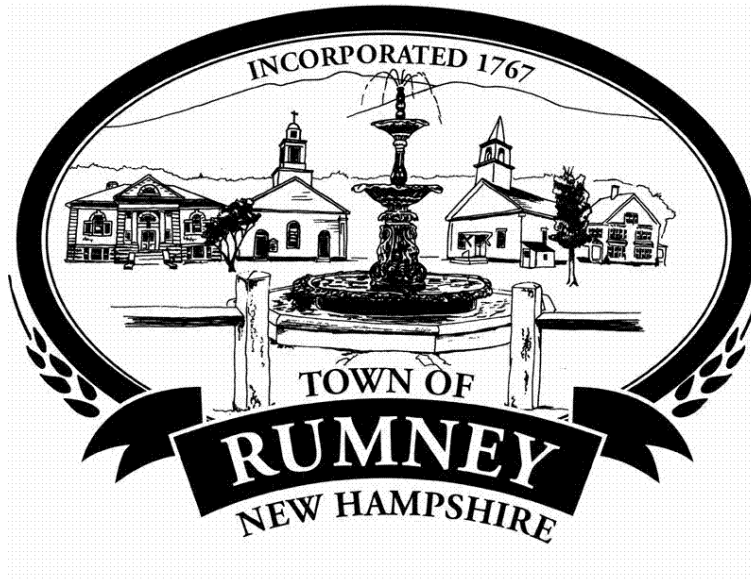


# **TOWN OF RUMNEY, NEW HAMPSHIRE PLANNING BOARD**



**SUBDIVISION REGULATIONS**  
**Adopted February 25, 2020**  
**Amended April 27, 2021**  
**Amended December 19, 2023**

## **TABLE OF CONTENTS**

<b>PART I. AUTHORITY AND DEFINITIONS</b>	<b>1</b>
<b>SECTION 1. PURPOSE, AUTHORITY AND AMENDMENT</b>	<b>1</b>
1.01 PURPOSE	1
1.02 AUTHORITY	1
1.03 TITLE	2
1.04 VALIDITY	2
1.05 AMENDMENT	2
<b>SECTION 2 DEFINITIONS</b>	<b>2</b>
2.01 DEFINITIONS	2
<b>PART II. PROCEDURES AND SUBMISSION REQUIREMENTS</b>	<b>6</b>
<b>SECTION 3. ADMINISTRATION AND ENFORCEMENT</b>	<b>6</b>
3.01 PLANNING BOARD APPROVAL REQUIRED	6
3.02 APPLICATION OF MOST RESTRICTIVE REGULATIONS	6
3.03 PROHIBITION OF SALE PRIOR TO SIGNING AND RECORDING	7
3.04 APPOINTED AGENTS AND ENFORCEMENT	7
3.05 ENFORCEMENT AND PENALTIES	7
3.06 APPEALS	7
3.07 ACCEPTANCE OF DEDICATED ROADS	7
<b>SECTION 4. APPLICATION PROCEDURES</b>	<b>7</b>
4.01 TIMING FOR FILING AN APPLICATION FOR SUBDIVISION APPROVAL	7
4.02 PUBLIC NOTICE	7
4.03 ADDITIONAL NOTICE REQUIREMENTS FOR DEVELOPMENTS OF REGIONAL IMPACT	8
4.04 APPLICATION FEES, ADMINISTRATIVE EXPENSES AND OTHER COSTS INCURRED BY THE TOWN AND THE BOARD	9
4.05 PRE-APPLICATION (Optional)	9
4.06 FINAL APPLICATION WITH PLAT	10
<b>SECTION 5. REQUIREMENTS FOR A COMPLETED APPLICATION FOR FINAL SUBDIVISION APPROVAL</b>	<b>11</b>
5.01 GENERAL REQUIREMENTS	11
5.02 MAP DOCUMENTATION	12
5.03 SOILS MAP AND REPORT	14
5.04 SUBDIVISION GRADING AND DRAINAGE PLAN	14
5.05 ROAD PLAN	15
5.06 ADDITIONAL DOCUMENTS	15
5.07 ADDITIONAL INFORMATION	17
5.08 MARKING OF LOTS	17
5.09 WAIVER REQUESTS	17

## **Part III. BOARD REVIEW OF FINAL APPLICATION 18**

### **SECTION 6. PROCESS FOR REVIEW AND APPROVAL OF SUBDIVISION**

	<b>APPLICATION</b>	<b>18</b>
6.01	CONSIDERATION AND ACTION ON FINAL PLAT	18
6.02	NOTICE OF ACTION ON THE FINAL PLAT	18
6.03	ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF ACTION	20
6.04	APPROVAL WITH CONDITIONS PRECEDENT	20
6.05	FAILURE OF THE BOARD TO APPROVE OR DISAPPROVE THE APPLICATION WITHIN THE SPECIFIED TIME LIMIT	20
6.06	SECURITY TO ENSURE CONSTRUCTION OF REQUIRED IMPROVEMENTS	21
6.07	INSPECTION FEES	21
6.08	DESCRIPTION AND RECORDING OF FINAL PLAT	22
6.09	FIVE-YEAR EXEMPTION	22
6.10	REVOCATION OF APPROVAL	23

### **SECTION 7. EXPEDITED REVIEW 24**

7.01	VOLUNTARY MERGER OF LOTS	24
7.02	LOT LINE ADJUSTMENTS AND BOUNDARY AGREEMENTS	25

## **PART IV: STANDARDS FOR DESIGN AND CONSTRUCTION 26**

### **SECTION 8: GENERAL PROVISIONS 26**

8.01	EFFECT ON OTHER LOTS	26
8.02	COMPLIANCE WITH OTHER ORDINANCES	26
8.03	CHARACTER OF LAND FOR SUBDIVISION	26
8.04	PROHIBITION OF PREMATURE OR SCATTERED SUBDIVISION	26
8.05	PRESERVATION OF EXISTING FEATURES	26
8.06	OFF-SITE IMPROVEMENTS	26
8.07	PROTECTION OF NATURAL RESOURCES	27
8.08	CONDOMINIUM CONVERSION OF ADUS	27

### **SECTION 9. LOT AND SITE LAYOUT 27**

9.01	GENERAL REQUIREMENTS	27
9.02	SPECIFIC CRITERIA	28

### **SECTION 10. STANDARDS FOR UTILITIES AND SERVICES 32**

10.01	UTILITIES	32
10.02	STORMWATER MANAGEMENT	32
10.03	FIRE PROTECTION	33

### **SECTION 11. ROAD LAYOUT AND DESIGN 33**

11.01	CONFORMANCE OF ROADS TO CONSTRUCTION STANDARDS	33
11.02	ROAD LAYOUT	34
11.03	DEAD-END ROADS	34
11.04	ROAD NAMES	34
11.05	RIGHT-OF-WAY	34
11.06	ALIGNMENT	35
11.07	GRADES	35

11.08	CLEARING	35
11.09	SUBGRADE PREPARATION	35
11.10	MATERIAL SPECIFICATIONS	35
11.11	GRAVEL BASE	35
11.12	ROAD SURFACE	35
11.13	GRAVEL SHOULDERS	36
11.14	BRIDGES	36
11.15	SIDEWALKS	36
11.16	STORMWATER AND EROSION CONTROL	36
11.17	WETLANDS	36
11.18	UTILITIES	36
11.19	SAFETY	37
11.20	TRAFFIC CONTROL	37
11.21	CONSTRUCTION SUPERVISION	37
11.22	MINIMUM STANDARDS	37
<b>PART V. CONSTRUCTION OF SUBDIVISION</b>		<b>39</b>
<b>SECTION 12 CONSTRUCTION OF IMPROVEMENTS</b>		<b>39</b>
12.01	TIME FOR COMPLETION OF CONSTRUCTION	39
12.02	RELEASE OF SECURITY	39
12.03	ENFORCEMENT OF SECURITY	39
12.04	CORRECTION OF DEFICIENCIES	39
12.05	EROSION CONTROL AFTER CONSTRUCTION	40
12.06	SUPERVISION OF CONSTRUCTION	40
12.07	INSPECTION OF IMPROVEMENTS	40
12.08	CERTIFICATION OF COMPLIANCE	40
<b>SECTION 13 MONUMENTS</b>		<b>40</b>
13.01	MONUMENTS	40
<b>SECTION 14. CONVEYANCE OF EASEMENTS AND RIGHTS-OF-WAY</b>		<b>41</b>
14.01	CONVEYANCE OF EASEMENTS AND RIGHTS-OF-WAY	41

## **PART I. AUTHORITY AND DEFINITIONS**

### **SECTION 1. PURPOSE, AUTHORITY AND AMENDMENT**

#### **1.01 PURPOSE**

The purpose of these Regulations is to foster the development of an economically and environmentally sound and stable community, and to safeguard and protect the people of the Town of Rumney, the taxpayers, and the public from the consequences of improper subdivision, haphazard growth and development, by:

- A. Protecting and preserving the environmental and rural character of the Town, its interests, values, and concerns according to the adopted Master Plan, through providing for the harmonious development of the Town and its environs; and implementing to the extent possible the vision and priorities established in the Master Plan.
- B. Preventing such scattered or premature subdivisions as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, safe and maintained roads, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services.
- C. Providing that land submitted to the Planning Board for subdivision shall be of such character that it can be used for building purposes without danger to health.
- D. Assuring the adequate provision of safe and convenient traffic access and circulation, through the proper location, design, construction, arrangement and coordination of roads and ways within a subdivision, and in relation to existing or planned roads, including access for firefighting apparatus and equipment.
- E. Providing for open spaces of adequate proportions.
- F. Including provisions which will tend to create conditions favorable to health, safety, convenience, and prosperity.
- G. Providing uniform standards and procedures for observance by both the applicant and the Planning Board, thus encouraging the equitable handling of all subdivision plans.
- H. Ensuring that any other pertinent state or local laws or regulations are satisfied.

#### **1.02 AUTHORITY**

Pursuant to the authority granted by the voters of the Town of Rumney at the 1961 Annual Town Meeting, and in accordance with the provisions of Chapter 674: Section 35, N.H. Revised Statutes Annotated, as amended, the Rumney Planning Board adopts

the following Regulations governing the subdivision of land in the Town of Rumney, New Hampshire.

**1.03 TITLE**

These Regulations shall be known as the Town of Rumney Subdivision Regulations.

**1.04 VALIDITY**

If any portion of these Regulations is found for any reason to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of these Regulations.

**1.05 AMENDMENT**

These Regulations may be amended whenever such action is deemed advisable by the Board, following a duly noticed public hearing on the proposed amendment. All changes to these Regulations shall become effective when adopted and signed by a majority of the Planning Board members and filed with the Town Clerk. The amendment shall also be filed with the Selectboard and NH Office of Strategic Initiatives.

## **SECTION 2 DEFINITIONS**

**2.01 DEFINITIONS**

Abutter: Any person whose property is located in New Hampshire and adjoins or is directly across the road 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 road or stream from the land under consideration by the local land use board.

In the event that the statutory definition of "abutter" (RSA 672:3) is changed, then it shall be assumed that the definition in these Regulations has changed in the same manner at the same time.

Accessory Dwelling Unit: An accessory dwelling unit means a single residential living unit that is within or attached to a single-family dwelling, has an interior door connecting the accessory dwelling unit and single-family dwelling, and provides independent living

facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit.

Back Lot: A lot without road frontage, approved pursuant to Section 9.02.B.5.

Board: The Planning Board of the Town of Rumney, New Hampshire.

Boundary Agreement: A boundary agreement is an agreement between two abutting landowners as to the location of a common boundary and is used whenever a precise point or line determining the boundary between two or more parcels of real property cannot be identified from the existing public record, monuments, and landmarks. The agreed boundary shall be shown on a plan to be recorded in the Grafton County Registry of Deeds.

Building: A constructed unit forming a shelter for persons, animals, or property and having a roof and being permanently located on the land.

Condominium: Real property and any interests therein that is subject to the Condominium Act, RSA 356-B.

Dwelling: A structure designed for residential occupancy. Also includes a manufactured home.

Dwelling Unit: Shall mean one or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

Final Plat: The final map, drawing or chart on which the applicant's plan of subdivision is presented to the Board for approval, and which, if approved, will be filed with the Registry of Deeds of Grafton County for recording.

Frontage: The length of any property line that abuts a road, lake or stream.

Interest Holders: For purposes of public notice, interest holders shall include:

- A. Property owner(s) and any assigned agents.
- B. Abutters as indicated in town records not more than five (5) days before the day of filing.
- C. Holders of conservation, preservation, or agricultural preservation restrictions as defined under RSA 477:45.
- D. Owners of any easements or rights-of-way.

- E. Each engineer, architect, land surveyor, soil scientist or other professional whose professional seal appears on any plat submitted to the Board.

For those proposals in which any structure or proposed building site will be within 500' of the top of the bank of any lake, pond, river, or stream, a notice shall be sent to: NHDES Dam Bureau, 29 Hazen Drive; PO Box 95, Concord, NH 03302-0095 (RSA 676:4(I)(d)(2)).

Lot: A parcel of land as shown and identified as such on a plat. Land to be divided by a proposed road shall be considered to be separate lots on each side of the road.

Lot Line Adjustment: The sale, transfer, or other conveyance of land to the owner of adjoining land which does not increase the number of parcels or lots and does not result in any lots that do not conform to the requirements of these Regulations.

Manufactured Home: The term manufactured home shall mean any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required facilities, which include plumbing, heating and electrical systems contained therein.

NHDES: New Hampshire Department of Environmental Services.

Ordinary High Water Mark: The line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

Road: A street, avenue, lane, highway, and/or any other way which exists for vehicular travel, whether or not maintained by the town or state, exclusive of a driveway serving not more than two adjacent lots or sites.

Site: That portion of a lot, tract or parcel of land upon which a dwelling or other building is placed.

Slope: The steepness or grade of the land surface expressed as a percentage by dividing the vertical distance by the horizontal distance (rise/run x 100).

Soil Type: As defined and classified by the USDA National Cooperative Soil Survey.

Subdivision: Per RSA 672:14:

- A. "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or



future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. It does not include adding an accessory dwelling unit to an existing single-family dwelling.

- B. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.
- C. The grant of an easement in gross to a public utility for the purpose of placing and maintaining overhead and underground facilities necessary for its transmission or distribution network such as poles, wires, cable, conduit, manholes, repeaters and supporting apparatus, including any unstaffed structure which is less than 500 square feet, shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose.
- D. The rent, lease, development, or grant of an easement to a person for the purpose of placing and maintaining a wireless communications facility shall not be construed as a subdivision under this title, and shall not be deemed to create any new division of land for any other purpose. For purposes of this paragraph, "wireless communications facilities" means any towers, poles, antennas, or other unstaffed structure of less than 500 square feet intended for use in connection with licensed transmission or receipt of radio or television signals, or any other licensed spectrum-based transmissions or receptions. This paragraph shall not be deemed to affect other regulatory authority over wireless communications facilities.

**Subdivision, Minor:** A Minor Subdivision is any subdivision resulting in no more than three (3) lots or sites, each with Board-approved access to an existing, publicly-maintained road, or existing private road previously approved by the Planning Board, and not involving any new or extended roads, common water supply or wastewater disposal, stormwater facilities, or other public improvements.

A parcel of land, which has been subjected to Minor Subdivision, shall not be eligible for further subdivision under the Minor Subdivision procedures for a period of ten (10) years from the date of the most recent Minor Subdivision approval. Any further subdivision within ten (10) years is subject to Major Subdivision requirements.

If, in the judgment of the Board, the subdivision as initially presented does not meet the requirements for a Minor Subdivision as stated in the Definition, the Board may require a subdivision to be processed as a Major Subdivision.

**Subdivision, Major:** A Major Subdivision is any subdivision which does not meet the criteria for a Minor Subdivision. Major subdivision also includes re-subdivision of a lot subdivided under the Minor Subdivision procedures within the previous ten years.

Survey Plan: A drawing produced by and signed by a New Hampshire-licensed land surveyor representing the legal description of property including, but not limited to, lot boundaries. Same as plat.

Voluntary Merger of Lots: The voluntary merger of two or more contiguous pre-existing approved or subdivided lots, which share the same owner, for the purposes of municipal regulation and taxation (RSA 674:39-a).

Wetlands: Area that is inundated or saturated by surface water and/or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted to life in saturated soil conditions (RSA 482-A:2(X)).

## **PART II. PROCEDURES AND SUBMISSION REQUIREMENTS**

### **SECTION 3. ADMINISTRATION AND ENFORCEMENT**

#### **3.01 PLANNING BOARD APPROVAL REQUIRED**

All lot line adjustments, boundary agreements, voluntary mergers of lots, and major and minor subdivisions, including development of condominium units, as defined in these Regulations, require approval by the Board in accordance with these Subdivision Regulations. The construction or establishment, on an existing lot, of an additional building, dwelling unit, or use of land which is not accessory to the principal building, dwelling unit, or use of land on the property, shall be deemed a subdivision, and shall require approval under these Regulations. Approval shall be obtained before any construction, land clearing or building development is begun, before any permit for the erection of any building in such proposed subdivision shall be granted, before any contract or offer for sale, rent, condominium conveyance or lease of lots in the subdivision shall have been negotiated, before converting a property to condominium or time-share ownership, and before any subdivision plat may be filed in the Grafton County Registry of Deeds. The owner(s) or authorized agent shall apply in writing to the Board on a form provided by the Board and secure approval of such proposed subdivision, condominium development, lot line adjustment, boundary agreement or lot merger in accordance with these Regulations.

In all instances the applicant is required to comply with NHDES regulations and State of NH Building and Safety Codes.

#### **3.02 APPLICATION OF MOST RESTRICTIVE REGULATIONS**

Whenever the subdivision is subject to other restrictions contained in statutes, ordinances or other regulations, it is intended that the most restrictive regulations shall apply.

**3.03 PROHIBITION OF SALE PRIOR TO SIGNING AND RECORDING**

Pursuant to RSA 676:16, no sale, transfer or other conveyance of any part of a proposed subdivision shall be entered into by the property owner until an approved final plat has been signed by the Board and recorded in the Grafton County Registry of Deeds.

**3.04 APPOINTED AGENTS AND ENFORCEMENT**

The Board may appoint agents responsible for receiving documents, survey plans and plats, checking them for completeness, advising the Board on their compliance with these Regulations, and inspecting improvements. Expenses involving more than routine administration which relate to a specific subdivision shall be borne by the applicant.

**3.05 ENFORCEMENT AND PENALTIES**

These Regulations shall be enforced by the Board of Selectmen, who may exercise all remedies in RSA 676.

**3.06 APPEALS**

Any person aggrieved by a decision of the Board may appeal to the Superior Court as provided for by RSA 677:15.

**3.07 ACCEPTANCE OF DEDICATED ROADS**

A road shown on an approved subdivision plan constructed as required by the Board may be accepted as a Class V town-maintained highway only by action of the town meeting as provided in RSA 674:40, or pursuant to RSA 674:40-a if applicable.

**SECTION 4. APPLICATION PROCEDURES****4.01 TIMING FOR FILING AN APPLICATION FOR SUBDIVISION APPROVAL**

All applications to the Board for subdivision approval shall be delivered to the Board or its designated agent on the appropriate form as approved by the Board, at least twenty-one (21) days before the regularly scheduled meeting at which formal application is to be submitted to the Board.

**4.02 PUBLIC NOTICE**

When notice is required in these Regulations or required by RSA 676:4, I (d)(1), the Board shall give notice as follows:

- A. A copy of the notice shall be sent by certified mail to the interest holders at least ten (10) days prior to the public meeting/hearing. For the purposes of these Regulations, in counting days, the day on which notice is given and the day of the public meeting/hearing shall be excluded.
- B. Notice to the general public shall be given by the Board at least ten days prior to the public meeting/hearing. The Board shall post copies of the notice in two public places in town, one of which may be the Town of Rumney's website.

- C. The notice must include a general description of the application and shall identify the applicant and the location of the property referenced by the application. The notice must also indicate the date, time and place of the public meeting/hearing and whatever is the subject of the notice.
- D. Additional notice of an adjourned session of a public meeting/hearing is not required if the date, time and place of the adjourned session is made known at the prior meeting/hearing.
- E. The applicant shall pay, in advance, all costs of notice. Failure to pay costs may be the basis for disapproval of the application without a public hearing.

**4.03 ADDITIONAL NOTICE REQUIREMENTS FOR DEVELOPMENTS OF REGIONAL IMPACT**

Pursuant to the provisions of RSA 36:56, upon receipt of an application for subdivision, the Board shall review it and determine whether or not the development, if approved, could reasonably be construed as having a regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact. This regional impact could result from a number of factors, such as, but not limited to, the following:

- A. Relative size or number of lots or units compared with existing stock.
- B. Proximity to the borders of a neighboring community.
- C. Transportation networks.
- D. Anticipated emissions such as light, noise, smoke, odors or particles.
- E. Proximity to aquifers or surface waters which transcend municipal boundaries.
- F. Shared facilities such as schools and solid waste disposal facilities.

Pursuant to RSA 36:57, upon determination that a proposed development has a potential regional impact, the Board shall afford the Regional Planning Commission and the affected municipalities the status of abutters for the limited purpose of providing notice and giving testimony. Not more than 5 business days after reaching a decision that a development has regional impact, the Board shall, by certified mail, furnish the Regional Planning Commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The Board shall, at the same time, submit an initial set of plans to the Regional Planning Commission, the cost of which shall be borne by the applicant. At least fourteen (14) days prior to the public hearing, the Board shall notify, by certified mail, all affected municipalities and the Regional Planning Commission of the date, time and place of the hearing and their right to testify concerning the development.

**4.04 APPLICATION FEES, ADMINISTRATIVE EXPENSES AND OTHER COSTS INCURRED BY THE TOWN AND THE BOARD**

The applicant shall pay the application fees according to the Schedule of Fees adopted by the Board. In addition, the Board may require the applicant to pay additional reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters that may be required by a particular application as provided for in RSA 676:4, I(g). Such additional fees may also include an appropriate allocation of legal fees incurred by the Board.

**4.05 PRE-APPLICATION (OPTIONAL)**

The Board encourages applicants to take advantage of an optional Preliminary Conceptual Consultation and/or Design Review. Pre-application shall be separate and apart from formal consideration, and the time limits for acting under Section 6.01 shall not apply until a formal application is submitted under Section 4.06. Participation in pre-application review can help prevent delays and redesign costs by making sure requirements are understood prior to preparing a final application.

**A. Preliminary Conceptual Consultation**

**PROCEDURE:** This phase in the review process is optional for the applicant and is made available by the Board in order to save the applicant expense and unnecessary changes later on. The Board encourages the applicant to meet with the Board.

If the applicant so requests, the Board shall place on its agenda for a regularly scheduled meeting a preliminary conceptual consultation between the applicant and the Board. Such discussion may occur without formal public notice. However, no discussions beyond the preliminary conceptual consultation shall take place without providing notice as described in Section 4.02. Such consultation shall not bind either the applicant or the Board. There is no application fee for this phase.

Preliminary Conceptual Consultation shall be directed toward:

1. Reviewing the basic concepts of the proposal.
2. Reviewing the proposal with regard to the Town Master Plan.
3. Reviewing the Town's Subdivision Regulations and designating the proposal as a major or minor subdivision, or other categorization.
4. Guiding the applicant relative to necessary state and local requirements.

**INFORMATION REQUESTED:** The applicant should provide the Board with a sketch plan showing the location and type of the proposed development, with additional information, such as general topography, including prominent natural features of the tract, and, if applicable, how the concept conforms to the Master Plan. The Board shall not review any detailed plans during this process without providing notice as described in Section 4.02.

**NO ACTION OF THE BOARD:** Following the preliminary conceptual consultation, and after determining the general character of the proposed subdivision, the Board shall advise the applicant concerning subsequent procedures and submission requirements.

**B. Design Review**

**PROCEDURE:** If the applicant chooses the option of Design Review, the applicant is required to submit to the Board for review a preliminary plan of the proposed subdivision. This includes:

1. A complete preliminary application form.
2. Three sets of mailing labels containing the names and addresses of all the interest holders (per definition in Section 2.01) as indicated in town records not more than five days before the day the application is delivered to the Board or designee.
3. Payment to cover application fees, costs of notice and any other costs.
4. Two (2) copies of a preliminary plat for subdivision approval.

This information shall be delivered to the Board or its designated agent at least twenty-one (21) days before the meeting at which said application is to be reviewed. The Board shall give formal public notice of the Design Review pursuant to Section 4.02, which shall be conducted only at the regular monthly meeting of the Board. The Board may review the proposal in detail and receive testimony in person or in writing from any applicant, any abutter, or any other person as permitted by the Board. This phase in the subdivision review process is optional for the applicant and is made available by the Board in order to save the applicant expense and changes later on. This phase is especially valuable for complicated applications.

**INFORMATION REQUESTED:** Preliminary plans should show substantially the same information described in Section 5. Requirements for a Completed Application for Final Subdivision Approval. However, dimensions may be approximate and data may be tentative. The preliminary plan should be sufficiently clear to establish the basis of and to clarify the design requirements for the subdivision final plat.

**NO ACTION OF THE BOARD:** During this review phase, the applicant may be alerted to site problems that can be resolved or mitigated before the final plans are submitted. Such preliminary review shall bind neither the applicant nor the Board. At a public meeting, the board may determine that the preliminary plan review period is complete and shall inform the applicant in writing within 10 days of such determination.

**4.06 FINAL APPLICATION WITH PLAT**

**PROCEDURE:** A completed final application for subdivision approval shall be delivered to the Board or its designated agent at least twenty-one (21) days before the meeting at which said application is to be reviewed for completeness.

**REQUIREMENTS FOR A COMPLETED APPLICATION:** As provided for in RSA 676:4, I(b): A completed final application shall contain all of the applicable items described in Section 5: Requirements for a Completed Application for Final Subdivision Approval.

**ACTION OF THE BOARD:** The Board shall, at the next regular meeting after the application is delivered or within thirty (30) days after the delivery of the application for which notice has been given, review the application for completeness, as required by these Regulations. If determined to be complete, and all required fees and costs of notice have been paid, then the Board shall, by motion, accept the application as complete relative to jurisdiction of the Board per RSA 674:4, I(b).

If the Board finds the application to be incomplete, the applicant shall be notified of the deficiencies in writing. The Board may reject an application with no further action based upon failure to supply information required by these Regulations, failure to meet reasonable deadlines established by the Board, or failure to pay cost of notice or other fees required by the Board.

## **SECTION 5. REQUIREMENTS FOR A COMPLETED APPLICATION FOR FINAL SUBDIVISION APPROVAL**

### **5.01 GENERAL REQUIREMENTS**

The completed application for subdivision approval shall include:

- A. A completed application form signed by all owners of record. In the case of an agent, the application material shall include certification from all owners that the agent is authorized to act on their behalf.
- B. Six sets of mailing labels containing the names and addresses of all the interest holders (per definition in Section 2.01) as indicated in Town records not more than five days before the day the application is delivered to the Board or designee. (Three sets may be accepted if the public hearing notice will be combined with the notice of the meeting at which the submitted application will be reviewed for completeness. Should the notices be combined in this manner and the application not accepted as complete at the first meeting at which it is reviewed, an additional three sets of mailing labels will be required when the application has been accepted as complete and the public hearing has been scheduled.)
- C. Payment to cover application fees and costs of notice.
- D. Written waiver requests per Section 5.09 to relax the requirements in a specific section of these Regulations, if any, including justification for each request.
- E. Four (4) copies of each required map and application documents and a PDF.

**5.02 MAP DOCUMENTATION**

Each applicant shall deliver to the Board four (4) copies of a plat at a horizontal scale of not more than 100 feet to the inch. The overall sheet size shall be 22 by 34 inches with separate sheets numbered and showing their relationship to one another, in accordance with the requirements of the Grafton County Registry of Deeds. Margins shall be at least 1 inch on each side. The plan shall show or be accompanied by the following information:

- A. Proposed subdivision name or identifying title, names and addresses of applicant and engineer or surveyor, tax map number(s), date and date of any revisions, true north point, scale, and 1:24000 site location map inset showing location within the Town of Rumney. Subdivision name and plan number as recorded at Grafton County Registry of Deeds if the property had been previously approved for subdivision. Signature block for Board Chair and Secretary.
- B. Surveyed property lines and their bearings and distances, easements and rights-of-way, buildings, watercourses, ponds or standing water, regulated shoreland, flood hazard areas, rock ledges and other significant natural or cultural features. Boundaries and area of the entire parcel, whether or not all land therein is to be subdivided. In whatever manner is practicable, the subdivision boundary shall be referenced to some point, i.e., public street intersection or USGS benchmark.
- C. Names of owners of record of abutting properties; location of any buildings or utilities within 25' of the property line and all streams, ponds, wetlands, and wells within 100' of the property line; abutting subdivision names, roads, easements, setbacks, alleys, parks, and public open spaces.
- D. Contours with an interval of 10 feet within 100 ft. of the property line, along with elevations of significant points of relief.
- E. Existing wells, public water systems, septic systems, water mains, sewers, culverts, and drains; and proposed connections or alternative means of providing water supply and disposal of sewage and surface drainage. Location of suitable area for on-site disposal system and potential well site with protective radius.
- F. Existing and proposed lot lines, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.
- G. Location, names, and widths of existing and proposed roads with their approximate grades, and the design of road signs. Where future phases of the subdivision are planned a sketch of the prospective future road system shall be furnished.
- H. Location and size of any existing bridges or culverts.



- I. Location of all rights-of-way, easements and parcels of land proposed for dedication to public use, the conditions of such dedication, and a copy of private deed restrictions that are intended to cover part or all of the tract.
- J. The location and nature of all existing and proposed monuments shall be shown and described, including those to be set at street intersections, points of curvature and tangency of curved streets and at angles of lots
- K. Proposed road names and signage to be placed in accordance with the standards of the existing E-911 program. Roads which are to be kept private shall be designated as private roads on the plat.
- L. The location of existing and proposed driveways.
- M. Location and details of all existing and proposed utilities, including any common water supplies or wastewater disposal, telephone, electric, internet and cable if available.
- N. Sufficient data to determine readily the location, bearing and length of every road, right-of-way, lot, easement, reservation and boundary line, and to permit reproduction of such lines upon the ground. All dimensions shall be shown to the nearest hundredth of a foot and bearings to the nearest minute. The error of closure for blocks enclosed by roads shall not exceed 1 in 5000.
- O. Statements on the plat indicating:
  - 1. who is responsible for maintaining common infrastructure (if any),
  - 2. all driveways and other accesses to town roads or private subdivision roads (requires a town driveway construction permit),
  - 3. which roads are private, and
  - 4. no additional principal building or additional dwelling unit, other than an accessory dwelling unit, beyond those specified at the time of approval is permitted without re-subdivision.
- P. Any previously imposed conditions of approval placed on subject property, either agreed to and recorded in the minutes or a separate applicant agreement, or noted in the prior decision of approval, that may significantly affect future subdivision, as required by the Board.
- Q. The plan shall contain the following statement: *“The Subdivision Regulations of the Town of Rumney are a part of this plat, and approval of this plat is contingent on completion of all of the requirements of said Subdivision Regulations, excepting any waivers and/or modifications granted in writing by the Board.”*
- R. Name and seal of land surveyor licensed by the State of New Hampshire, as well as the names and seals of any other architect, engineer or other professional responsible for preparation of the plans presented to the Board.

**5.03 SOILS MAP AND REPORT**

For both Minor and Major Subdivision, a soils map and report shall be required for all lots proposed for on-site wastewater disposal and shall include the following:

- A. Location of all percolation test sites and soil test pits, including at least one percolation test site and soil test pit per proposed lot.
- B. Soil mapping units and boundaries based on the most recent Natural Resources Conservation Service mapping available or site-specific soils mapping.
- C. Legend identifying soil mapping unit symbols and soil type names and slope.
- D. The soils report shall include the results of all soil tests including dates, locations by reference to the map, percolation rates, and soil profile with depth to ledge, clay, hardpan, and existing and seasonal high water table, along with a statement by a septic system designer with a current NH permit that it is possible to construct a properly functioning subsurface disposal system of adequate size for the proposed use on each lot.

**5.04 SUBDIVISION GRADING AND DRAINAGE PLAN**

All applications for a Major Subdivision shall include a subdivision grading and drainage plan. This plan shall be submitted on a separate sheet or sheets and shall provide the following information for the entire area of the proposed subdivision, unless there is a determination by the Board that a lesser area is sufficient:

- A. Basic street and lot layout, with all lots numbered consecutively.
- B. Location of all existing and proposed buildings.
- C. Contours of existing grade at intervals of not more than five (5) feet. Intervals less than five (5) feet may be required depending on the character of the topography. Contour lines shall extend a minimum of 100 feet beyond the subdivision boundary.
- D. Final identification, location, elevation, grades and/or contours at intervals of not more than two (2) feet (smaller interval may be required depending on topography) for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
- E. The final identification and relative location of proposed soil erosion and sediment control measures and structures.
- F. Final drawings and specifications for each proposed soil erosion and sediment control measure and structure in accordance with guidelines acceptable to the Town of Rumney.

- G. Final drawings, details, and specifications for proposed flood hazard prevention measures and structures and for proposed stormwater retention basins.
- H. Final slope stabilization details and specifications.
- I. A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the time of exposure of each area prior to the completion of effective soil erosion and sediment control measures.

#### **5.05 ROAD PLAN**

Applications for a Major Subdivision involving construction of a new road, upgrading an existing road or construction of a driveway to serve a Back Lot shall include a road plan. The road plan shall include the following information:

- A. A map of existing and proposed road right-of-way lines, widths of roads, proposed names of new roads, dimensions of tangents, chords, and radii, location of all monuments to be set at road intersections, points of curvature and tangency of curved roads and angles of lots.
- B. Profiles of all proposed roads showing existing and proposed elevations along the centerlines and proposed grades. Profiles of existing roads may be required if, in the opinion of the Board, topography warrants it.
- C. Cross sections of all proposed roads at reasonable intervals and at all catch basins, bridges or culverts.
- D. Construction details of all roadways, bridges, culverts, curbing and walkways. (See Section 11 for layout and design requirements.)

#### **5.06 ADDITIONAL DOCUMENTS**

Where applicable to a specific subdivision, the following documents shall be submitted prior to signing and recording the final plat:

- A. Agreement to convey to the Town land to be used for roads, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts through the Town meeting process.
- B. Easements and rights-of-way over property to remain in private ownership.
- C. Private Roads:
  - 1. Roads that have not been accepted by the Town as Class V roads shall be clearly noted with the following statement noted on the plat or accompanying Notice of Action to be recorded with and referenced on the plat:

“The roads in this subdivision shall be classified as private. The Town of Rumney shall not be under any obligation to maintain or repair said roads. It is further understood that the Town of Rumney shall not be obligated to provide any services to the property owners in the subdivision which require the use of said private road or roads unless the town vehicle providing the service is able to pass safely over said road. The private roads will remain the sole responsibility of the property owner(s) of said roads in the subdivision during construction and during the life of said private roads. The road owner(s) in the subdivision shall be held responsible for any damages in the form of silting, erosion, slides, or pollution from said private roads to abutting property or water sources. There shall be included in every deed a statement that in the event, at any time in the future, any lot owner petitions the Selectmen to lay out the private road as a Town Road, then the road owner(s) shall be solely responsible for paying the cost of upgrading the road to the extent necessary to conform to Town Road specifications in effect at that time.”

2. Subdivisions with Private Roads shall be required to create a Road Maintenance Agreement that is enforced by covenant. A Road Maintenance Agreement will contain at least the following items at a minimum:
  - a. The legal description of all properties that have a right to use the road;
  - b. The legal owner of said road;
  - c. The way the responsibility for repairs is to be shared by the parties;
  - d. How the costs for repairs will be incurred by the parties;
  - e. The process for emergency repairs;
  - f. The consequences for non-participation in the Road Maintenance Agreement;
  - g. The statement “this agreement shall run with the land.”

The Road Maintenance Agreement shall be approved by the Planning Board as a condition of approval and cited on the recorded plan.

- D. Rights to drain onto or across other property, whether public or private, including a road.
- E. Copies of any proposed deed restrictions.
- F. Stormwater facility maintenance plan including responsible parties.
- G. Cost estimates for the determination of the amount of any required performance guarantee.

- H. Any permits required by any federal, state, or town agency having jurisdiction over any aspect of the proposed subdivision. All such required permits must be obtained prior to signing and filing of the final plat.

**5.07 ADDITIONAL INFORMATION**

In the case of either a Minor or a Major Subdivision, the Board may require such additional information to be provided, at the applicant's expense, as it deems necessary to evaluate the proposed subdivision in relation to the purposes and scope of these Regulations. Such additional information may include, but not be limited to, a study of the availability and impact on community services and facilities, impacts on natural resources, and engineering studies.

**5.08 MARKING OF LOTS**

At the earliest practical stage during the application, the applicant shall place on the ground clearly observable survey stakes or ribbons marking the corners of all proposed lots or sites.

**5.09 WAIVER REQUESTS**

**A. Waiver of Application Requirement**

Upon written request by the applicant, or upon the motion of any Board member, the Board may vote to waive, in whole or in part, any provision(s) of Section 5 when, in the majority opinion of the Board, such provision(s) would be inappropriate or superfluous to informed evaluation of the site in question.

If, during the course of its review, the Planning Board determines that the waived information is necessary to complete its review, then the applicant shall provide that information.

**B. Waiver of Standards**

Upon the written request by the applicant, the Board may grant a waiver or relaxation of the provisions of the Regulations as it deems appropriate per NH RSA 674:36, II(n), by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of these Regulations may only be modified or waived by the Board when:

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 subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulation.

In approving waivers, the Planning Board may require such conditions as will, in its judgment, substantially secure the objective of the standard or requirement of these Regulations that is being waived.

## **PART III. BOARD REVIEW OF FINAL APPLICATION**

### **SECTION 6. PROCESS FOR REVIEW AND APPROVAL OF SUBDIVISION APPLICATION**

#### **6.01 CONSIDERATION AND ACTION ON FINAL PLAT**

After delivery of an application and with proper notice as required in Section 4.02 herein, the Board shall determine if the application is complete and vote upon its acceptance at its next regular Board meeting or within 30 days. An application shall not be considered incomplete solely because it is dependent upon the issuance of permits or approvals from other governmental bodies. However, the Board may condition approval upon the receipt of such permits or approval.

The Board shall act to approve, approve with conditions, or disapprove the application within sixty-five (65) days of the date of acceptance of this complete application, subject to extensions and waiver as provided in accordance with RSA 676:4, I (c) (1).

At least one public hearing shall be held on an application prior to action by the Board, except for lot line adjustments, boundary agreements, or voluntary mergers. In the case of a Minor Subdivision, the public hearing may be noticed for the same meeting as the submission of the application, and, at the discretion of the Board, the public hearing may be held at that meeting provided the application is accepted as complete and all fees are paid.

After accepting an application, the Board in its review of the application may find that it requires additional information in deciding whether to approve or disapprove the application. Failure of the applicant to provide the needed information may result in the denial of the application on the basis that the Board has insufficient information to determine whether the requirements of these Regulations have been met.

The Board may apply to the Board of Selectmen, prior to the expiration of the sixty-five (65) day period, for an extension of time not to exceed ninety (90) additional days before acting to approve or disapprove the application, or the applicant may consent to an extension of time for the Board to act, provided that such consent shall be in writing. Failure to make a decision within the prescribed time will result in procedures to be followed in RSA 676:4 as shown in Section 6.05.

#### **6.02 NOTICE OF ACTION ON THE FINAL PLAT**

The Board shall notify the applicant in writing, signed by the Chair, of its actions on the final plat. In case of disapproval, the grounds for such disapproval shall be set forth in the Notice of Action, which shall become part of the public records of the Board. For the

purpose of calculating the 30-day period within which to file an appeal under RSA 677:15, the 30-day period will begin with the date following the date upon which the Planning Board voted to approve or disapprove the application. In case of approval, the Notice of Action shall set forth the following as applicable:

- A. A copy of any deed restriction submitted by the applicant and accepted by the Board. Deed restrictions shall be written on the final plat.
- B. Any conditions precedent required by the Board to be completed prior to signing and recording the final plat.
- C. Any conditions subsequent, for example, those dealing with restrictions on the use of property; long-term responsibility for maintenance of roads, stormwater and other utilities and facilities; safeguards that must be observed during development of the property or once the project is in use; and specifying which must appear on the final plat.
- D. All requirements for off-site improvements.
- E. Requirements regarding utilities.
- F. A description of land, if any, to be conveyed to the Town to be used for roads, open space and other public purposes, with transfer of title to such interests to be effective on such date as the Town accepts the land through the town meeting process.
- G. A description of any modification or waiver granted by the Board, including modifications of design standards.
- H. All agreements, if any, between the applicant and the Board concerning matters not required by these Regulations, but to be performed by the applicant.
- I. A statement that the subdivision shall be completed and constructed in conformity with the final plat and these Regulations.
- J. A statement that all improvements required by the Planning Board shall be completed and constructed at the sole expense of the applicant or the successors and assigns of the applicant.
- K. A reference to any security to be provided by the applicant as guarantee of performance in construction of the required improvements, as set forth in Section 6.06.
- L. Criteria established by the Board for determining “active and substantial development” and “substantial completion” pursuant to RSA 674:39 Five-Year Exemption and Section 6.09.

Unless all of the above information appears on the final plat to be signed and recorded, the Notice of Action shall be recorded at the Grafton County Registry of Deeds with the final plat.

**6.03 ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF ACTION**

The applicant shall acknowledge receipt of the Notice of Action and acceptance of all provisions set forth therein and shall return a signed copy of it to the Board for its records. Until such acknowledgment and acceptance has been delivered to the Board, no further action shall be taken with regard to the final plat. Failure to acknowledge receipt of Notice of Action and acceptance within ninety (90) days of mailing of the Notice of Action will cause approval to lapse.

Approval of the final plat shall lapse if such plat is not provided to the Planning Board for recording in the Registry of Deeds within 3 years from the date of acknowledgment and acceptance of the Notice of Action, unless the Board extends the time.

**6.04 APPROVAL WITH CONDITIONS PRECEDENT**

Conditional approval may become final without further public hearing when:

- A. Minor plan changes occur, whether or not imposed by the Board as a result of a public hearing, compliance with which is administrative and does not involve discretionary judgment;
- B. Conditions occur which are in themselves administrative and which involve no discretionary judgment on the part of the Board; or
- C. Conditions occur with regard to the applicant's possession of permits and approvals granted by other boards or agencies.

Approval shall lapse if the applicant fails to comply with all of the conditions precedent as set forth in the Notice of Action within 3 years or as extended with approval of the Board.

**6.05 FAILURE OF THE BOARD TO APPROVE OR DISAPPROVE THE APPLICATION WITHIN THE SPECIFIED TIME LIMIT**

The applicant, upon the failure of the Board to approve, conditionally approve or disapprove of the application within the time specified in Section 6.01, may on order from the Selectmen direct the Board to act within 30 days. If the Board does not act on the application within that 30 day time period, then within 40 days of the issuance of the order, the Selectmen shall certify on the applicant's application that the plat is approved pursuant to RSA 676:4, I(c)(1), unless within those 40 days the Selectmen have identified, in writing, some specific Subdivision Regulation with which the application does not comply. Such a certification shall constitute final approval for all purposes, including filing, recording and court review.

Failure of the Selectmen to issue an order to the Board, or to certify approval of the plat upon the Board's failure to comply with the order, shall constitute grounds for the



Superior Court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing regulations. If the Court determines that the failure of the Selectmen to act was not justified, the Court may order the municipality to pay the applicant's reasonable costs, including legal fees, incurred in securing such order.

**6.06 SECURITY TO ENSURE CONSTRUCTION OF REQUIRED IMPROVEMENTS**

In the event the applicant desires to obtain an endorsement on the final plat and the recording of the plat in the Registry of Deeds in order to sell lots in the approved subdivision prior to the construction of all required improvements, the applicant may request the Board to accept security in lieu of the completion of the improvements. The security shall secure the performance of all the terms and conditions of the Notice of Action within five (5) years from the date of acknowledgment and acceptance of the Notice of Action. If the applicant has not complied with the Notice of Action within the five (5) year period, the Town shall enforce its rights under the security.

The Board will determine the estimated cost of the improvements at the expense of the applicant, and the applicant will provide security using one of the following financial instruments as approved by the Town's legal counsel:

- A. Performance bond
- B. Irrevocable letter of credit
- C. Escrow account agreement

After security has been posted, and all other conditions precedent have been met, the final plat can be signed and recorded. The deadline for performance shall be coordinated with the expiration of the performance bond or letter of credit including additional time to allow for inspection by the Town. If necessary, the applicant will be responsible for renewing the security to extend to the installation of improvements; otherwise, the Board may revoke the approval as authorized in RSA 676:4-a, I(e).

Regardless of the amount of the security, the applicant shall be responsible for the actual cost for the completion of the improvements required by the Board. In the event of default and the balance of the work is done by the Town, and the applicant does not pay the additional amounts upon request by the Town, the Town shall take legal action as may be necessary. If the Town prevails, the Town shall request reasonable legal fees and expenses. As phases or portions of the secured improvements or installations are completed, the town shall release a portion of the security as provided in Section 12.03 herein.

**6.07 INSPECTION FEES**

The Board shall, at the time of plan approval, prior to the approval endorsement of the final plat, require the applicant to establish an appropriate escrow in an amount estimated by the Board to fully compensate the Town of Rumney for all inspection and testing

charges deemed necessary to confirm that construction is completed in conformance with the approved plans and/or applicable specification, codes and standards.

**6.08 DESCRIPTION AND RECORDING OF FINAL PLAT**

- A. Following approval, the applicant shall submit to the Board one mylar master in permanent black ink and four paper prints of the approved final plat. Mylars shall be in accordance with RSA 478 and the requirements of the Grafton County Registry of Deeds. Space shall be reserved on the plat for signing by the Chairman and Secretary of the Board and shall include any language required by the Board.
- B. In the event the applicant chooses to provide security as defined in Section 6.06, the final plat shall be signed by the Board at the time of receipt and approval of security and inspection fees and completion of all other conditions precedent, and registered at the Grafton County Registry of Deeds.
- C. In the event that construction of required improvements is not secured as provided in Section 6.06, construction of improvements shall be fully completed in accordance with the final plat, Notice of Action, and these Regulations prior to signing by the Board and filing of the plat with the Grafton County Registry of Deeds. No lots shall be conveyed, leased or rented until the plat is filed.
- D. Following signing, the Board shall cause the mylar plat to be recorded in the Grafton County Registry of Deeds. All graphic material and presentations shall be on the surface of the mylar plat. The act of recording an approved subdivision plat shall not in itself constitute acceptance by the Town of any road or easement shown thereon and roads shall be labeled as “private” where applicable.

**6.09 FIVE-YEAR EXEMPTION**

- A. (RSA 674:39) Every plat approved by the Board and recorded in the Registry of Deeds shall be exempt from all subsequent changes in subdivision regulations and other local land use ordinances and regulations, except those which expressly protect public health, such as water quality and sewage treatment requirements, for a period of five years after the date of approval, provided, however, that:
  - 1. Active and substantial development or building has begun on the site by the owner or his successor in accordance with the approved plat within 24 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 costs of roads, drains, sewers or other improvements is required in connection with such approval, such bond or other security remains current.
  - 2. Development remains in full compliance with the public health regulations and ordinances specified in this section.
  - 3. At the time of approval and recording, the plat conforms to the subdivision regulations then in effect at the location of such subdivision.

Once substantial completion of the improvements 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 other land use regulations shall operate to affect such improvements (RSA 674:39).

- B. For the purposes of Section 6.09 A., “substantial completion” of improvements shown on the plat shall be as determined by the Board with due regard to the scope and details of a particular project. This might include, for example, all subdivision roadways have been completed, all proposed utilities have been extended throughout the subdivision, all on-site stormwater management and erosion control improvements have been completed, and all other on-site and off-site improvements have been determined to be in compliance with the approved subdivision plan. If the Board does not specify which such improvements will constitute “substantial completion,” “substantial completion” shall then be interpreted as completion of ninety percent (90%) of the required improvements on a cost basis.
- C. For the purposes of Section 6.09 A.1., “active and substantial” development or building shall be as determined by the Board. “Active and substantial” development might be deemed to have occurred, for example, when roadways have been completed to the crushed gravel base course, stormwater management and erosion control measures have been installed on any disturbed or cleared areas, utilities have been extended to the site, and any required off-site improvements have been completed. If the Board does not specify which such improvements will constitute “active and substantial” development, “active and substantial” shall be interpreted as fifty percent (50%) of the required improvements on a cost basis. However, in no case will excavation of earth and/or clearing of trees alone be considered “active and substantial” development.
- D. The Board may, for good cause extend the 24-month period set forth in Section 6.09 A.1.

#### **6.10 REVOCATION OF APPROVAL**

A subdivision plat that has been filed with the Registry of Deeds may not be revoked in whole or in part, by the Board, except pursuant to RSA 676:4-a, and only under the following circumstances:

- A. At the request of, or by agreement with, the applicant or the applicant's successor in interest.
- B. When the applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
- C. When the applicant or successor in interest to the applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or if no

such time is specified, within the time periods otherwise specified in these Regulations.

- D. When the time periods specified have elapsed without any vesting of rights as set forth herein, and the plat no longer conforms to applicable ordinances and regulations (see Section 6.09).
- E. When the applicant or successor in interest to the applicant has failed to provide for the continuation of adequate security until such time as the work secured thereby has been completed (see Section 6.06).

The Board shall hold a duly noticed public hearing (see Section 4.02 which details the requirements for notice) prior to revocation of approval. Such notice shall include the Board's reason for the revocation.

A declaration of revocation, dated and endorsed in writing by the Board and containing reference to the recording information for the plat or other approval shall be filed for recording with the Grafton County Registry of Deeds, no sooner than 30 days after written notification of the revocation is served on the applicant or the applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later. If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration. The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation.

A revocation under this section may be appealed to the courts under RSA 677:15. This section does not affect the Town's authority to pursue other remedies or penalties.

## **SECTION 7. EXPEDITED REVIEW**

### **7.01 VOLUNTARY MERGER OF LOTS**

Pursuant to RSA 674:39-a any owner of two or more contiguous pre-existing approved or subdivided lots or parcels who wishes to merge them for municipal regulation and taxation purposes may do so by applying to the Board. Persons wishing to perform a voluntary merger of adjoining lots should contact the Board and ask to be placed on the agenda for its regular meeting. A completed voluntary merger application must be delivered prior to scheduling a meeting for evaluation by the Board.

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 plan need be recorded, but a notice of merger containing a description of the two lots merged into one lot, including tax map and lot numbers, and signed by the Board, shall be filed in the Grafton County Registry of Deeds under the name of the owner or owners as grantors, and a copy shall be provided to the town assessing official for attachment to the Town's tax assessing records.

If there is any mortgage on any of the lots, the applicant shall give written notice to each mortgage holder at the time of the submission of the application. The written consent of each mortgage holder shall be required as a condition of approval of the merger and shall be recorded with the notice of the merger. Upon recordation of the notice and each consent, the mortgage or mortgages shall be deemed by operation of law to apply to all lots involved in the merger. The municipality shall not be liable for any deficiency in the notice to mortgage holders.

Any future subdivision of the merged lot shall require subdivision approval.

## **7.02 LOT LINE ADJUSTMENTS AND BOUNDARY AGREEMENTS**

Lot line adjustments or boundary agreements require the approval of the Board to make certain that no new or non-conforming lots will be created. If a proposal meets the requirements for a lot line adjustment or boundary agreement, the applicant may request expedited approval by submitting the following materials to the Board or designee at least 21 days before a regular Board meeting:

- A. Completed application for approval of a lot line adjustment or boundary agreement.
- B. Names and addresses of all interest holders.
- C. All applicable fees.
- D. A detailed survey plan shall be submitted to the Board showing and labeling the new property line or lines created, and dotted lines showing the original, and all existing wells and septic systems.
- E. The following statement: "The land within the area of the boundary adjustment shown on this plat shall be conveyed to the owners of the abutting parcel, identified on this plat as lot (insert TM#), shall merge with that abutting parcel, and may not thereafter be separately transferred without prior subdivision approval from the Rumney Planning Board. A deed for the adjustment area must be recorded at Grafton County Registry of Deeds within 90 days of recording the boundary adjustment plat."

An application filed under this subsection may be accepted and approved at one Board meeting if all materials are in proper order and all requirements are met. No public hearing is required for lot line adjustments or boundary agreements, but interest holders must be notified 10 days prior to the meeting to review the applications and interest holders may be heard upon request per RSA 676:4, I(e)(1). The decision to give such expedited review and approval is at the discretion of the Board.

Approval of this boundary line adjustment shall automatically lapse and shall be of no further force or effect if the conveyance of the land within the area of the boundary adjustment to the owners of the abutting parcel does not appear as a matter of record at the Grafton County Registry of Deeds within ninety days from the date registration

of this plat at Grafton County Registry of Deeds.”

An application filed under this subsection may be accepted and approved at one Board meeting if all materials are in proper order and all requirements are met. No public hearing is required for lot line adjustments or boundary agreements, but interest holders must be notified 10 days prior to the meeting to review the applications and interest holders may be heard upon request per RSA 676:4, I(e)(1). The decision to give such expedited review and approval is at the discretion of the Board.

## **PART IV: STANDARDS FOR DESIGN AND CONSTRUCTION**

### **SECTION 8: GENERAL PROVISIONS**

#### **8.01 EFFECT ON OTHER LOTS**

The subdivision should attempt to minimize any adverse effect on any lot or lots that may be subject to future subdivision, or any adjoining property.

#### **8.02 COMPLIANCE WITH OTHER ORDINANCES**

All subdivisions should be in harmony with the Master Plan and shall be in conformance with other applicable federal, state and local by-laws, ordinances, and regulations.

#### **8.03 CHARACTER OF LAND FOR SUBDIVISION**

Land of such character that it cannot, in the opinion of the Board, be safely used for building development due to flood hazard, wetlands, shoreline erosion hazards, soil types, poor drainage or topography shall be noted as such on the plat.

#### **8.04 PROHIBITION OF PREMATURE OR SCATTERED SUBDIVISION**

Scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of inadequate water supply, drainage, transportation, school, fire protection, roads, or other public services, or would necessitate an excessive expenditure of public funds for the supply of such services, shall not be approved by the Board as referenced in RSA 674:36.II(a).

#### **8.05 PRESERVATION OF EXISTING FEATURES**

Natural features within a subdivision, such as brooks, streams, water bodies, and any vegetated buffers occurring along their shorelines; and stone walls, boundary markers and historic landmarks should be preserved and protected by the applicant. The applicant shall demonstrate to the satisfaction of the Board the manner by which the applicant intends to protect existing features.

#### **8.06 OFF-SITE IMPROVEMENTS**

If, upon the finding of fact, the Board determines that improvements to off-site public roads or drainage will be necessary for the occupancy of any portion of the proposed subdivision, then the applicant shall be required to pay their fair share for such upgrading

of the public facilities to an extent necessary to protect the public interest.

For the purposes of this Section, "off-site improvements" means those improvements that are necessitated by a development, but which are located outside the boundaries of the property that is subject to a subdivision plat approval by the Planning Board.

The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is necessitated by the development, and which is reasonably related to the benefits accruing to the development from the improvements financed by the exaction.

As an alternative to paying an exaction, the developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the Board.

Any exaction imposed pursuant to this Section shall be assessed at the time of Board approval of the development necessitating an off-site improvement.

Whenever the calculation of an exaction for an off-site improvement has been predicated upon some portion of the cost of that improvement being borne by the Town, a refund of any collected exaction shall be made to the payor or payor's successor in interest upon the failure of the local legislative body to appropriate the Town's share of that cost within six years from the date of collection. For the purposes of this subparagraph, failure of local legislative body to appropriate such funding or to construct any necessary off-site improvement shall not operate to prohibit an otherwise approved development.

#### **8.07 PROTECTION OF NATURAL RESOURCES**

The Board may solicit and consider the views of the Conservation Commission and state agencies relative to the protection of natural resources and incorporate such input into the subdivision plan as deemed necessary by the Board to be in compliance with Section 1.01 of these Regulations.

#### **8.08 CONDOMINIUM CONVERSION OF ADUS**

Subsequent condominium conversion and/or condominium conveyance of any accessory dwelling unit separate from the principal dwelling unit is prohibited pursuant to RSA 674:72,I.

### **SECTION 9. LOT AND SITE LAYOUT**

#### **9.01 GENERAL REQUIREMENTS**

Subdivision design and lot sizes within a subdivision shall be established by giving due regard to all of the factors outlined in these Regulations, including water supply, sewage disposal, soil conditions, ground and surface water conditions, drainage, topography, the road system (public and private) that serves or leads to the subdivisions and the general area in which the subdivision is located (including the condition of the roads and the present and prospective use of the roads), the need for off-road parking, the need to avoid

scattered or premature subdivision, the impact of the subdivision on Town services, availability of water supply for fire protection, and the preservation of natural, unique, fragile, or historic features.

## **9.02 SPECIFIC CRITERIA**

When laying out a subdivision, the following criteria shall apply:

### **A. Character of the Land**

1. Conditions are favorable to health, safety, convenience and prosperity.
2. The applicant must demonstrate that each lot contains an adequate area of land that is of such character that it can be safely used for building purposes without increasing danger to health, life or property, or peril from fire, flood, erosion, topography, or other menace.
3. Lot shapes shall conform to natural land features, and boundaries shall be set to create a logical use of the space. The Board reserves the right to reject, or require modification of, unusually shaped lots.

### **B. Road Frontage and Access**

1. All lots, with the exception of those approved as back lots pursuant to Section 9.02.B.5., shall have frontage on (1) a Class V or better highway, or (2) a road shown on an approved subdivision plan.
2. All lots shall have access on (1) a Class V or better highway, or (2) a road shown on an approved subdivision plan.
3. All lots shall have the potential for a driveway that provides safe access onto the fronting road. The Board may require the applicant to locate the driveway for each lot and include this location on the plat. Curb cuts shall be designed to provide safe and convenient access, and to control surface water runoff so that it does not damage roads or neighboring properties.
4. Except in the case of a subdivision with reduced lot sizes provided in Section 9.02.C.2.b. below, or in the case of a back lot described in Section 9.02.B.5 below, all lots shall have not less than 150 feet of frontage on a road, with legal access to that road, and the capacity to be accessed from that road by a driveway. For the purposes of determining frontage requirements on corner lots, all sides adjacent to roads shall meet the minimum requirements. Increased frontage may be required to accommodate driveway access. In the case of lots created in accord with Section 9.02.C.2.b., the Planning Board may allow a reduced minimum frontage.



5. In the case where an existing lot has sufficient size to be subdivided but lacks frontage, one back lot may be created and accessed by a driveway through the front lot under the following conditions:
  - a. The back lot is deeded to be restricted from further subdivision.
  - b. The front lot has at least 175 feet of frontage when the back lot and front lot share one driveway or, if a separate driveway accesses the back lot, 200 feet of frontage.
  - c. The driveway meets the following specifications:
    - (i) The driveway shall be no more than 600 feet in length from the road right-of-way to the boundary of the back lot.
    - (ii) The driveway shall be a minimum of 12 feet wide, centered in a 24-foot wide, unobstructed right-of-way along its entire length, and shall have a slope of not more than 5% where it meets the road.
    - (iii) New driveway rights-of-way shall be set back at least 20 feet from adjacent lot boundaries.
    - (iv) The driveway shall be constructed to support emergency vehicles (such as fire engines) during all times of the year.
    - (v) The driveway may service only the front and back lots created by the subdivision.
  - d. The Selectboard has provided the necessary approvals pursuant to RSA 674:41 Erection of Buildings on Streets.

C. Minimum Lot Size

1. Lots with Individual Wells and On-Site Wastewater

To protect the town of Rumney from danger to health, safety and prosperity occasioned by the lack of municipal water and sewer, and to avoid excessive public expenditures for the supply of such services, the minimum size of lots to be served by on-site water and wastewater facilities shall be the greater of:

- a. one (1) acre; or,
- b. the minimum lot size required by NHDES for the installation and operation of both on-site water supply with protective radius and wastewater disposal systems based on soils and slopes.

2. Lots with Shared Water and/or Wastewater

For major subdivisions with shared utilities, the minimum size of lots shall be either:

- a. one (1) acre; or
- b. as an alternative the applicant may propose a residential subdivision in which at least 50% of the total tract area will be protected as a contiguous area of open space, and in which dwelling units are clustered around a common area

for use by the owners of those dwelling units. The Board may approve reduced individual lot sizes for such a proposal if it finds that the proposed layout:

- (i) protects important natural resource areas and/or working landscape;
- (ii) increases the availability of housing opportunities in Rumney;
- (iii) results in open space which is realistically and conveniently usable for recreational purposes by the future residents of the subdivision; and/or
- (iv) results in some other public benefit specifically described in the Board's decision.

In no case shall the number of building lots (or the number of dwelling units in the case of a development without traditional lot lines) exceed the number that would be approved on the same tract of land pursuant to option (a) above. Within that limit the Board shall determine the approvable layout, lot size (or density) and frontage based on:

- (i) the character of the land and neighborhood;
- (ii) the adequacy of the land to support the proposed utilities;
- (iii) safety of access, traffic and pedestrian circulation;
- (iv) drainage and impervious surfaces; and
- (v) any other issues found to be relevant to the future use and enjoyment of the property.

The protected land shall be shown on the final plat and the conservation restriction recorded with the Grafton County Registry of Deeds. The conservation restriction shall incorporate the conditions of approval, including the maximum number of lots and the location, size and permissible uses of the land area that is to remain undeveloped. If the undeveloped area is to be held in common, all covenants, deed restrictions, organizational provisions for a homeowner's association or equivalent, and any other agreements regarding the method of ownership, management or maintenance of the protected area shall be established prior to Board approval of the subdivision. By mutual agreement of the Board and applicant, the conservation restriction may take the form of a conservation easement to the Town or private conservation group, or other instrument approved by the Board.

### 3. All Lots

- a. For lots of any size with on-site wastewater disposal, unless the lot is formally designated on the plat to be for non-building purposes, the Board shall require a statement by a Septic System Designer with a current NHDES permit that it is possible to construct on that lot a system capable of properly disposing the waste discharge for the proposed use.

- b. If judged necessary by the Board, a professional site assessment may be required to show the capacity of a proposed lot to accommodate proposed utilities such as on-site water, wastewater, stormwater management, building site and/or driveway.
- c. For lots for which the applicant has no specific future use planned at the time of subdivision review, the Board will review the application using a presumption of single-family dwelling use, and such single-family dwelling use shall be deemed to be an explicit condition of such approval, even if not stated in the Board's decision. No lot which has been approved based on a presumption or stated intent of single-family dwelling use shall thereafter be put to a more intense use or a nonresidential use unless the owner first requests a hearing before the Board, solely to address the question of whether (a) and (b) above will continue to be met in light of the use or uses being proposed.

D. Open Space

1. Open spaces shall be of adequate proportions for the subdivision.
2. Parks for playgrounds or other recreational purposes shall be suitably located where necessary to meet the demands of subdivision residents.

E. Waterbodies

1. Lots that border on Stinson Lake, Loon Lake, or second order or greater perennial streams as shown on the NH Hydrography Dataset, latest version, archived by the Geographically Referenced Analysis and Information Transfer System (GRANIT) at the Complex Systems Research Center of the University of New Hampshire, and developed by GRANIT in collaboration with the Department of Environmental Services, shall have at least 200 feet frontage along the lake or stream measured along the ordinary high water mark.
2. Where multiple lots will share, own in common, have access to, or in any other manner utilize land with frontage on the water bodies identified in the preceding paragraph the waterfront distance shall be calculated by the following method:  
  
$$\text{Waterfront} = 200 \text{ feet for the first lot plus fifty(50) feet for each additional lot or anticipated dwelling unit beyond the first.}$$
3. All lots bordering the above waters shall be planned so that septic system leaching fields are at least 125 feet from the water. All development shall be in compliance with the Shoreland Water Quality Protection Act.
4. An existing lot with less than 200 feet of water frontage may be subdivided if done in such manner that one lot keeps the existing water frontage and the

remaining lot(s) have no access to the waterfront.

## **SECTION 10. STANDARDS FOR UTILITIES AND SERVICES**

### **10.01 UTILITIES**

A. General: All subdivisions shall make adequate provisions for water supply, wastewater disposal, electric, phone and any other required utilities and improvements, including fiber and/or cable if available. When applicable, the Board may require a statement from electric and/or other utilities stating that services will be furnished and that arrangements have been made for installation of such utilities according to the plat as submitted by the applicant.

B. Common Systems: Common water supply and wastewater systems shall be of sufficient capacity to serve the subdivision and designed and installed in accordance with the standards of the NH Department of Environmental Services. The subdivider shall install laterals from all utilities in the street right-of-way to ten (10) feet beyond the street property line of each building lot. All such utility system installations shall be at the expense of the subdivider and shall be installed under the supervision of the Town engineer.

C. Individual Service: Individual wells and subsurface disposal facilities shall comply with all applicable local and state requirements including those of the NH Department of Environmental Services. In areas not served by common sewer and/or water systems, it shall be the responsibility of the applicant to provide adequate information to prove that each lot has adequate area and other physical characteristics, including but not limited to soils and slopes, to permit the installation and operation of an approved conventional individual subsurface disposal system and well with protective radius. For both residential and commercial subdivisions with lots of less than five (5) acres, leased land, campgrounds and condominium creation, where septic systems are or will be used, state subdivision approval by the NHDES Subsurface Systems Bureau will be required in addition to satisfactory test pit and perc test results.

### **10.02 STORMWATER MANAGEMENT**

A. General: The purpose of this section is to control soil erosion and the resulting sedimentation from occurring in subdivision areas or off-site by requiring proper provisions for stormwater disposal and the protection of soil surfaces during and after construction in order to promote the public health, safety, convenience and general welfare of the community.

B. Standards: The following standards shall be observed by the subdivider in the design, layout and engineering of the proposed subdivision:

1. All stormwater management and erosion control measures in the plan shall

adhere to the *New Hampshire Stormwater Manual*, current edition, published by NHDES, to the extent practicable.

2. The development should be fitted to the existing topography to the extent practical to prevent erosion.
  3. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize soil erosion.
  4. Whenever practicable, natural vegetation shall be retained, protected, and supplemented.
  5. The disturbed area shall be kept to a minimum practicable and the duration of exposure shall be the shortest time practicable.
  6. Land shall not be left exposed during the winter months.
  7. Temporary seedings and/or mulching shall be used to protect exposed critical areas during development.
  8. Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after the development.
  9. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of sediment basins or other acceptable methods.
  10. Diversions, sediment basins, and so forth, shall be constructed prior to any on-site grading or disturbance of existing surface material.
- C. Ongoing Maintenance: The applicant shall bear final responsibility for the installation, construction, and establishment of provisions for ongoing maintenance of all stormwater and erosion control measures required by the Planning Board. Final approval will not be granted until the plan and a mechanism for ensuring ongoing maintenance are approved by the Planning Board.
- D. Pre-development Conditions: Flow volume, velocity, and pollutant loading, including but not limited to sediments, total suspended solids (TSS), phosphorus, nitrogen, metals, pathogens, dissolved substances, floatable debris, and oil and other petroleum products, shall not be higher at the property line post-development when compared with pre-development conditions.
- E. Drainage Easement: If a subdivision stormwater drainage system creates any additional flow over other property(ies), except through defined water courses, the subdivider shall obtain an easement therefore from the other owner.

### **10.03 FIRE PROTECTION**

All subdivisions shall meet the approval of the Rumney Fire Department, documented by the Fire Chief or designee, relative to emergency access, and fire prevention, protection, and water supply. Installation of cisterns or fire ponds may be required.

## **SECTION 11. ROAD LAYOUT AND DESIGN**

### **11.01 CONFORMANCE OF ROADS TO CONSTRUCTION STANDARDS**

The purpose of the Town of Rumney's Road Layout and Design standards is to create

safe and convenient traffic circulation, promote economical road construction, and to ensure that if accepted by the Town, such acceptance of private roadways will not burden the Town with excessive maintenance or upgrading costs. These standards were established to provide the town with livable neighborhoods and to alleviate future burdens from unsafe and substandard roadways.

All roads, public or private, shall be constructed in conformance with the construction standards and specifications contained in these Regulations. All bridges, culverts, drainage structures, drainage ditches, and other improvements shown on the final plat and required by accompanying documents, if any, shall be installed in conformance with the construction standards and specifications contained in these Regulations.

The Town may employ a licensed consulting engineer, the selection of whom shall require the agreement of both the Board and the Selectmen, to review the design, monitor construction, and to make recommendations to the Town. The Town shall require the applicant to reimburse the Town for the consultant's fee.

#### **11.02 ROAD LAYOUT**

Roads shall be logically related to the topography to produce suitable lots and reasonable grades. Roads shall be laid out to intersect at right angles as nearly as possible, and no road shall intersect another at less than 60 degrees. Roads shall be continuous and in alignment with existing roads and roads in other subdivisions as far as possible and, when appropriate, of a width at least as great as that of any such existing, connecting roads.

#### **11.03 DEAD-END ROADS**

Dead-end roads shall not be longer than 1500 feet and shall be provided with a turn-around having an outside roadway diameter of at least 110 feet. A paved area of 80 feet in diameter or larger may be required to provide adequate room for the movement of snowplows and fire equipment.

Where future extension to another outlet is indicated on the plat and approved by the Board, the full width of the right-of-way to the subdivision property line shall be reserved as a road right-of-way. Provisions shall be made for reversion of the excess (turnaround) right-of-way to the adjoining properties when the road is extended in the future.

#### **11.04 ROAD NAMES**

All new subdivision roads shall be named and signs shall be erected at all intersections. The names of the roads and design of the signs shall be subject to Board approval. All roads shall be named to comply with the provisions of Enhanced 911 system per RSA 106-H:10,I; RSA 106-H:7, VII.

#### **11.05 RIGHT-OF-WAY**

The minimum width of the right-of-way shall be 50 feet. The Board may require a greater width for roads where, in its judgment, the demands of present or future traffic make it desirable or where topographic conditions create a need for greater width for grading. In village areas, the Board may also require a greater width of right-of-way and paving, together with curbs and sidewalks. The road right-of-way shall include all construction,

excavation or fill, and all cut and fill slopes.

**11.06 ALIGNMENT**

No roads shall be constructed with a curvature of less than a 125-foot radius. The minimum curve radius for roads with expected average daily traffic in excess of 251 vehicles per day (8 trips per day per dwelling unit) shall be 250 feet.

**11.07 GRADES**

Grades shall not exceed ten percent (10%), nor shall any be less than a half percent (0.5%). The Board may modify the maximum and minimum gradient for short lengths of roads where, in its judgment, existing topographic conditions or the preservation of natural features indicate that such modification will result in the best subdivision of land. A maximum of one percent (1%) grade will be allowed within one hundred (100) feet of an intersection.

**11.08 CLEARING**

The entire area of each road shall be cleared of all stumps, brush, roots, boulders and like material, and all trees not intended for preservation. Clearing and grubbing shall comply with *NHDOT Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.

**11.09 SUBGRADE PREPARATION**

All loam, humus and unsuitable material such as, but not limited to, stumps, vegetation, demolition debris, and structures shall be removed from the roadway and replaced with suitable fill material. All boulders and ledge shall be removed to a uniform cross-sectional depth of not less than 12 inches below the subgrade and replaced with sand or gravel.

**11.10 MATERIAL SPECIFICATIONS**

All material specifications including aggregate subbase, aggregate base, and pavement shall conform to *NHDOT Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.

**11.11 GRAVEL BASE**

All roads shall be constructed with a minimum of 12 inches of gravel per *New Hampshire DOT Standard Specifications for Road and Bridge Construction*, Section 304, latest edition, including Supplemental Specifications if any.

**11.12 ROAD SURFACE**

For an expected average daily traffic of fewer than 50 vehicles per day (8 trips per day per dwelling unit), with grades of less than 8%, a gravel surface is permitted. The total usable roadway width shall be a minimum of 22 feet, an 18-foot traveled way with 2-foot gravel shoulders. For 50 vehicles per day or more, and for all grades of 8% or more, the surface must be asphalt or hot bituminous as shown on page 38. The minimum pavement width shall be 20 feet for up to 750 vehicles per day, 22 feet for up to 1500 vehicles per day, and 24 feet for over 1500 vehicles per day.

**11.13 GRAVEL SHOULDERS**

A gravel shoulder, equal to the base course depth, shall be constructed adjacent to all asphalt traveled way surfaces as follows: 51-200 vehicles per day - 2 feet; 201-1,500 vehicles per day - 4 feet; and over 1,500 vehicles per day - 8-10 feet. Shoulder sections shall not be constructed in a separate operation from that of the gravel base. The shoulder slope shall be constructed and compacted with the gravel base installation. Shoulder material shall comply with *NHDOT Standard Specifications for Road and Bridge Construction*, latest edition, including Supplemental Specifications if any.

**11.14 BRIDGES**

Bridges, as defined by state law (RSA 234:2), are all structures of 10 feet or greater clear span and shall be designed to MS-18 (HS-20) loading (American Association of State Highway and Transportation Officials (AASHTO) Specifications). The minimum roadway width shall be 24 feet.

**11.15 SIDEWALKS**

Sidewalks of two-inch thick asphalt, or a substance of equal durability, on a four-inch gravel base, not less than 5 feet in width and no closer than 22 feet to the road center line shall be constructed on one or both sides of the road when the Board considers sidewalks necessary for safe travel between the subdivision and major streets or public property and/or within the subdivision. Other types of pedestrian ways may be considered as an alternative.

**11.16 STORMWATER AND EROSION CONTROL**

A Site Specific permit is required from NHDES whenever a project proposed to disturb more than 100,000 square feet of terrain (50,000 sq. ft. if within the protected shoreland), and as of March 10, 2003, construction activity that disturbs 1 or more acre of land needs a Federal stormwater permit .

Control of stormwater and erosion and sedimentation during and after construction shall be performed in accordance with Section 10.02. Under-drains shall be installed where the character and composition of the soil in the roadbed and presence of groundwater render such installation necessary in the opinion of the Town engineer. Culverts and catch basins shall comply with *NHDOT Standard Specification for Road and Bridge Construction*, Sections 603, 604, and 605, latest edition, including Supplemental Specifications if any. In no case shall culverts be less than 15 inches in diameter.

**11.17 WETLANDS**

Any work that requires impacts (fill, dredge, excavation, etc.) on wetlands, or other jurisdictional areas such as stream banks, requires coordination with the Department of Environmental Services Water Division to ensure that all applicable rules and regulations are adhered to.

**11.18 UTILITIES**



Utility poles shall be kept close to the right-of-way line, in no case closer than the ditch line and always well back of a curb. Water and sewer mains, when used, should be constructed outside the road surface area and preferably outside the ditch line.

**11.19 SAFETY**

Safety is an important factor in all roadway improvements. It may not be possible or practical to obtain obstacle-free roadsides, but every effort should be made to provide clear areas within the maintenance limits. The use of flatter slopes, the use of guard rail where necessary, and the use of warning signs are other safety measures to be considered.

**11.20 TRAFFIC CONTROL**

Traffic control signs and other devices and pavement markings consistent with the FHWA Manual on Uniform Traffic Control Devices (MUTCD) shall be included.

**11.21 CONSTRUCTION SUPERVISION**

Construction of the roadway, drainage facilities, sidewalks and all other elements of the roadway shall be done under the supervision of and with the approval of the Rumney Selectboard or its designated agent. The applicant shall bear all costs of supervision.

**11.22 MINIMUM STANDARDS**

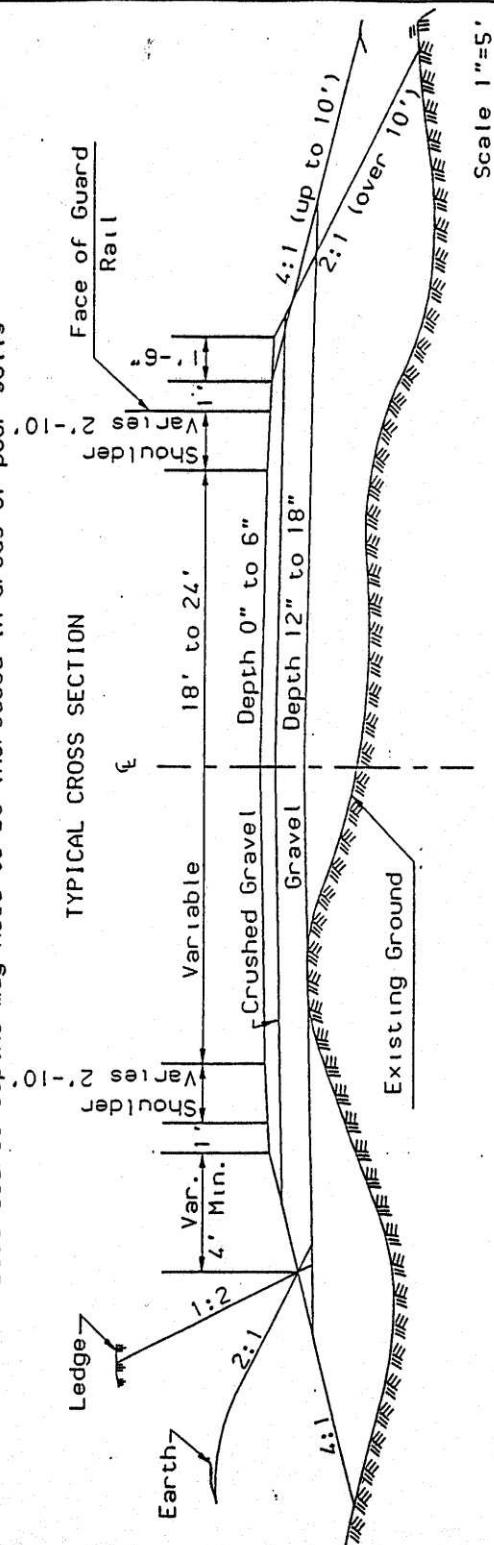
Design standards, including, but not limited to, minimum stopping and sight distance, shall conform to *A Policy on Geometric Design of Highways and Streets*, American Association of State Highway and Transportation Officials 2018, as amended. Higher design standards may be required if deemed necessary by the Board. Construction specifications unless otherwise provided for in this section shall be in conformance with *Minimum Geometric & Structural Guides for Local Roads and Streets*, NHDOT, September 1990 (shown on next page).

September 1990

# NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION MINIMUM GEOMETRIC & STRUCTURAL GUIDES FOR LOCAL ROADS AND STREETS

Average Daily Traffic (Veh./Day)	0-50	50-200	200-750	750-1500	1500 & OVER
Pavement Width (Feet)	18 min.	20	20	22	24
Shoulder Width (Feet)	2	2	4	4	8-10
Center of Road to Ditch Line	15	16	18	19-21	Varies
Pavement Type	Gravel	Asph. Surf. Hot Bitum.	Hot Bitum.	Hot Bitum.	Hot Bitum.
Slope of Roadway	4%	3%	2%	2%	2%
Base Course Depth-(Gravel)	12"	12"	12"	12"	18"
(Cr. Gravel)	-	-	4"	6"	6"

- Notes
1. Gravel surface should be paved where steep grades occur.
  2. For average daily traffic over 1000 veh./day paved shoulders should be considered
  3. Base course depths may need to be increased in areas of poor soils



## **PART V. CONSTRUCTION OF SUBDIVISION**

### **SECTION 12 CONSTRUCTION OF IMPROVEMENTS**

#### **12.01 TIME FOR COMPLETION OF CONSTRUCTION**

The applicant shall construct the subdivision and shall comply with all requirements set forth in the Notice of Action within five years from the date of issue of the Notice of Action. Upon written request of the applicant, when the Planning Board finds that conditions beyond the control of the applicant prevent compliance within the five-year period, the Board may grant an additional period of time for compliance with the Notice up to two years.

#### **12.02 RELEASE OF SECURITY**

The security required in Section 6.06 shall be released when the Planning Board and Board of Selectmen are satisfied that the applicant has complied with all requirements as set forth in the Notice of Action and shown on the approved plat. The decision to release the security shall be based upon an assessment of the plans, the engineers' preparatory work for construction, engineering inspection during construction, and the final plans of completed work. The Planning Board shall notify the Selectmen that all conditions of the security have been performed and shall have the authority to release the security. A portion of the security may be held for two years if necessary to determine performance.

The security shall be reduced during the course of construction by the Selectmen in such amounts as the Planning Board and Selectmen deem to be in the best interest of the Town, but on the condition that the remaining security shall be sufficient to complete all remaining construction.

#### **12.03 ENFORCEMENT OF SECURITY**

If the applicant has not totally complied within five years of the date of issue of the Notice of Action and any extension granted by the Planning Board, the Town shall enforce its rights under the security. In the event that the Town is required to enforce the security, it shall be entitled to have reasonable attorney's fees paid by the applicant and awarded by the court.

#### **12.04 CORRECTION OF DEFICIENCIES**

If the Planning Board determines that any of the required improvements have not been completed in accordance with the plans and specifications as filed by the applicant and as required by the Town, the Planning Board shall notify the applicant in writing of any such deficiencies. The applicant shall rectify all deficiencies at the expense of the applicant. If the applicant does not substantially rectify all deficiencies within a reasonable time, as determined by the Town, the Town shall take all necessary action to protect and preserve the Town's rights and interests. If such action involves court proceedings, such action will be undertaken by the Board of Selectmen pursuant to Section 3.05. If such action involves revocation of an approval, such action will be handled by the Planning Board pursuant to Section 6.10, in coordination with the Board

of Selectmen. In the event of legal action, the Town shall be entitled to have reasonable legal fees paid by the applicant and awarded by the court.

#### **12.05 EROSION CONTROL AFTER CONSTRUCTION**

For a period of two years after completion of all improvements or as determined by the Planning Board, the applicant shall be responsible for the control of soil erosion and any resulting sedimentation.

#### **12.06 SUPERVISION OF CONSTRUCTION**

If, in the opinion of the Planning Board, the scope of work warrants supervision, the Board may require a supervising N.H. licensed professional engineer or other qualified designee(s), selected by the Board, to oversee construction to ensure compliance with and documentation of any road construction requirements, conditions of approval, and to give periodic status reports to the Board. The cost of such supervision shall be included with the inspection fees to be placed in escrow prior to final plan approval.

#### **12.07 INSPECTION OF IMPROVEMENTS**

The applicant shall notify the Planning Board, in writing, of the time when construction is proposed to commence so that the Board may cause inspection to be made by a N.H. licensed professional engineer approved by the Board, or other qualified designee(s), to ensure that all specifications and requirements shall be met. The Board shall inform the Selectmen and any other appropriate Town official/employee. The cost of such inspections shall be the responsibility of the applicant. The findings of inspections conducted under this section may be utilized both by the Planning Board to effectuate these Subdivision Regulations and by the Board of Selectmen to effectuate any road acceptance by the Town of Rumney.

#### **12.08 CERTIFICATION OF COMPLIANCE**

The applicant shall notify the Planning Board, in writing, when all requirements of the final plat have been met. The applicant's engineer, if applicable, shall certify compliance with the Notice of Action and approved final plat, including total recertification to the extent necessary of any original installation.

The Planning Board, or its designee, shall review the certification of compliance to determine if all requirements have been met. The Planning Board shall then either accept or reject, with reasons, the certificate of compliance and document such findings in the Board minutes and shall inform the applicant in writing within 10 days of such determination.

### **SECTION 13 MONUMENTS**

#### **13.01 MONUMENTS**

Permanent survey monuments shall be set in all existing and new corners and lot boundaries at points of angular change. Permanent survey monuments shall be set in the boundary of rights-of-way at intersecting roads, points of curvature, and points of

tangency of curves; the point of intersection of short curves may be used instead, where it is workable, at the discretion of the Board. Monuments shall be placed on one side of the road only and at only one corner of the intersecting roads. Adjacent monuments shall be in sight of one another.

Monuments shall be referenced to a public road intersection, USGS benchmark or other recognized existing monument.

With the exception of monuments on road rights-of-way, boundary markers shall be 5/8" diameter metal pipe/rod, at least two feet long located in the ground at final grade level, and indicated on the final plat. Boundary markers on road rights-of-way shall be in concrete and not less than 4 inches in diameter or square, and not less than 42 inches long, installed in the ground a minimum of 36 inches. Concrete monuments shall be reinforced with steel rods. A plug brass plate or pin shall serve as the point of reference, and a magnetic rod or other suitable metal device shall be placed adjacent to the monument to allow for recovery.

Monuments must be set within 90 days of final approval.

## **SECTION 14. CONVEYANCE OF EASEMENTS AND RIGHTS-OF-WAY**

### **14.01 CONVEYANCE OF EASEMENTS AND RIGHTS-OF-WAY**

Upon completion of the construction of the subdivision, the applicant shall convey all easements and rights-of-way as may be required under the Notice of Action, by deeds in a form and manner satisfactory to the Town Counsel.

These regulations were amended December 19, 2023 by the Rumney Planning Board.

Rumney Planning Board Approval:

---

---

---

---

---

---

---

---

Received by Town Clerk:

---

Signature

---

Date