  $1" = 20'$  and  $1" = 400'$ .
  - b. The outside dimensions of the plat shall be no larger than 24" X 36", or as otherwise specified by the County Registry of Deeds.
  - c. The material composition shall be suitable for electronic scanning and archiving by the Register of Deeds.
  - d. All plats shall have a minimum  $\frac{1}{2}"$  margin on all sides.



- e. All title blocks should be located in the lower right hand corner, and shall indicate:
  - 1) Type of survey
  - 2) Owner of record
  - 3) Title of plan
  - 4) Tax map and lot number
  - 5) Plan date and revision dates;
- 6. A letter of authorization from the owner, if the applicant is not the owner.

**C) The plat shall show the following information:**

- 1. Proposed subdivision name or identifying title; name and address of the applicant and of the owner, if other than the applicant.
- 2. North arrow, scale – written and graphic, date of the plan, name, license number and seal of NH Licensed Land Surveyor.
- 3. Signature block for Planning Board endorsement, with the following statement: This plat meets all Zoning and Subdivision Regulations of the Town of Gilmanston in effect as of the date of filing unless written request for waivers have been previously granted or are submitted as part of this filing.
- 4. Locus plan showing general location of the total tract within the town and the zoning district(s).
- 5. Boundary survey including bearings, horizontal distances and the location of permanent markers. Curved boundary lines shall show radius, delta, and length.
- 6. Names of all abutting subdivisions, streets, easements, building lines, parks and public places, and similar facts regarding abutting properties.
- 7. Location of all property lines and their dimensions; lot areas in square feet and acres. Lots numbered according to the Town tax map numbering system.
- 8. Location and amount of frontage on public rights-of-way.
- 9. Location of building setback lines.
- 10. Location of existing and proposed buildings and other structures.
- 11. Location of all parcels of land proposed to be dedicated to public use.

12. Location and description of any existing or proposed easements. Conservation easements, if provided, shall be clearly and permanently marked in the field.
13. Existing and proposed water mains, culverts, drains, sewers; proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage.
14. Existing and proposed streets with names, classification, travel surface widths, right-of-way widths (see Appendix A for road standards).
15. Final road profiles, centerline stationing and cross-sections.
16. Location and width of existing and proposed driveways.
17. Watercourses, ponds, standing water, rock ledges, stonewalls; open space to be preserved; and any other man-made or natural features.
18. At a minimum, contours at five-foot (5') intervals (or less) shall be shown. Two-foot (2') contours intervals may be required by the Board to provide greater site clarity.
19. Soil and wetland delineation, completed by a NH Certified Soil and or Wetland Scientist, as appropriate to site conditions and according to applicable State Law. The Scientist's Professional Stamp, signed, shall be affixed to all plans.
20. Location of percolation tests and test results and outline of 4,000 square-foot septic area with any applicable setback lines;
21. Location of existing and proposed well, with 75-foot well radius on its own lot.
22. Base flood elevations and flood hazard areas, based on available FEMA maps.

**D. Other Information** (For Major & Open Space Subdivision. Depending upon specific site conditions, the Planning Board may require some or all of this information.)

- 1) Plan for Stormwater Management and Erosion Control, if applicable (see Section VII).
- 2) State subdivision approval for septic systems; septic design approval where applicable, or certification by septic designer of adequacy of existing system.

- 3) Alteration of Terrain Permit and Wetlands Permit from NH Department of Environmental Services.
- 4) State/Town driveway permit, as applicable.
- 5) Report from the Fire Chief, Police Chief, and/or Town Conservation Commission, as applicable.
- 6) Any deed restrictions; and all deeds covering land to be used for public purposes, all applicable easements and rights-of-way over property to remain in private ownership, and rights of drainage across private property, submitted in a form satisfactory to the Board's counsel. All proposed conservation easements will have the input of and be coordinated with the Conservation Commission.
- 7) Any other state and/or federal permits.
- 8) Any additional reports or studies deemed necessary by the Board to make an informed decision, including but not limited to: traffic, school, fiscal and environmental impact analyses. The Board reserves the right to request such information after an application has been accepted as complete, as well as before acceptance.

## **Section VII. Subdivision Design Standards**

### **A. Lots**

1. Areas set aside for parks and playgrounds to be dedicated or reserved for the common use of all property owners shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
2. Lots with very irregular shapes, as determined by the Board, shall not generally be accepted. Lots shall be arranged such that their sidelines are substantially perpendicular or radial to streets. Lots shall be configured in regular geometric shapes, such as squares, triangles, rectangles, or any other form acceptable to the Planning Board to address specific site constraints.

Intent and Purposes for Lot Shape requirement is to enhance and insure consistency with the Gilmanton Zoning Ordinance and the following purposes:

- a) To promote lots that are shaped in a manner that promotes clarity of ownership, access across fee-title land rather than easement interests which may promote destructive property disputes, and to promote the convenient and harmonious development of the land.

- b) To prevent close proximity of narrow portions of lots that will create a situation that reduces privacy and increases congestion and overcrowding of the land.
- 3. Wetland soils, 25% slopes or greater, floodplain areas, rock outcrops may be included within the boundaries of a lot, but shall not be used to fulfill any part of the minimum lot area required for the applicable zoning district.
- 4. The slope of the land shall be determined by reference to topographic information provided by a Licensed Land Surveyor or Professional Engineer and shown on the plan submitted. Contours at five-foot (5') intervals shall be shown. Two-foot (2') contours may be required by the Board to clarify on site features.

For the purpose of these regulations, the slope of each lot shall be determined by finding the average slope. For lots with variable elevation, the Composite Average Slope shall be used to compute the minimum lot size. No areas where the average slope exceeds 25% may be used to fulfill any part of the minimum lot size requirement.

- 5. In addition to the provisions above, each lot shall also contain within the required lot size a minimum building site of 30,000 contiguous square feet meeting the following criteria: There shall be at least three (3) feet of natural soil above bedrock. The Board may require a test pit on each lot to verify the depth to bedrock. A soil profile shall be submitted for each test pit. Building setbacks may be used to meet this 30,000 square foot area required. Land within the required 75-foot wetland septic system setback cannot be used. The noted contiguous area shall be as compact as possible, configured in a regular geometric shape, such as a square, triangle, rectangle, or any other form acceptable to the Planning Board to address specific site constraints.
- 6. All subdivision plans shall include up to date on site soil data from the Belknap County Soil Survey from either the GRANITE system or Web Soil Survey (WSS).
- 7. If required by the Planning Board, an area of at least 2 acres on each new subdivided lot, shall detail High Intensity Soil Mapping as detailed in "Standards for A High Intensity Soil Map, New Hampshire, written by the Society of Soil Scientists of Northern New England, dated April 2008 or as amended."

- B. Reserve Strips:** Reserve strips (spite strips) controlling access to public streets shall be prohibited except where their of land that show an the intent on the part of the subdivider is to control access to land dedicated or to be dedicated to public use (such as a road) shall not be permitted.

**C. Fire Protection**

Applications for new subdivisions shall be required to address water supply needs within the proposed subdivision which will include water supply needs, emergency vehicle access and general fire protection within the intended land development.

The Fire Chief shall implement all applicable provisions of the NHPA's (National Fire Prevention Association) Standards on Water Supply for Suburban and Rural Fire Fighting NFPA 1142, and Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Developments NFPA 1411 as well as any additional applicable NFPA Standard.

The Fire Chief will review all proposals for development. The Fire Chief will conduct an inspection of the proposed development to evaluate the availability of existing water supplies in the area.

Following the inspection and evaluation, the Fire Chief will submit his findings in writing to the Planning Board.

**D. Septic systems and Water Supply**

1. It shall be the responsibility of the subdivider to prove that the area of each lot is adequate to permit the installation and operation of an individual septic system.
2. In subdividing parcels with existing dwellings, the subdivider must demonstrate to the satisfaction of the board that the existing septic system is in good working order.
3. All new wells shall have a radius of seventy-five (75) feet, said radius to be located entirely on its lot. When that cannot be accomplished, the protective radius shall be maximized to the extent practicable. The 75-foot radius may extend over the property line(s) with written consent of the abutter(s).

**E. Stormwater Management and Erosion Control**

1. The applicant shall submit stormwater management and erosion control plan when one or more of the following conditions are proposed:
  - a. *A cumulative disturbed area exceeding 20,000 square feet.*
  - b. *Construction of a street or road.*
  - c. *A subdivision involving four or more dwelling units.*
  - d. *The disturbance of critical areas, such as steep slopes, wetlands, floodplains.*
2. Standard agricultural and silvicultural practices are exempt from this regulation.
3. All stormwater management and erosion control measures in the plan shall adhere to the “New Hampshire Stormwater Manual”, Volume 3, Erosion and Sediment Controls During Construction, as amended. Stormwater designs shall adhere to the New Hampshire Stormwater Manual, Volumes 1 & 2, as amended.

Roadway ditches and culverts shall be sized to accommodate the 25-year, 24-hour storm. Curbed roadway and closed drainage systems shall be sized to accommodate the 10-year, 24-hour storm. Stormwater basins shall be sized to discharge the 50-year, 24-hour storm without overtopping the embankment crest.

4. The applicant shall bear final responsibility for the installation, construction, and disposition of all stormwater and erosion control measures required by the Board. Site development shall not begin before the plan is approved.
5. No water shall be permitted to run across the street on the surface but shall be directed into catch basins or otherwise into ditches, and shall be piped underground into a pipe of a size determined by engineering calculations and approved by the Board, but shall not be less than 15 inches in diameter. Underdrains shall be installed as needed to address on site conditions.
6. Erosion and Sediment Control Plan: A soil erosion and sediment control plan shall contain provisions to control accelerated erosion and sedimentation and reduce the likelihood of stormwater run-off from the proposed site, based on the best available technology. Such principles, methods and practices necessary for certification are found in the New Hampshire Stormwater Manual, as amended. Alternative principles, methods and practices may be used with prior approval of the Board.

Said plan shall contain, but not be limited to:

- a. A narrative describing:
    - i. The development;
    - ii. The schedule for grading and construction activities including:
      - 1. Start and completion dates;
      - 2. Sequence of grading and construction activities;
      - 3. Sequence for installation and/or application of soil erosion and sediment control measures;
      - 4. Sequence for final stabilization of the project site.
    - iii. The design criteria for proposed soil erosion and sediment control measures and stormwater management facilities.
    - iv. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
    - v. The installation and/or application procedures for proposed soil erosion and sediment control measures and stormwater management facilities.
    - vi. The operation and maintenance program for proposed soil erosion and sediment control measures and stormwater management facilities.
  - b. A site plan map at a sufficient scale to show:
    - i. The location of the proposed development and adjacent properties;
    - ii. The existing and proposed final topography including soil types, wetlands, watercourses and water bodies;
    - iii. The existing structures of the project site, if any;
    - iv. The proposed area alterations including cleared, excavated, filled or graded areas and proposed utilities, roads and, if applicable, new property lines and the general location of proposed structures and driveways;
    - v. The location of and design details for all proposed soil erosion and sediment control measures and stormwater management facilities;
    - vi. The sequence of grading and construction facilities;
    - vii. The sequence for installation and/or application of soil erosion and sediment control measures;
    - viii. The sequence for final stabilization of the development site.
  - c. Any other information deemed necessary and appropriate by the applicant or requested by the Board or its designated agent.
7. Conditions Relating to Soil Erosion and Sediment Control
- a. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the approved plan, may be covered in a performance bond or other assurances acceptable to the Board.

- b. Site development shall not begin unless the soil erosion and sediment control plan is approved and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.
- c. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the approved plan.
- d. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the approved plan.

## F. Surveys

All surveys shall be prepared according to the minimum standards for instrument surveys adopted by the NH Land Surveyors Association for Standard Property Surveys, as follows:

Condition	"1"	"2"	"3"
Unadjusted Linear Closure	1:15,000	1:7,500	1:300
Minimum Scale Graduation of Instrument	20/sec.	30/sec.	1
Distance Measurement	EDM/ Steel Tape	EDM/ Steel Tape	Steel Tape/ Stadia
Elevation Used to Determine Property Lines	0.2' +/-	0.5' +/-	-----

Condition "1" shall be required for any subdivision of less than 2 acres that involves building of any kind - i.e., residential, commercial or industrial.

Condition "2" is adequate for subdivisions of 2 acres or more in a rural district.

Condition "3" is acceptable for large tracts being dedicated to preservation or conservation. The standards of Condition "3" may be achievable with a tape & compass survey.

In the case of applications that involve large acreages from which one building lot is being subdivided, the Board may, upon written request, waive the requirement for a complete boundary survey, when it is apparent that the remaining lot can meet existing frontage requirements and is suitable for building.



**G. Monumentation**

1. Monuments constructed of iron pins, concrete or stone at least 4 inches square on the top and at least 30 inches long shall be set at all control corners.
2. If the subdivision involves the construction of a roadway, all monumentation shall be in place before 90% of the surety held for the construction is released. If no road construction is involved, all monumentation must be in place prior to recording of the plat by the Board Chairman.
3. Pipes shall be set at all lot corners. For new town roads, the Board may require that concrete or granite bounds be set at all points of curvature and all points of tangent.
4. Monuments shall be tied in to a public street intersection, a U.S.G.S. benchmark, or other recognized existing monument.

**SECTION VIII. DEVELOPMENT HAVING REGIONAL IMPACT**

- A. All applications shall be reviewed for potential regional impacts. Upon such a finding, the Board shall furnish the regional planning commission(s) and the affected municipalities with copies of the minutes of the meeting at which the determination was made. The copies shall be sent by certified mail within 144 hours of the meeting.
- B. At least 14 days prior to the scheduled public hearing, the Board shall notify by certified mail the regional planning commission(s) and the affected municipalities of the date, time and place of the hearing, and of their right to appear as abutters to offer testimony concerning the proposal.

**SECTION IX. SPECIAL FLOOD HAZARD AREAS**

- A. The Planning 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. In addition, all applications shall adhere to the requirements of Floodplain Management Ordinance.

## **SECTION X. PERFORMANCE GUARANTEE**

- A.** As a condition of approval, the Board shall require the posting of a security in an amount sufficient to defray the costs of construction of streets and public utilities. The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a licensed engineer. The applicant shall pay all costs of such review.
- B.** The security shall be approved by the Board and municipal counsel. The amount of the security shall include fees to cover the cost of periodic inspections.
- C.** Where electric lines or other utilities are to be installed by a corporation or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the Town.
- D.** Each approved plat shall contain a time limit for the completion of streets and public improvements. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board. In the case of road construction, the Board may require that the security stay in place until one full year has passed after completion of the road.

## **SECTION XI. REVOCATION OF PLANNING BOARD APPROVAL**

Pursuant to RSA 676:4-a, 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.

## **Section XII. Active and Substantial Development and Completion**

In approving any application, the Planning Board may specify the threshold level of work which constitutes “active and substantial development and building” for the purpose of determining the minimum amount of work required in order to satisfy the provisions of RSA 674:39 pertaining to protection from subsequent amendments to local land use regulations for a period of five (5) years. Active and substantial development, in the absence of a specific finding by the Planning Board, shall be deemed to have occurred when at least twenty percent (20%) of the total building foundations or one building foundation – whichever is greater – on the site has been installed, inspected and approved by the Building Inspector, utilities have been extended to the site, and a certified plot plan of the foundation has been submitted. All erosion control measures as specified on the approved plan for the area of disturbance must be installed.

Substantial completion of the development shall be deemed to have occurred when a Certificate of Occupancy for all buildings shown on the approved site plan shall have been issued by the Gilmanton Building Department, and all other on-site and/or off-site improvements have been determined by the Town of Gilmanton or its agent to be in compliance with the approved site plan or satisfactory financial guarantees remain on deposit with the Town to insure completion of such improvements.

### **Section XIII. Administration and Enforcement**

- A.** The Planning Board shall administer these regulations. The enforcement of these regulations is vested with the Selectmen.
- B.** No subdivision regulation or amendment, adopted under RSA 674:35-42, shall be legal or have any force and effect until copies of such are filed with the Town Clerk.
- C.** **Waivers:** The requirements of these regulations may be waived or modified when, in the opinion of the Board, specific circumstances surrounding subdivision exist. The planning board may only grant a waiver if the board finds that: 1) Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the regulations; or 2) Specific circumstances relative to the site plan, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- D.** **Penalties and Fines:** Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended.

### **SECTION XIV. APPEALS**

Any person aggrieved by a decision of the Planning Board concerning a plat or subdivision may appeal said decision to the superior court pursuant to RSA 677:15, except when a disapproval by the Board is based upon non-compliance with the zoning ordinance, in which case an appeal can be taken to the Board of Adjustment.

### **SECTION XV. VALIDITY**

If any section or part of a 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 part of a section or paragraph of these regulations.

**SECTION XVI.        AMENDMENTS**

These regulations may be amended by a majority vote of the Planning Board after at least one (1) public hearing following the notification procedure outlined in Section IV, H & I.

**SECTION XVII.      EFFECTIVE DATE**

These regulations shall take effect upon their certification and adoption, and all regulations or parts of regulations, inconsistent therewith, are hereby repealed.

**APPENDIX A:  
ROAD AND DRIVEWAY DESIGN AND CONSTRUCTION STANDARDS**

**I. Road Design Standards**

The purpose of these standards is to ensure safe vehicular and pedestrian travel on streets, public or private. Proper design requires the blending of safe roadway layout and grade with minimization of impacts on the existing terrain and environment. These standards are further intended to be flexible in consideration of different traffic volumes and terrain conditions. At the request of the Planning Board or Road Agent, the applicant may be required to pay for inspection services from a qualified engineering consultant selected by the Town. All costs associated with these inspections shall be borne by the Applicant.

**A. Arrangement of Streets**

The arrangement of streets in the subdivision shall provide for the continuation of the principle streets in adjoining subdivisions, or the proper projection when adjoining property is not subdivided as recommended in the Master Plan.

**B. Rights-of-Way**

No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks, and possible grass strips shall be subject to the approval of the Board.

**C. Dead-end Streets/Cul-de-Sacs/Loop Roads**

Dead-end streets shall be equipped with a turn-around roadway at the closed end, as shown in Exhibit 2 following. The maximum grade through a cul-de-sac shall be 8%. The length of a cul-de-sac shall not exceed a total of 900 feet measured from the nearest right-of-way of any Class V or better intersecting road to the end of the circular turn-around.

Loop roads may be permitted, provided that the single section shall not exceed a total of 1,000 feet measured from the nearest edge of the right-of-way of any existing Class V or better intersection road to the intersection of the single connecting section and the loop section, and further provided that Fire Department input is sought relative to the need for cisterns.

**D. Intersections**

Street intersections shall have a minimum angle of intersection of 60 degrees, with a preferable angle being 90 degrees. Property line radius at intersections shall be no less than 20 feet. A minimum of 200 feet all season safe sight distance in each direction is required Refer to Table 1 for other requirements.

**E. Street Names**

1. Streets that extend or are in alignment with streets of abutting or neighboring properties shall bear the same names of existing streets within the Town of Gilmanton.
2. Other street names shall be approved by the Planning Board in a review process involving both the Police and Fire Department. Street names shall be subject to the final approval of the Board of Selectmen.
3. Precautions shall be taken to ensure street names are not duplicated or so similar to other street names as to cause confusion.

**F. Existing Street Conditions**

The Planning Board may require any existing substandard street to be improved by the applicant where it can be shown that, in order to provide safe public access to the proposed street, off site improvements to the adjoining roadway are necessary.

Where a subdivision requires undue expenditures by the Town to improve existing streets to conform to minimum requirements, the Board may disapprove such subdivision until the Selectmen shall certify that funds for the improvements have been assured by the municipality.

**G. Minimum Design Requirements**

1. New roads shall be designed to conform to the minimum standards established in Table 1 below and as shown on the attached Typical Roadway Cross Section (Exhibit 1).

**TABLE 1:**  
**MINIMUM ROAD DESIGN STANDARDS**

Proposed Lots	<b>0-10</b>	<b>11+</b>
Centerline Curve Radius	120 ft.	150 ft.
Roadway Width	20'	22'
Shoulder Width (each side)	3'	3'
Vertical Curve Crest:	19'	19'
Sag:K Values (min)	37'	37'
Sight Distance <sup>1</sup>	200'	200'
Minimum Platform @ Road Intersections	2%-50'	2%-50'
Minimum Pavement Radius @ Road Intersections	30'	30'

2. Where streets have the potential for extension through to other lands or other potential street networks, appropriate increases in the traffic volume estimates may be required at the discretion of the Planning Board. The Planning Board shall have the right and authority to increase design standards in such cases and in other cases where it is deemed appropriate.
3. For streets receiving commercial/industrial traffic, the Planning Board may require more restrictive requirements than shown in Table 1.
4. When a proposed new street enters onto an existing town road, a negative slope of at least 2-3% shall be provided for a minimum length of 15 feet before a positive street slope begins.
5. Road standards outlined in Table 1 may be relaxed by the Planning Board if the applicant's design, in the judgment of the Board, with input from the Road Agent, Fire Department, and a professional engineer contracted by the Town for design review purposes (if

<sup>1</sup> Depending on site conditions, grades and roadway speed, additional site distance may be required. Typically, 35 mph road shall require 250 feet and 40 mph shall require 300 feet.

deemed necessary by the Board and at the applicant's expense), meets the following conditions:

- a. The subdivision, which the road will serve, is an Open Space Subdivision;
- b. The proposed road is not a through street and will not or cannot be extended;
- c. The road will not serve more than the number of lots proposed; or
- d. There will be no further subdivision of the lots. Proper deed restrictions shall be in place to assure no further subdivision can take place.

#### **H. Curbing**

1. Curbing may be required by the Planning Board where it is deemed appropriate and necessary for the purposes of drainage, slope stability and/or pedestrian safety. Curbing allowed includes straight granite, sloped granite, and bituminous cape cod berm.
2. The construction of curbing shall be in accordance with the attached details (Exhibits 4, 5, and 6).

#### **I. Sidewalks**

When the Planning Board determines that sidewalks are necessary, they shall be not less than four (5) feet in width and conforming to the grades of the street, and may be constructed on only one or on both sides of the street.

#### **J. Superelevation**

Where superelevation is necessary, the design shall conform to the recommendations of AASHTO for posted speed and  $e_{\max}=6\%$  and the Design Engineer shall provide appropriate documentation and calculations to demonstrate the safety and adequacy of the proposal.



## **II. CONSTRUCTION STANDARDS**

### **A. Subgrade:**

1. All trees and roots shall be stripped to below the base course of pavement and shoulders for the full width of the pavement and shoulders. All soft spots, peat, organic material, spongy soil, and other unsuitable materials shall be removed and replaced with suitable fill material approved by the Board or its agent. The subgrade fill or backfill shall be compacted in lifts not exceeding 12 inches in depth.  
The subgrade shall be graded in the general cross slope configuration shown on the Typical Roads Section (Exhibits 1 or 3). Underdrains shall be installed if necessary as determined by on-site conditions, by recommendation from the Town's engineer or Road Agent.
2. Boulders and/or ledge shall be removed to a depth of at least 12 inches below the subgrade level shown on the Typical Road Section (Exhibits 1 or 3). After removal to this depth they shall be covered by sand or gravel and compacted to the subgrade level.

### **B. Base Course:**

1. Bank-run gravel of good quality shall be spread over the entire width of the proposed pavement and gravel shoulders at a minimum depth of at least 12 inches, plus six (6) inches of processed crushed gravel.
2. The bank-run gravel and crushed gravel each shall be placed in lifts not exceeding six (6) inches and in the cross slope configuration shown on the attached Typical Roadway Section (Exhibits 1 or 3).

### **C. Compaction:** Roadway subgrade and base courses shall be compacted to 95% of maximum density Proctor method in accordance with AASHTO T-99.

### **D. Pavement Materials:**

- Base Course of two (2) inches conforming to Type B of the NHDOT Specifications.
- One inch "Wearing Course" conforming to Type F of the NHDOT Specifications.

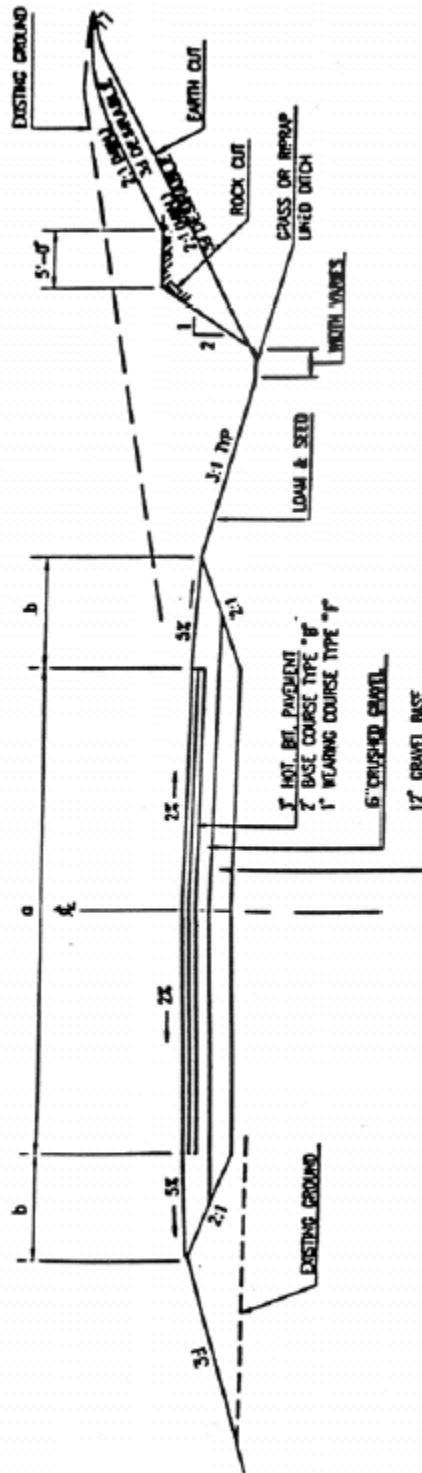
- E. Grades of all streets shall conform in general to the terrain and shall so far as practicable not exceed eight (8) percent, but in no case greater than ten (10) percent. No street shall have a grade of less than one-half of one percent (0.5%).
- F. All slopes shall be graded, loamed, mulched and seeded. No slope, cut or fill will be greater than one horizontal to two vertical in ledge (1:2), or two horizontal to one vertical (2: 1) in all other materials.
- G. All proposed drainage facilities and culverts shall be installed. All culverts shall extend at least seven feet beyond the edge of pavement toward the drainage ditch. Natural watercourses shall be cleaned and increased in size where necessary to take care of storm runoff.  
Drainage swales at least three (3) feet in width and 16 inches in depth at its midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway. Drainage facilities must be adequate to provide for the removal of stormwater to prevent flooding of the pavement and erosion of adjacent surfaces. The minimum depth of cover from the ground surface to the top of pipe shall be 36 inches in roadways or 24 inches in other areas.
- H. The applicant's engineer shall provide such information, as the Board deems necessary to determine the effect of the subdivision on the existing downstream drainage facilities outside the area of the subdivision. Where the Board anticipates that the additional run-off from the proposed project will overload an existing downstream drainage facility so that there will be damage to private property or an increase of the expenditure of public funds, the Board shall not approve the subdivision until the applicant makes adequate provisions to address all potential off site drainage issues.
- I. Recommendations from the Town Road Agent shall be requested regarding locations of culverts, drainage, and type and quality of fill and subfill and considered by the Board in reviewing and approving the plans.

### **III. DRIVEWAY STANDARDS**

- A. No driveway shall be constructed within 50 feet of the intersection of two public roads.
- B. When two proposed driveways on the same side of the road are within 50 feet of each other, the Planning Board may require a common access to be used, for reasons of safety and topographical considerations.
- C. In all cases, the driveway shall be wide enough to accommodate emergency vehicles. The width of driveways shall not exceed 50 feet for Commercial drives or 30 feet for residential drives, measured parallel to the centerline of the roadway centerline at the roadway right-of-way.

The driveway entrance may be flared as it approaches the road; however the flare may not extend beyond the applicant's frontage without written approval from the abutter.

- D. The maximum driveway grade, of the first 50 feet of driveway length from an existing or proposed road, shall not exceed +/- 6 percent. In uncurbed areas, a negative slope from an existing or proposed road shall extend a minimum of 20 feet before a positive driveway slope begins. Where sidewalks cross a driveway, the grade of the driveway shall not exceed +/- 2 percent. The maximum driveway grade at any distance greater than 50 feet from an existing or proposed road shall not exceed 10 percent.
- E. A minimum of 200 feet all season safe sight distance in each direction is required. As noted in Table 1 above, additional site distance may be required based upon grades, roadway speed or other factors.
- F. If a culvert is required for proper drainage, the culvert shall be a minimum of 15 inches inside diameter and shall be new smooth plastic pipe in accordance with Section 603 of the NHDOT Standard Specifications. Other pipe material may be required if warranted by proper engineering conditions. The culvert shall be long enough, extending a minimum of 6 feet beyond the edge of pavement, to maintain the driveway width dimensions and 3:1 side slopes.
- G. Driveways shall not interrupt the natural or ditch line flow of stormwater. Where shallow ditch lines or natural drainage courses exist, driveways may be swaled at a point beyond the shoulder to accommodate the flow of stormwater.
- H. The drainage ditch grades at the inlet and outlet ends of the culvert shall be one-half inch to the foot minimum for a distance to be determined by the Road Agent.
- I. The contractor shall give 24-hour notice to the Road Agent before starting construction.



SEE TABLE I FOR a AND b DIMENSIONS

a = ROADWAY WIDTH  
b = SHOULDER WIDTH

# TYPICAL SECTION PAVED ROADS

NOT TO SCALE

EXHIBIT 1

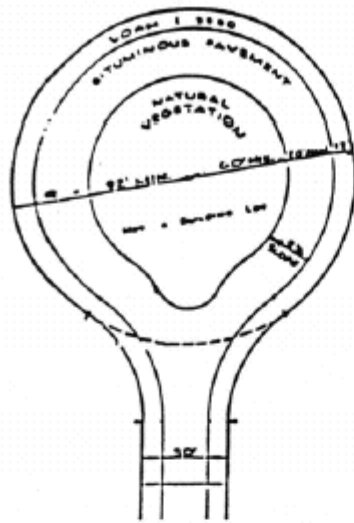


EXHIBIT 2A  
CIRCULAR WITH ISLAND

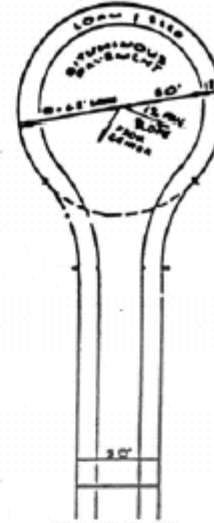


EXHIBIT 2B  
CIRCULAR PAVED

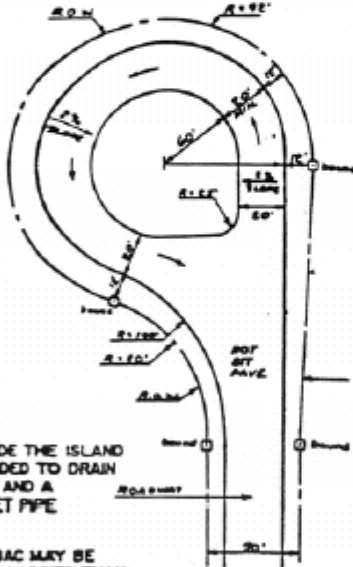


EXHIBIT 2D  
REVERSE "P" DESIGN

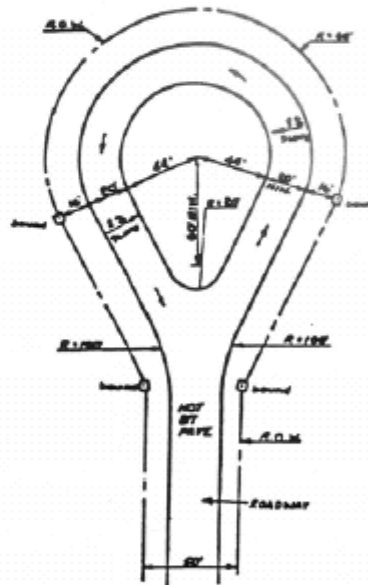


EXHIBIT 2C  
"TEAR DROP" DESIGN

NOTES:

1. THE AREA INSIDE THE ISLAND SHALL BE GRADED TO DRAIN TO THE INSIDE AND A PROPER OUTLET PIPE PROVIDED.

2. THE CUL-DE-SAC MAY BE CONSTRUCTED LARGER THAN SHOWN HERE WITH THE APPROVAL OF THE PLANNING BOARD OR ITS AGENT. THE PAVEMENT WIDTHS SHOWN SHALL NOT BE REDUCED.

CUL - DE - SAC

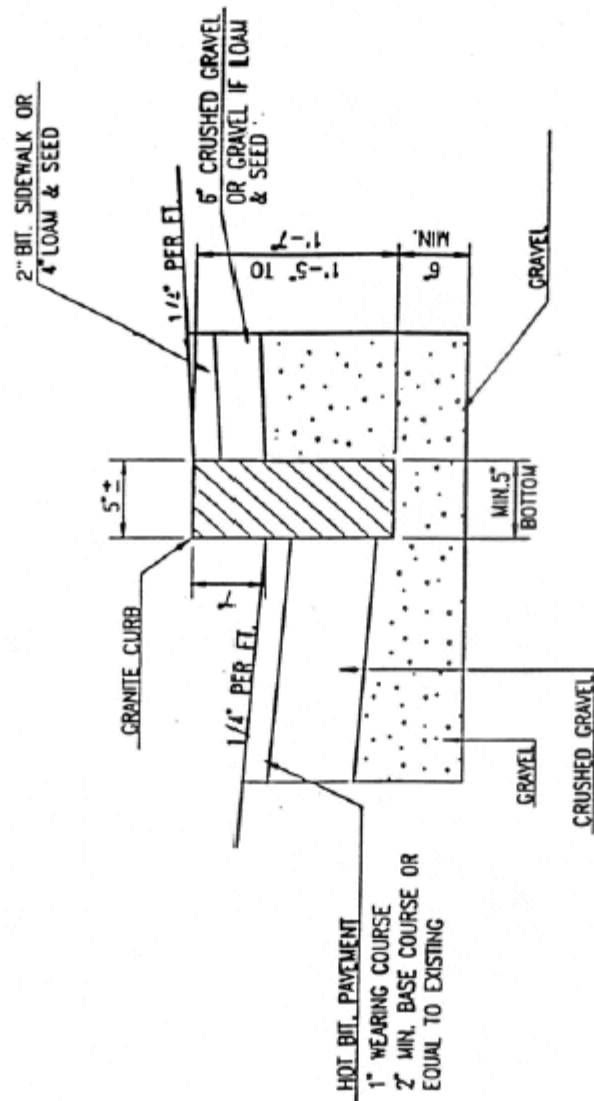
EXHIBIT 2

[illegible]

SEE TABLE I FOR *a* AND *b* DIMENSIONS

TYPICAL SECTION  
GRAVEL ROADS

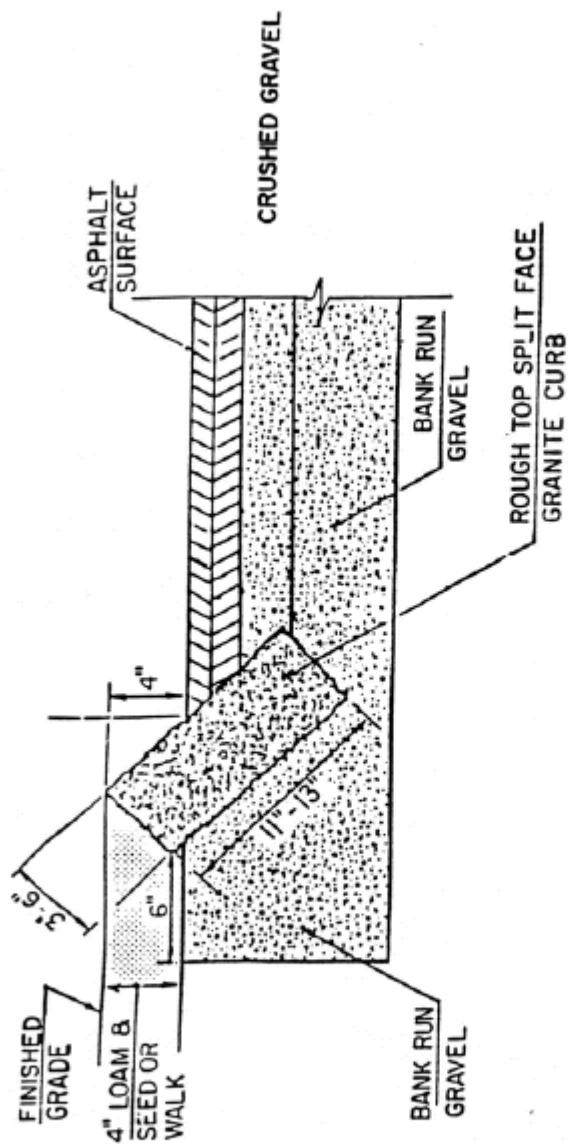
NOT TO SCALE



## **STRAIGHT - GRANITE CURB**

NOT TO SCALE

EXHIBIT 4

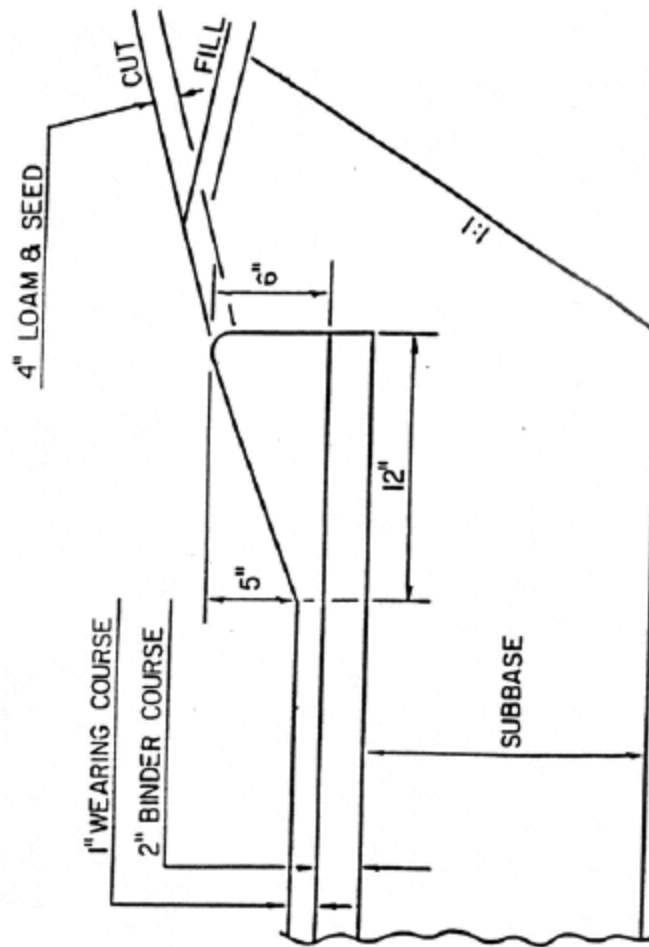


## SLOPED GRANITE CURB

NOT TO SCALE

EXHIBIT 5



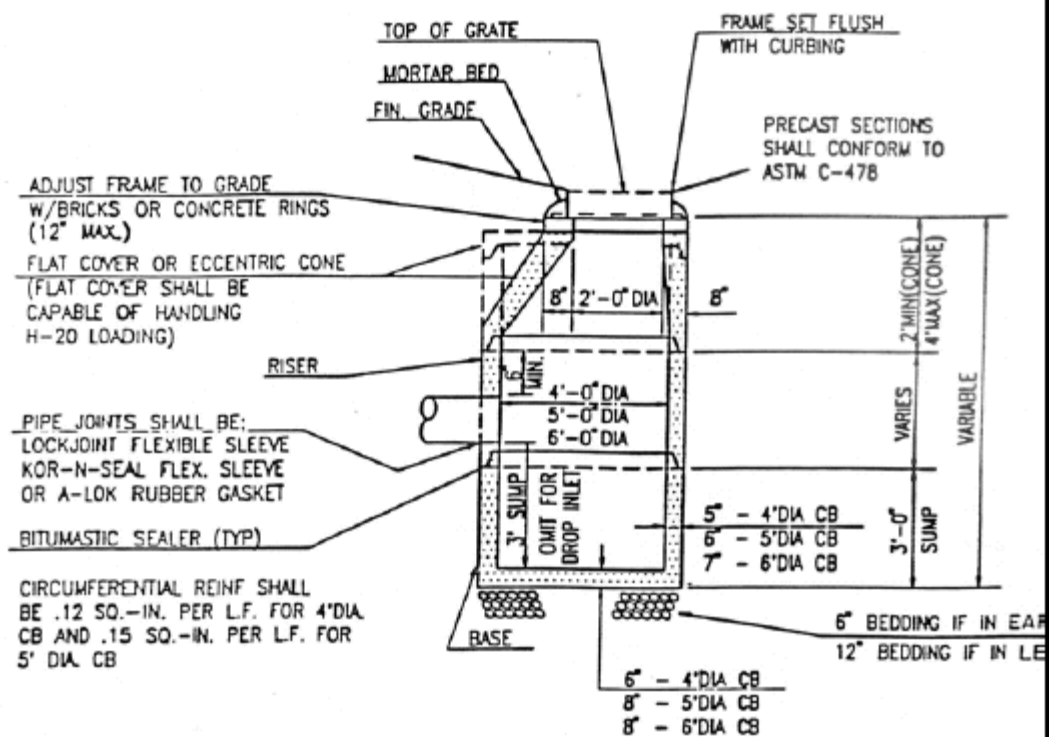
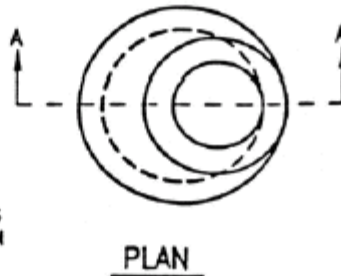


# **BITUMINOUS CAPE COD BERM**

NOT TO SCALE

EXHIBIT 6

NOTE: MORTARED CONCRETE BLOCK MAY BE USED IN PLACE OF PRECAST CONCRETE. MORTARED CONCRETE BLOCK CATCH BASINS AND MANHOLES SHALL CONFORM TO THE NHDOT STANDARDS.



## STANDARD CATCH BASIN

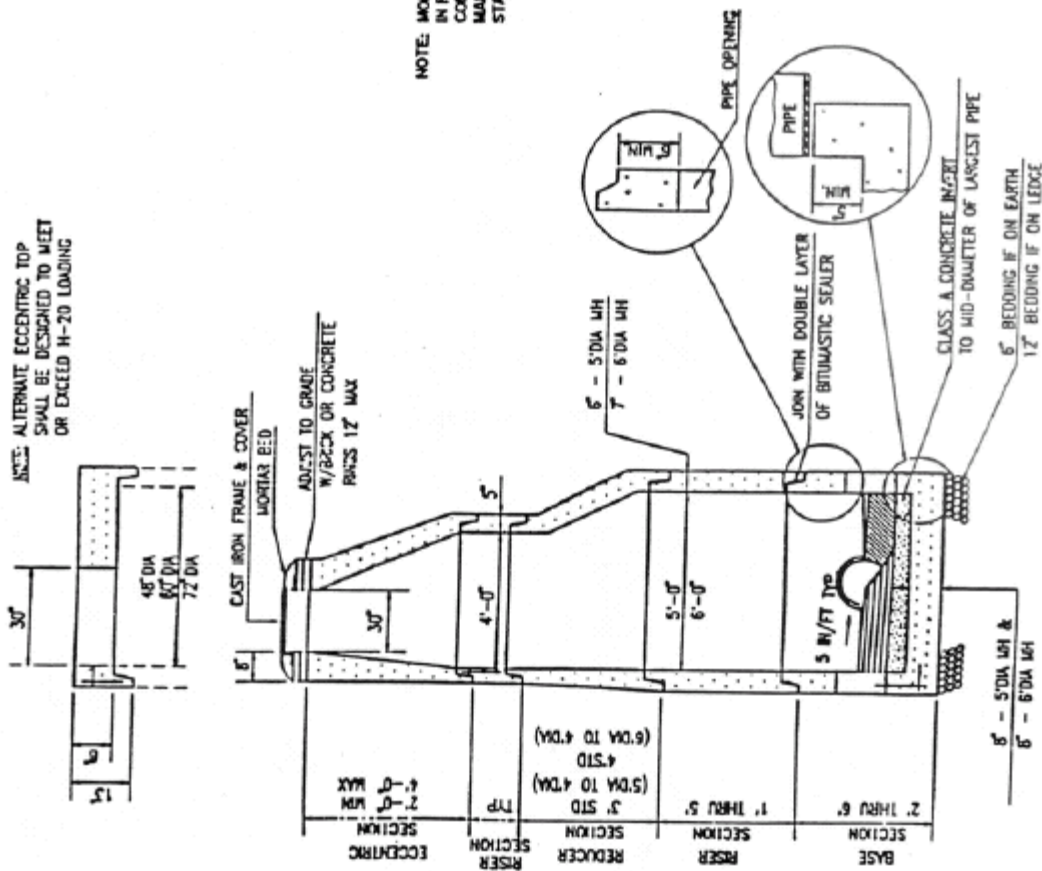
NOT TO SCALE

EXHIBIT 7

**GENERAL NOTES FOR MANS & C'S**

1. REINF STEEL SHALL CONFORM TO THE LATEST ASTM A183 SPEC  
 4" DIA SECS - 0.12 SQ-IN/UF  
 5" DIA SECS - 0.15 SQ-IN/UF  
 6" DIA SECS - 0.18 SQ-IN/UF  
 8" DIA SECS - 0.24 SQ-IN/UF
2. CONCRETE SHALL HAVE A COMPRESSIVE STRENGTH OF 4000 PSI MINIMUM
3. DESIGN SPECIFICATIONS SHALL CONFORM TO ASTM C-478 LATEST EDITION
4. BASE SECTIONS SHALL BE POURED MONOLITHICALLY

NOTE: MORTARED CONCRETE BLOCK MAY BE USED IN PLACE OF PRECAST CONCRETE MORTARED CONCRETE BLOCK CATCH BASINS AND MANHOLES SHALL CONFORM TO THE MDOT STANDARDS



**STANDARD DRAINAGE MANHOLES**  
 NOT TO SCALE

EXHIBIT 8

