

**SUBDIVISION REGULATIONS**

**WEBSTER, NEW HAMPSHIRE**

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**Town of Webster, NH**  
**Subdivision Regulations**

**Section I Authority and Purpose**

1.1 Pursuant to the authority vested in the Webster Planning Board by the voters in the Town of Webster, on March 9, 1971 and in accordance with the provisions of RSA 672-677 of the New Hampshire Revised Statutes Annotated, as amended, the Webster Planning Board adopts the following regulations governing the subdivision of land in the Town of Webster, New Hampshire.

1.2 The purpose of these regulations, as provided in RSA 674:36, is to:

- A. Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- B. Provide for the harmonious development of the municipality and its environs;
- C. Require the proper arrangement and coordination of streets within subdivision in relation to other existing or planned streets or with features of the official map of the municipality; and require, in proper cases, that plats showing new streets or narrowing or widening of such streets be submitted to the Planning Board for approval;
- D. Require suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and access for fire fighting apparatus and equipment to buildings, and be coordinated so as to compose a convenient system;
- E. Require, in proper cases, that plats submitted to the Planning Board for approval shall show open space or park land suitably located for recreational or conservation purposes;
- F. Require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreational or conservational uses;
- G. Require that the land indicated on plats submitted to the Planning Board shall be of such character that it can be used for building purposes without danger to health;

- H. Assure conformance with local zoning ordinances and provide such additional areas as may be needed for each lot for on-site sanitary facilities; and
- I. Include provisions, which will tend to create conditions favorable to health, safety, convenience, or prosperity.

**Section II   Title**

These regulations shall be known and cited as the SUBDIVISION REGULATIONS OF THE TOWN OF WEBSTER, NEW HAMPSHIRE.

### **Section III Definitions**

**Abutter**: Shall mean any person whose property adjoins or is directly across the street or stream from the land under consideration by the Board. For the 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 of a Board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.

**Acceptance**: Shall mean an affirmative vote, by a majority of the Planning Board at a public meeting, that an application contains all of the items required by the subdivision regulations.

**Agent/Designee**: Shall mean the person given authority by the Planning Board to carry out certain administrative functions such as receiving an application when it is filed, logging it in, preparing and sending, setting the agenda and keeping the records of the Board. If authorized by the Planning Board, the agent/designee may review applications for completeness and, after notice to abutters, discuss the details of the proposal with the applicant. The agent/designee makes no decisions and does not commit the Board to a course of action.

**Applicant**: Shall mean the owner of record of the land to be subdivided, including any subsequent owner of record making any subdivision of such land or any part thereof, or the duly authorized agent of any such owner.

**Application**: The packet of information submitted by the applicant to meet the requirements of the Subdivision Regulations to include the form prepared by the Planning Board as well as all additional information and documents required by the Subdivision Regulations.

**Approval**: Shall mean recognition by the Planning Board, certified by written endorsement on the plat, that the plat meets the requirements of these Regulations, and in the judgment of the Board satisfies all criteria of good planning and design.

**Board**: Shall mean the Planning Board of the Town of Webster.

**Building**: Shall mean any structure used or intended for supporting or sheltering any use or occupancy.

**Certified Soil Scientist**: Shall mean a person who by reason of special knowledge and experience is qualified to practice soil science and who has been duly certified by the board of natural scientists under RSA 310-A:75.

**Completed Application:** Shall mean the application form and supporting documents, as specified in these Regulations, that contains all the information the Planning Board needs to review a subdivision proposal to make an informed decision and is sufficient to invoke jurisdiction to obtain approval. All fees and administrative expenses, as indicated in these Regulations, must be included. For submission requirements, see Sections 7, 9, and 10, the checklist and Attachment 1.

**Conditional Approval:** Shall mean that the application satisfies all requirements save for one or more administrative details as discussed in Section 5.7. Conditional approval does not constitute, nor should it be construed as approval, either implied or granted of the final plat, nor does it bind the Board to approval of the final plat.

**Conceptual Consultation:** Shall mean a pre-application meeting, with the Planning Board to discuss the general purpose and description of a proposed subdivision (see Section 5.2).

**Decision:** Shall mean the action taken by majority vote of the Planning Board to approve, conditionally approve, or disapprove the application. The decision must be placed on file in the Planning Board's office and shall be available to the public within 72 hours after the decision is made. If the decision is a denial, the applicant must be given written reasons for the action.

**Easement:** Shall mean an acquired privilege or right of use which one party may have in the land of another.

**Engineer:** Shall mean the duly designated engineer of the Town of Webster or, if there is no such official, the planning consultant or official assigned by the Selectmen. Engineers shall be licensed in accordance with the New Hampshire Revised Statutes Annotated.

**Escrow:** Shall mean a deposit of cash with the town in lieu of an amount required and still in force on a performance or maintenance bond.

**Filing:** Shall mean delivery of an application to the Planning Board or its agent/designee. It must be received at least 15 days before the date of the Planning Board meeting at which it is to be submitted and must include the names and addresses of abutters and fees for all required notices.

**Flood Plain:** Shall mean the land adjacent to a body of water which has been or may hereafter be covered by flood water as delineated in the Flood Insurance Rate Map for the Town of Webster, dated June 2, 1993.

**Formal Consideration:** Shall mean the first action taken by the Planning Board following submission of a completed application. This must begin within 30 days and may include a site visit, a request for review by other boards, or scheduling of a public hearing.

**Frontage:** Means that portion of a lot bordering on a highway, street, or public way.

**Licensed Land Surveyor:** Shall mean a person who engages in the practice of land surveying and is licensed by the State of New Hampshire under RSA 310-A:53.

**Lot:** Means a parcel of land capable of being occupied by one principal structure and its accessories, or used for one particular purpose and designated as such on a plat. Said lot shall have its principal frontage on a public street.

**Lot Line Adjustment:** Shall mean the exchange of abutting land among two or more owners which does not increase the number of owners or the number of lots.

**Master Plan:** Shall mean a plan for development of the Town of Webster developed in accordance with the provisions of RSA 674:2.

**Ninety Day Review:** Shall mean the time period following acceptance of a completed application within which the Planning Board must make its decision. State Statutes provide ways in which extensions may be granted.

**Official Map:** Shall mean the official town map adopted in accordance with RSA 674:10 as amended. Such a map shall be deemed to be conclusive with respect to the location and width of streets and the location of public parks shown thereon.

**Performance Guarantee:** Shall mean any security, including performance bonds, escrow agreements, letters of credit and other similar collateral or surety agreements, which may be accepted by the town in lieu of a requirement that a subdivider complete certain improvements before the Board or other town body approves the plat.

**Plat:** Means a map, plan, drawing or chart on which a subdivision of land is shown, and **Final Plat** means the final map, plan drawing, or chart on which the subdivider's plan or subdivision is presented to the Board for approval and which, if approved, will be submitted to the Register of Deeds of Merrimack County for recording.

**Public/Formal Meeting:** Shall mean any meeting of the Planning Board, except executive session under RSA 91-A. Notice of such public meetings must be posted at least 24 hours ahead and must be open to the public. The public may attend but is not necessarily given the opportunity to speak.

**Public Hearing:** Shall mean a meeting scheduled to deal with a specific application or with amendments to regulations. The meeting must be open to the public with notice given in advance. The public is given the opportunity to speak and to participate in the meeting. Each individual public hearing should be listed separately on the agenda and each should be officially opened and closed by the Board.

**Right-of-Way**: Shall mean a strip of land used for or intended to be used for a street, crosswalk, water main, sanitary or storm sewer main, or for other special use including public use. The usage of the term "right-of-way" for land platting purposes in these regulations shall mean that every right-of-way hereafter established and shown on a recorded plat is to be separate and distinct from the lots and parcels adjoining such right-of-way, and not to be included within the dimensions or areas of such lots or parcels. Drainage right-of-way is the land required for the installation of storm water sewers or drainage ditches, or required along a natural stream or water course for preserving the channel and providing for the flow of water therein to secure safety from flood drainage and to preserve natural amenity.

**Setback**: Shall mean the distance between the nearest portion of a building or structure attached thereto and a lot line, right-of-way line or a shoreline of a river, brook, lake or pond.

**Sketch Plan**: Shall mean a rough drawing of sufficient detail to demonstrate the manner or layout of a proposed subdivision. A sketch plan shall not be construed as being either a preliminary, final or any other type of plat.

**Street**: Shall mean a highway, road or public way that is lawfully existing and is maintained by the Town of Webster for vehicular travel. The word street shall include the entire right-of-way.

**Street, Local**: A street used primarily to give access to abutting properties.

**Street, Collector**: A street which, in addition to giving access to abutting properties, serves primarily to carry traffic from local streets to arterial streets, thoroughfares and to public and other centers of traffic concentration. A collector street may be further classified as major or minor, depending on average daily traffic count.

**Street, Arterial**: A street or highway used primarily for heavy and/or through traffic.

**Subdivision**: Shall mean the division of a 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, or building development. It includes **resubdivision** and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title. 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 unmanned structure which is less than 200 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.

**Subdivision, Major:** Any subdivision not classified as a minor subdivision.

**Subdivision, Minor:** Shall mean a subdivision of land into not more than three (3) lots with no potential for resubdivision and that front on an existing street and requires no new streets, utilities, or other municipal improvements.

**Submission:** Shall mean the presentation of the application to the Planning Board. Submission must take place at a public meeting of the board, following required notice to the abutters and the general public.

**Wetland:** Shall mean those areas identified and delineated by the U.S. Soil Conservation Service as Very Poorly Drained Soils.

**Zoning:** Refers to the Zoning Ordinance of the Town of Webster as provided in RSA 674:16-22.

**Zoning Board of Adjustment:** The Zoning Board of Adjustment of the Town of Webster provided in RSA 673:3.

## **Section IV General Provisions**

The subdivider shall observe the following general requirements and principles of land subdivision.

### **4.1 Conformity to Master Plan and Official Map:**

The plat shall conform to the Town Master Plan, the Official Map if and when adopted, and any other pertinent state or town laws or regulations.

### **4.2 Protection of Natural Features:**

Due regard shall be given to the preservation and protection of existing natural features, such as trees, scenic vistas, rock outcroppings, water courses, rare plant or animal species, other natural resources and historic landmarks. The Board may require the applicant to demonstrate the manner by which desirable natural features will be protected. Where appropriate, the Board may require the applicant to dedicate lands or grant conservation easements to the town to protect such resources.

### **4.3 Unsuitable Land:**

Land of such character that it cannot be safely used for building purposes because of danger to health or peril from fire, flood, impermeable soil, or other hazard shall not be platted for residential occupancy, nor for other use which would tend to increase the danger to health, life or property or aggravate the flood or sewage hazard. Land with unsuitable soil or inadequate capacity for individual sanitary sewage disposal systems shall not be subdivided unless connected to a common sewer system. Unsuitable land characteristics to be considered include:

- A. Land designated as Flood Plain or shown to be bog, marsh, swamp area, area of high water table (within four feet of the surface) or any similar situations;
- B. Areas necessary for the protection of aquifers and aquifer recharge areas, including those areas and watersheds of areas which have been designated as potential future sources of drinking water for the town;
- C. Land with slopes in excess of twenty-five percent (25%) or with ledge which is exposed or lying within four (4) feet of the soil surface;
- D. Areas which are subject to an easement or a right-of-way in favor of the Town, County, State, or Federal Government, or any third party;

- E. Any land covered by any soils listed by the New Hampshire Water Supply and Pollution Division as Groups 5 and 6.

In the event that a subdivision contains any land, soils or natural features described in this subsection, the Board may require that the applicant submit as part of the application, the report of an accredited NH certified soil scientist who has performed a High Intensity Soil Survey of the Subdivision.

#### **4.4 Scattered or Premature Subdivision:**

- A. The Board may provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.
- B. The following items shall be considered in determining whether the proposed subdivision is scattered or premature and the subdivider may be required to have studies made under guidelines established by the Planning Board to determine the effect that the proposed subdivision may have on:
  - 1. Distance from nearest elementary school.
  - 2. Capacity of school system and effect on school bus transportation.
  - 3. Adequacy of access street(s) and/or sidewalk(s).
  - 4. Adequacy of water supply for domestic and fire fighting purposes.
  - 5. Potential health problems due to on-site sewage systems and water supply.
  - 6. Potential fire protection problems due to location and/or special conditions relative to type of use.
  - 7. Potential special policing problems.
  - 8. Potential drainage problems both on the site and downstream.
  - 9. Excessive expenditure of public funds.
  - 1. Other potential problems within the meaning or the purpose of this section as stated in Part A above.

#### **4.5 Flood Hazard Areas:**

All subdivision proposals and proposals for other developments governed by these regulations having lands identified as Flood Hazard Areas on the Flood Insurance Rate Map for the Town of Webster, dated June 2, 1993, shall meet the following requirements:

- A. All proposals must be consistent with the need to minimize flood damage. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damage. All proposals shall provide adequate drainage to reduce exposure to flood hazards. Sufficient evidence, such as construction drawings or grading and land treatment plans, shall be submitted to comply with these requirements.
- B. Subdivision proposals and other proposed new developments greater than 50 lots or 5 acres, whichever is less, shall include base flood elevation data.
- C. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the New Hampshire Civil Defense Agency, Wetlands Board, and submit copies of such notification to the Planning Board and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Planning Board.
- D. Within the altered or relocated portion of any watercourse, the applicant shall submit to the Planning Board certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.
- E. Where new replacement water and sewer systems (including on-site systems) are proposed in flood-prone areas the applicant shall provide the Planning Board with assurance that new and replacement sanitary sewage systems are designed to minimize or eliminate infiltration of flood waters and on-site waste disposal systems are located to avoid impairment to them or contamination from them during flooding.
- F. The Planning Board shall review the proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

## **Section V Subdivision Procedures**

### **5.1 General Information:**

- A. Before any subdivision is made, or before the transfer or sale of any part thereof, and before any subdivision plat may be filed in the office of the Register of Deeds of Merrimack County, the owner or authorized agent shall apply in writing to the Board on a form provided by the Board (See Attachment 1) and secure approval of such proposed subdivision in accordance with these regulations.
- B. By filing an application, the applicant consents to a visual on-site inspection of the property by the Board or its agents at any stage of the proposal. Such site visits will be preceded by notification of the applicant. The applicant will be responsible for adequately flagging all lot corners, lot lines, test pits, and street centerlines prior to on-site inspection.
- C. Approval of the plan by the Board shall not constitute an acceptance by the town of the dedication of any proposed street, highway, park or other public open space.

### **5.2 Preliminary Conceptual Consultation**

- A. The applicant may request a meeting with the Board to discuss a proposal in conceptual form and in general terms. Such preapplication consultation shall be informal and directed toward:
  - 1. Reviewing the basic concepts of the proposal.
  - 2. Reviewing the proposal with regard to the Master Plan and Zoning Ordinance.
  - 3. Explaining the local regulations that may apply to the proposal.
  - 4. Determination of the proposal as a major or minor subdivision.
  - 5. Advising the applicant relative to state and local requirements.
- B. Preliminary conceptual consultation shall not bind the applicant or the Board. Such discussion may occur without formal public notice, but must occur only at a posted meeting of the Board.
- C. Applicant must provide three copies of a sketch plan of sufficient detail for the Board to understand the outlines of the proposed subdivision.

### **5.3 Filing and Acceptance of Completed Application**

- A. A completed application sufficient to invoke jurisdiction of the Board shall be filed with the Board's designee at least 15 days prior to the public meeting of the Board at which it is to be submitted. Deadlines for filing are posted in the Planning Board Office at the Town Hall.
- B. A completed application shall consist of all data required in Section 7-Plat Submission Requirements, Section 9-Design Standards, and Section 10-Required Improvements, if needed.
- C. The completed application shall include all required fees for notices and any administrative or other fees assessed by the Board under the provisions of RSA 676:4,I(g).
- D. The completed application shall include all necessary state local approvals as specified by law or ordinance, such as Water Supply & Pollution Control permit, state highway driveway permits, or town Road Agent approval. At the Board's discretion, a driveway permit may be waived if no building is proposed within one year of the subdivision's approval.
- E. The application shall be submitted to and accepted by the Board at only a regular meeting after due notification has been given as required by RSA 676:4,I(d).
- F. Applications shall be disapproved by the Board without public hearing on the grounds of failure of the applicant to supply information or to pay fees required by these regulations. The applicant is responsible for checking with the Planning Board secretary or designee regarding the completion of the application packet. A checklist is included for the applicant's assistance.
- G. Acceptance will be by affirmative vote of a majority of the Board members present. The Board shall provide a receipt to the applicant indicating the date of acceptance which is the start of the 90 day review. (See Attachment 2)

### **5.4 Lot Line Adjustment and Annexation**

- A. Lot line adjustments require application and approval in the same manner as subdivisions, except that a public hearing shall not be required. However, notice to abutters shall be given prior to approval and any abutter may be heard on the application upon request (RSA 676:4,I(e)).
- B. A detailed survey plat shall be prepared and submitted to the Board showing the original boundaries of the adjacent parcels in question and the new prop-

erty line or lines created as a result of the Annexation or Adjustment. The plat shall conform to the requirements given in Section VII, but the Planning Board, at its discretion, may waive some of those provisions.

- C. The Board, at its discretion, may require a tape and compass survey with a minimum accuracy of 1:500 of the entire parcel of land and require a metes and bounds survey only for the land being transferred. This consideration would generally apply only on a lot of 10 acres or more.
- D. A deed restriction shall be placed in the body of the deed or other instrument of transfer and on the plat, stating as follows: "The grantee(s) by virtue of acceptance of this deed agree that the premises hereby conveyed shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one combined single lot of record."
- E. A statement shall be placed on the plat stating as follows: "This plan shows a conveyance of land for the purpose of lot line adjustment/annexation as defined in the Webster Subdivision Regulations. This approval does not constitute a subdivision." Signed by \_\_\_\_\_, Chair and \_\_\_\_\_, Secretary.

### **5.5 Minor Subdivision**

- A. The applicant may meet the Board for preapplication consultation to determine if the proposal qualifies as a Minor Subdivision as defined in Section III. If so, the applicant shall submit a Completed Application as required in Section VII.
- B. Notice of Submission shall be given and may be combined with the Notice of Public Hearing.
- C. At the discretion of the Board, the completed application under this Section may be submitted and approved at one or more Board meetings, but no application shall be approved without the full notice of abutters and a public hearing.

### **5.6 Board Action On Completed Application**

- A. The Board shall begin consideration of the completed application within 30 days of its acceptance.
- B. The Board shall act to approve, conditionally approve, or disapprove the Completed Application within 90 days of its acceptance. A written notice of the Board decision will be given to the applicant. (See Attachment 3 & 4).

- C. The Board may apply to the Selectmen for an extension not to exceed an additional 90 days before acting to approve, conditionally approve or disapprove an application. The applicant may waive the requirement for Board action within the time periods specified in these regulations and consent to such extension as may be mutually agreeable. (RSA 676:4,I(f))
- D. If the Board has not taken action on the completed application within 90 days of its acceptance and has not obtained an extension, the applicant may obtain from the Board of Selectmen an order directing the Board to act within thirty (30) days. Failure of the Board to act on the order shall constitute grounds for the applicant to petition the Superior Court as provided in RSA 676:4,I(c), as amended in 1990.
- E. An application shall be considered to have been abandoned by the developer if he has not submitted a final plat for all or a portion of such subdivision within one year from the date of conditional approval of the preliminary plat. The developer may be granted an extension of this time by the Board upon written application, and for reasons deemed adequate by the Board. An abandoned application cannot be revived but shall require a complete new submission for further consideration by the Board.
- F. Approval of the plat shall be certified by written endorsement on the **Final Plat**, signed and dated by Members of the Board. The **Final Plat** shall be in permanent black ink on the original Mylar in conformity with the Merrimack County Registry of Deeds. Wording of the signatures shall read:

Approved by the Webster Planning Board on \_\_\_\_\_,  
 Certified by \_\_\_\_\_, Chair, by \_\_\_\_\_,  
 Secretary, and by \_\_\_\_\_, Board Member.

After signing by the Board Members, the original Mylar will be carried by a Board Member or its designee to the Registry of Deeds. The fee for recording at the Registry of Deeds will be paid by the applicant. One signed copy will be retained by the Planning Board.

- G. If any submitted plat is disapproved, the grounds for such disapproval shall be adequately stated in the records of the Planning Board and in written notice given to the applicant. (See Attachment 4)

### **5.7 Conditional Approval**

The Board may grant conditional approval of an application, but the plat will not be signed or recorded until all of the conditions have been met. A further public hearing is not required when such conditions:

- A. are administrative in nature,
- B. involve no discretionary judgment on the part of the Board, or
- C. involve the applicant's possession of permits and approvals granted by other boards or agencies, such as the Department of Transportation, the Wetlands Board, or Water Supply and Pollution Control Division.

A further public hearing will be required to demonstrate compliance with the terms of all other conditions pursuant to RSA 676:4,I(i).

### **5.8 Public Hearing**

Prior to the approval of a subdivision, a public hearing shall be held as required by RSA 676:4,I(d) with notice given to the applicant, abutters, and the public.

### **5.9 Notices**

- A. Notice of submission of an application shall be given by the Board to the abutters and the applicant by certified mail, mailed at least ten (10) days prior to the submission. (See Attachment 5)
- B. The public will be given notice at the same time, by posting at the Town Hall and the Fire Station and by publication in the Concord Monitor.
- C. The notice shall give the date, time, and place of the Planning Board meeting at which the application or other item(s) will be normally submitted to the Board, shall include a general description of the proposal which is to be considered, and shall identify the applicant and the location of the proposed subdivision. (See Attachment 5)
- D. If the notice for a public hearing is included in the notice of submission or any prior notice, additional notice of the public hearing is not required. Additional notice is not required of an adjourned session of a hearing provided that the date, time, and place of the adjourned session was made known at the prior meeting.

### **5.10 Revocation of Approval**

- A. A subdivision plat, street plat, site plan or other approval may be revoked only under the following circumstances:
  - 1. At the request of the applicant or successor in interest.

2. Material violation of any condition of the approval.
  3. Failure to perform or complete any condition of approval within the time period specified in the approval or specified in RSA 674:39.
  4. When the time period specified in RSA 674:39 has elapsed without any vesting rights and the approval no longer conforms to current ordinances or regulations.
  5. Failure to maintain adequate security as required as a condition of approval until the work secured has been completed and accepted by the Planning Board or its designee.
- B. The Board may revoke an approval only after giving public notice as provided in RSA 676:4,I(d) and following a public hearing, if requested by any party within 30 days of receiving notice.
- C. A Declaration of Revocation shall be filed with the Registry of Deeds as provided in RSA 676:4-a,III.
- D. Any public nuisance or danger, any impairment to proper drainage or any damage to natural and scenic features remaining on the land after the Revocation of Approval may be penalized as provided in Section XI.

## **SECTION VI Fees**

- 6.1 A completed application shall be accompanied by a filing fee. A fee schedule is available from the Planning Board secretary at the Town Hall.
- 6.2 All costs of notices, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay costs shall constitute valid grounds for the Board to terminate further consideration of the application and to disapprove the plat without a public hearing.
- 6.3 Pursuant to RSA 676:4,I(g) it shall be the responsibility of the applicant, if the Board deems it necessary, to pay reasonable fees for special investigative studies, environmental assessments, legal review of documents, administrative expenses and other matters which may be required to make an informed decision on a particular application.
- 6.4 Recording fee at the Registry of Deeds shall be paid by the applicant.

## **SECTION VII Plat Submission Requirements**

### **7.1 Completed Application**

- A. Three (3) copies of the plat shall be submitted. Space shall be reserved on the plat for all necessary endorsements.
- B. The plat shall be prepared and certified by a land surveyor registered in the State of New Hampshire.
- C. The plat shall be accompanied by:
  - 1. The names and addresses of all abutters, taken from town records not more than 5 days before the day of filing.
  - 2. Payment to cover filing fees, mailing, advertising, recording, and other costs in Section VI.
  - 3. State subdivision approval as required.
  - 4. State Highway or Town Access permit, as applicable.
  - 5. State septic approval or copy of application. Approval is not final until permits have been received.
  - 6. Additional reports or studies, as may be required by the Board - including, but not limited to, traffic, school, fiscal and environmental impact analyses - to allow the Board to make an informed and educated decision concerning the proposal.
- D. The plat shall contain:
  - 1. Proposed subdivision name or identifying title;
  - 2. Name and address of the applicant and of the owner, if other than the applicant;
  - 3. Scale not less than one hundred feet to the inch (1 inch = 100 feet).
  - 4. North arrow and date of the survey.
  - 5. Site location map showing general location of the total tract within the town and derived from the current tax maps which will be made available to the surveyor.

6. Name, license number, and seal of the surveyor.
  7. Boundary survey including bearings, distances and the location of permanent markers. All dimensions shall be shown to the nearest one-hundredth of a foot, and bearings to the nearest 30 seconds. The error of closure shall not exceed one in five thousand.
  8. Existing and proposed easements, rights-of-way, buildings, water courses, ponds, standing water, rock ledges, stone walls and other essential site features.
  9. Location of property lines, including entire undivided lot, lot areas, frontage on public rights-of-way, and setback lines. Each lot shall be numbered according to the tax map numbering system.
1. Existing and proposed topographic contour boundaries at 10 foot intervals.
  2. Location and profiles with elevations of existing water mains, sewers, culverts, drains, bridges and proposed connections.
  3. Location of each percolation test hole and test results excepting lots 5 acres or larger; and adequate information with respect to soil conditions to show that, with the lot sizes as proposed, a water well, if required, and septic tank, if required, can be put on one lot without contamination of the water supply on such lot or on any other property. Setbacks from percolation test hole and proposed well site, as required by state law shall be delineated.
  4. All soil types and boundaries based on the "Soils Survey, Merrimack County, New Hampshire". Soil boundaries shall be shown on the plat by dotted lines. In addition the location of all test pits and test borings and a legend which explains the map symbols, describes the Water Supply and Pollution Control Division soils groups, and describes the properties of the soils regarding their suitability for septic systems, foundations, basements, building and road construction shall be shown.
  5. Provide full legal descriptions of all existing and proposed easements, deed restrictions, dedicated open spaces and other encumbrances, covenants, reservations or restrictions benefiting or burdening the property. Appropriate notations should also be made on the plat.

6. Existing and proposed streets, location, name and right-of-way width of existing and proposed streets, names, and right-of-way widths. Temporary stakes along centerlines of roads shall be driven in the ground to facilitate inspection.
7. Final road profiles, grades and cross sections.
8. Where the plat submitted covers only a part of the subdividers entire holding, a sketch (see definitions) of the proposed future subdivision, together with its street system, lot layout and drainage system shall be furnished. The layout of the submitted part will be considered in the light of adjustments and connections with the layout of the part not submitted. Approval of the submitted area does not guarantee approval of the unsubmitted area.

## **7.2 Final Plat**

- A. The Final Plat shall be certified by written endorsement as indicated in Section 5.6, paragraph F.
- B. The Final Plat shall measure 17 x 22 inches or 22 x 34 inches.

## **SECTION VIII Performance Guarantee**

As a condition of approval, the Planning Board may require the posting of a performance guarantee in an amount sufficient to defray the costs of construction of streets; public improvements; drainage structures; the extension of water and sewer drains; storm drains; underdrains and other improvements of a public utility nature. The amount of the security shall be based on an estimate of costs provided by the subdivider and, at the discretion of the Planning Board, reviewed by a licensed engineer. The applicant shall pay the costs of such a review.

- A. The security shall be approved as to form and sureties by the Board and the town counsel.
- B. The amount of the security shall include fees to cover the cost of periodic inspections.
- C. Where electric lines or other utilities are to be installed by a corporation, municipal department, or public utility, a letter of intent shall be required stating that the work will be done in reasonable time and without expense to the city/town.
- D. Each approved plat shall contain a time limit for the completion of streets and public improvements. The maximum time limit shall be three years.
- E. The performance guarantee shall remain in full force and effect until the expiration of 13 months after the date of approval or acceptance by the Board or its designee regarding the completion of the secured improvement.
- F. The performance guarantee shall be released in phases as portions of the secured improvements or installations are completed and approved by the Board or its designee, in accordance with the plan approved by the Board. A sufficient amount not to exceed 25% of the total shall be retained to cover the expense of any latent defects, which may appear within one year after the completion of the secured improvement or installation.

## **SECTION IX   Design Standards**

### **9.1 Minimum Standards:**

In considering applications for subdivision of land, the Planning Board shall adhere to and be guided by the standards hereinafter set forth. Such standards shall be considered to be minimum standards and shall be modified by the Board only when in its opinion specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modification will properly carry out the purpose and intent of the Master Plan, Subdivision Regulations and Zoning Ordinance.

### **9.2 Street Layout:**

- A. All streets shall have a minimum right-of-way of 50 feet. All right-of-ways shall be conveyed to the town by warranty deed.
- B. All streets to be constructed shall have a minimum paved width of 20 feet centered on the right-of-way. All additional streets deemed by the Board as being through streets shall also meet this requirement.
- C. Streets shall be arranged to provide for extension or connection of eventual street systems necessary to develop abutting land in future subdivisions.
- D. The grades of all streets shall be at least 0.5% but less than 8%.
- E. The maximum grade within 50 feet of an intersection shall be 3%.
- F. Intersections shall be nearly as possible at right angles (90 degrees) with a minimum allowable intersection angle of 60 degrees.
- G. Streets shall be constructed in accordance with the "Typical Cross Section" included with these Road Specifications.
- H. Side slopes shall not be steeper than 3 feet horizontal and 1 foot vertical, graded, loamed and seeded.
- I. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
- J. The centerlines of no more than two accepted rights-of-way shall intersect at any one point.
- K. Minimum centerline radii of curves shall be 200 feet and the minimum curve tangent lengths shall be 100 feet.

- L. Minimum width of shoulders shall be 5 feet.
- M. Street layout shall include access into abutting properties unless the Planning Board due to the location or nature of the abutting land does not deem action necessary.
- N. No street name shall be used which will duplicate or be confused with any street name already in use. Street names shall be subject to the approval of the Planning Board.
- O. Deadend streets shall be no longer than 1,200 feet and shall terminate with an approved type turnaround, as determined by the Planning Board to be a "Temporary" or "Permanent" need. Design for the turnarounds shall be as follows:
  - 1. Temporary turnaround: The right-of-way width, per classification of the roadway, shall be maintained to the end of the improvements and further, to the property line, if so ordered by the Board. A "T" type turnaround shall be constructed at the end of the road. Said "T" to have the dimensions shown on the typical.

The "ears" or "extensions" that form the "T" shall be deeded to the Town of Webster in the form of an Easement. The Easement shall stipulate that the Town has sole rights to use and maintain the area and that such Easement shall expire when those portions of the "T" are no longer needed. Those portions of the "T" no longer needed shall revert to owners of the abutting lots. For the purposes of frontage requirements only, that portion of a lot that would front on an extension of a street when the "T" is discontinued, or the width of the right-of-way for the "T", shall be counted and not the lines around the "T". This type of turnaround shall be used only when the possibility of extension is evident. This type of turnaround shall not be considered as a permanent turnaround.

Where a subdivider proposes to extend a street which currently ends in a T-type turnaround or other temporary deadend, it is the subdivider's responsibility to restore the temporary turnaround to "through street" standards. This includes, but is not limited to removing the "ears" or other maneuvering facilities where abutters desire and installing a suitable drainage system.

- 2. Permanent turnaround: All streets that shall permanently terminate, as shown on plans, shall have a turnaround constructed to the following minimum specifications: The right-of-way shall be flared to form a circular, or partially circular section of roadway for the ease of maintenance and travel. The radius of the centerline of the pavement around the turnaround shall be a minimum of 100 feet. The "tear drop" shape is preferred over the "p" or "lolly pop" shape. Pavement widths shall be the same as for the road

servicing the development, as will *all* other improvements within the turnaround area. The deed to the town for the roadway shall include *all* lands within the outermost dimensions of the turnaround area. All drainage, signs, and other improvements within the area of the turnaround shall be as per guidelines contained within these Regulations for "Required Improvements". (SEE TYPICAL IN REAR OF THESE REGULATIONS).

Where a subdivider proposes to extend a street which currently ends in a permanent turnaround, it is the subdivider's responsibility to restore the turnaround to "through street" standards, including, but not limited to, removing unnecessary street surface and subsurface, replanting areas previously used for street, restoring lot access, installing drainage facilities, and necessary title and deed work, as directed by the Board.

3. General:

- a. Delineator posts or reflectors of a design approved by the Selectmen, shall be furnished, located and installed as a part of the required improvements for all turnarounds.
- b. The roadways constructed within the turnaround areas, shall conform exactly with the design criteria contained in these regulations.

**9.3 Block Layout:**

- A. A block created within a subdivision shall not have a length greater than 1,000 feet.
- B. A block created within a subdivision shall not have a width greater than 500 feet.

**9.4 Lot Detail:**

- A. All lots shall have at least 250 feet frontage on one existing or proposed Class V or better road.
- B. Whenever possible, side lot lines shall be at right angles to street lines and radial to the center of all exterior curves.
- C. All lots shall meet the Zoning Ordinance of the town in effect at the time of application.
- D. Lots with frontages on curves with a radius of less than 200 feet shall have a minimum chord distance of 200 feet.

- E. Land of such character that cannot be safely used for building purposes because of exceptional danger to health due to high water table or flooding or other hazard shall not be permitted for occupancy or use that may increase danger to health, life or property until appropriate measures have been taken by the owner or his agent to eliminate such hazards. Any improvement of the aforesaid hazardous situation must meet the approval of the Town Building Inspector.
- F. Lot sizes shall be adequate to provide off street parking and loading facilities as required by the Planning Board.
- G. All lots shall have a minimum of one contiguous acre of dry land, meaning soil not classified as poorly drained or very poorly drained.
- H. In the case of lots fronting on the ends of cul-de-sacs, the required lot width shall be applied one hundred (100) feet from the street line, provided that in no case shall the lot frontage be reduced to less than fifty (50) feet.

#### **9.5 Open Space:**

- A. In any subdivision where the land to be subdivided consists of a parcel containing 40 acres or more, and, if it is the opinion of the Planning Board that the impact of said subdivision, when developed, would create a need for open space in that area, then the applicant for subdivision approval shall be required to dedicate a minimum of 5% of the total area of the subdivision for the benefit of the subdivision for open space. Such dedication shall be required at the time of the initial subdivision.
- B. In reaching a decision on a parcel containing 40 acres or more, the Planning Board's considerations shall include, but not necessarily be limited to, the proposed use of the subdivision, the number and size of the lots to be created, the location of the subdivision with respect to existing and proposed development and the town needs.

#### **9.6 Landscaping and Planting:**

- A. Installation and preservation of landscaping and preservation of natural and scenic features shall be undertaken by the subdivider wherever possible to enhance the environment of the subdivision and the town.
- B. All esplanade or planting strip areas at sides of streets shall receive a minimum of four (4) inches of compacted, good loam, free of sods, clay and stones over one inch in diameter.

- C. After placement of loam, planting strips shall be seeded with first quality lawn seed, free of dirt and weed seeds.
- D. All new earth slopes shall be mulched and seeded.
- E. All disturbed portions of the lot shall be loamed and seeded.
- F. Landscaping of cul-de-sac islands must meet Planning Board's approval.

### **9.7 Street Construction:**

- A. All topsoil, stumps, brush, roots, boulders and like materials shall be stripped and removed between the slope lines of the proposed street. Whenever practical, natural vegetation outside of the slope lines shall be retained, protected and supplemented. All soft and spongy places shall be excavated to such a depth as shall be necessary to stabilize the foundation of the road and refilled solidly with sub-base material as designated by the town's Engineer. Compaction is to be obtained by use of approved rollers and equipment to at least 95% of the standard Proctor Density (ASTM-698) or to the satisfaction of the town's Engineer.
- B. All street subbase shall consist of 12" of bank run gravel as defined by the current State of New Hampshire Standard Specifications for Highway and Bridge construction installed in two 6" lifts, compacted to a minimum of 95% of the soils standard proctor dry density.
- C. All streets shall receive a 6" upper base coarse of crushed gravel as defined by the current State of New Hampshire Standard Specifications for Highway and Bridge Construction. Said course shall be compacted to 95% of its standard proctor maximum dry density.
- D. No stones, cobbles or boulders of greater than 4" shall be allowed in any of the aforementioned street base material courses.
- E. The street surface itself shall consist of a 2" binder course of bituminous concrete pavement and a 1" wearing course of bituminous concrete pavement. Both binder and wearing courses shall conform to the current State of New Hampshire Standard Specification for Highway and Bridge Construction.
- F. The street shall have a cross slope from centerline to edge of shoulder of 1/4" per foot and from edge of street to edge of shoulder of 1/4" per foot.

- G. Ledge and boulders shall be removed to at least 18" below subgrade and replaced with sand or bank run gravel.
- H. All loam, muck, stumps and other improper foundation material shall be removed from within the limits of the fully extended street shoulders. In embankment areas, suitable foundation material shall be placed in one foot layers and compacted to form a stable subgrade. Stumps, trees, rubbish and other unsuitable materials of substance shall not be placed in the fill.
- I. The pavements shall be applied by an approved paving contractor in accordance with the current State of New Hampshire Standard Specifications for Road and Bridge Construction.
- J. Subbase shall be installed by the developer prior to the issuance of building permits.
- K. Bituminous pavement wearing coarse shall be installed by the developer after the subbase and binder coarse has been in place for a minimum of one winter season which shall be defined as running from November 15th to April 15th.
- L. Approved street signs and culvert posts shall be installed as directed by the Planning Board and paid for by the developer.
- M. It shall be the obligation of the developer planning a new street to do the following:
  - 1. Advise the Selectmen of his intent in order to secure approval for the proposed right-of-way. Selectmen to notify the Road Agent and Road Commission.
  - 2. To request inspection and approval of the right-of-way and subgrade before base gravel is applied.
  - 3. To request inspection and approval of the right-of-way and subgrade after finish gravel has been brought to grade but before bituminous concrete pavement is installed.
  - 4. The developer shall have stakes set on centerline with finish grades marked on them at least every 100 feet for the entire length of the street or the street side staked with distance and grades marked before each inspection.
  - 5. Before final inspection, the developer shall remove all trash from the right-of-way and the center of the turn around and shall repair any damage done to the roadway, shoulders, etc.

6. Inspections, samples and core test may be required by the town before final acceptance and all costs incurred shall be reimbursed by the subdivider.

**9.8 Driveways:**

See Town of Webster Driveway Regulations document.

## **9.9 Monuments:**

- A. Monuments shall be constructed of granite or stone.
- B. Monuments shall be at least 4" x 4" on the top and at least 36" long.
- C. Monuments shall be set at all property corners and at all changes of horizontal alignments on both sides of all rights-of-way and public easements.
- D. Iron pins shall be allowed as temporary property corners along new roadways being constructed but shall be replaced with stone bounds before final subdivision approval and acceptance.
- E. The Planning Board shall verify that all monuments are in place before the town will give final acceptance to any new roadways.

## **9.10 Drainage:**

- A. Storm drains, culverts and related installations, including catch basins and drop inlets, shall be installed within or without the subdivision as necessary to permit unimpeded flow of all natural water courses, to insure adequate drainage of all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of area drained. (Where required, catch basins may be on both sides of the roadway on continuous grade at intervals of approximately 300 feet.) Catch basins and drop inlets shall be equal to New Hampshire Standard Type A or acceptable to the Selectmen. Storm sewer pipes and culverts shall be reinforced concrete, corrugated aluminum, bituminous-coated corrugated steel, or equivalent and shall have a minimum 2-foot cover over all pipes. Headwalls where required shall be either of concrete or rubble masonry. Natural watercourses shall be cleaned and increased in size where necessary to take care of the storm runoff. All drainage facilities shall be installed subject to the approval of the Planning Board and the Road Agent.
- B. Drainage ditches at least 27" in depth at its midpoint below centerline grade shall be constructed at approximately the street right-of-way on both sides of the roadway and so designed as to provide for the proper flow of storm runoff.
- C. All drainage structures and swales shall be designed to handle a rain storm with a return interval of 25 years and duration of 20 minutes.
- D. Culvert pipes shall consist of heavy gauge aluminum or galvanized steel corrugated metal pipe or some acceptable plastic pipe having a minimum interior diameter of 18".

- E. All culvert pipes shall be placed with a minimum of 24" of cover to centerline road grade and have reinforced concrete or concrete and masonry headwalls conforming to the current State of New Hampshire Standard Specifications for Highway and Bridge Construction.
- F. Culverts in embankment over 15 feet high shall be of Class V reinforced concrete pipe.
- G. Where a subdivision is traversed by or requires the construction of a water course or a drainage way, an easement of adequate width shall be provided for such purposes.
- H. Open roadside drainage ditches in excess of a 5% grade shall be paved with stone or asphalt as required by the Planning Board.
- I. All field changes must be approved by the Road Agent or the Town's Engineer.
- J. All roadways with the abutting land sloping away from the roadway at slopes of greater than 2:1 shall have a vehicle restraining system (i.e. guard rails) of a type and construction approved by the State of New Hampshire Department of Public Works and Highways.
- K. All questions arising during road construction relative to construction methods, materials or specification shall be answered by reference to the current State of New Hampshire Department of Transportation's Standard Specifications for Highway and Bridge Construction.

#### **9.11 Water and Sewer Facilities:**

Individual wells and subsurface disposal facilities shall in all respects comply with all applicable local, county and/or state requirements including those of the Division of Water Supply and Pollution Control. In areas not currently served by common sewer systems, it shall be the responsibility of the subdivider to provide adequate information to the installation and operation of an individual sewerage disposal system (septic tank and drain field). The subdivider shall be required to provide the necessary equipment and labor for the making of these tests, required by local, county, and/or state authorities having jurisdiction.

#### **9.12 Utilities:**

- A. All electric, telephone and cable TV distribution systems within the subdivision shall be placed underground where feasible as determined by the Planning Board.

- B. The subdivider shall coordinate subdivision design with the appropriate utility companies to insure adequate and suitable area for underground installations.

**9.13 Maintenance of Improvements and Facilities:**

- A. The recipient of subdivision approval or his successor shall be responsible for maintaining all improvements or facilities required by this regulation or approval conditions issued in accordance with its provisions. As illustrations, and without limiting the generality of the foregoing, this means that streets, parking areas, and water, sewer, stormwater, and recreation facilities must be properly maintained so that they can be used in the manner intended. All vegetation required for screening, landscaping, or erosion and sediment control must be replaced if it dies or is destroyed.
- B. As provided in these regulations, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

## **Section X Required Improvements**

- 10.1 Specifications for Required Improvements: All required improvements shall be constructed or installed in accordance with accepted engineering design practice as specified by the town engineer and in accordance with these regulations.
- 10.2 If it is determined by the Planning Board that the proposed subdivision is scattered or premature unless special on and off site improvements are made, the Planning Board shall require the subdivider to make said improvements prior to or as condition of approval of the subdivision. These improvements may consists of, but not be limited to the following:
- A. Improve any access street to the subdivision to the appropriate street standards if such access would otherwise be inadequate provided the town owns or provides the right-of-way.
  - B. Extend the public water and/or sewer system(s) if either or both exist within 3,000 feet of the subdivision provided that the subdivision serves or potentially can serve 12 or more lots.
  - C. Build or reconstruct sidewalks on any access streets where potential increase in pedestrian traffic will occur provided the town owns or provides the right-of-way.
  - D. Construct static water supplies (fire ponds) with dry hydrants for fire protection and make other improvements as recommended by the town Fire Chief relevant to fire prevention and protection and to emergency access.
  - E. Provide traffic signals at intersections and rebuild intersection in the immediate area of the proposed subdivision if such intersection would otherwise be inadequate provided the town owns or provides the right-of-way.
- 10.3 As an alternative to making the studies and/or improvements as required by this section and by Section 4.4, the subdivider may propose to develop his subdivision in stages. This may be approved by the Planning Board if the town and/or School District have plans to make public improvements and a schedule to implement these improvements so that the various phases of the subdivision will not take place until the relative public improvements are scheduled.

## **Section XI Administration and Enforcement**

- 11.1 These regulations shall be enforced by the Board or its duly authorized agent which shall include, but not be limited to, the Board of Selectmen, and Town Building Inspector.
- 11.2 The requirements of the foregoing regulations may be modified when, in the opinion of the Board, specific circumstances surrounding a subdivision, or condition of the land in such subdivision, indicate that such modifications will properly carry out the purpose and intent of the Master Plan and these Regulations.
- 11.3 Any violation of these regulations shall be subject to a civil fine as provided in RSA 676:16 and 676:17, as amended. The Selectmen or the Building Inspector are designated as the local authorities to institute appropriate action under the provisions of RSA 676:17.

**Section XII Conflicting Provisions**

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

**Section XIII Validity**

If any section or part of section or paragraph of these Regulations shall be declared invalid or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or sections or part of a section or paragraph of these regulations.

**Section XIV Amendments**

These regulations may be amended by the Planning Board following a public hearing on the proposed change. Such changes shall not take effect until a copy of said change, certified by a majority of the Board, is filed with the town clerk.

A copy of any amendments to these Regulations shall also be filed with the Office of State Planning in Concord, New Hampshire. (RSA 675:9)