

CHICHESTER



Subdivision Regulations

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Section I

Authority:

Pursuant to the authority vested in the Chichester, New Hampshire Planning Board by the voters of the Town of Chichester, New Hampshire and in accordance with the provisions of Chapter 36, Sections 19-29, New Hampshire Revised Statutes Annotated, 1955 the Chichester, New Hampshire Planning Board adopts the following regulations governing the subdivision of land in the Town of Chichester, New Hampshire.

Section II

Definitions:

A. BOARD

Means the Planning Board of the Town of Chichester, New Hampshire.

B. SUBDIVISION

Shall mean the division of a tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development, and if requiring the extension of municipal utilities, the creation of one or more new streets, or the extension of existing streets: provided, however, that development for agricultural purposes is expressly excluded. When appropriate to the context of these regulations, the term subdivision shall relate either to the process of subdividing or to the land or area subdivided.

C. 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.

D. STREET

means and includes, street, avenue, boulevard, road, alley, highway, and other way exclusive of driveways serving not more than two adjacent lots.

E. ENGINEER

means the duly designated engineer of the Town of Chichester or if there is no such official, the planning consultant or official assigned by the Chichester Planning Board.

Section III

Procedure:

A. Application

Whenever any subdivision is proposed to be made and before any contract for sale of, or offer to sell, such subdivision or any part thereof shall have been negotiated, and before any application for a permit for the erection of a structure thereon shall be made, the owner thereof or his agent, shall apply in writing to the Planning Board of the Town of Chichester for approval of such subdivision. The application shall conform to the specifications contained in these regulations and be accompanied by a fee of \$100.00 for the first lot created or adjusted and \$50.00 for each additional lot created or adjusted.

B. Preliminary Layout

Three (3) copies of the preliminary layout as described in Section V shall be filed with the Chichester Planning Board. The Board will then study the preliminary layout and proposed street profiles in connection with the topography of area, the existing requirements of the zoning ordinance, if there is such, and shall take into consideration the general requirements of the community and the best use of the land to be subdivided and that of adjoining areas.

C. Revision of Preliminary Layout

The Board before taking formal action shall hold discussion with the subdivider or his agents and may hear and confer with other parties whose interest may be affected by the proposed layout. After such discussion the Board shall communicate in writing to the developer the specific changes, if any, which it will require in the preliminary plan, and the amount of construction or improvements it may require as a prerequisite to the subsequent approval of the subdivision plan. The Board may disapprove of the preliminary layout in its entirety, but shall state its reasons for such disapproval.

D. Final Plat

The subdivider, after official notification by the Board with respect to the preliminary plan and the changes, if any, to be made therein, shall within six months thereafter file with the Board drawings of the final plat and street profiles as described in Section VI. The subdivider shall tender offers of cession in a form certified as satisfactory by the corporation counsel of all land included in streets, highways or parks not specifically reserved by him, but approval of the plat by the Board shall not constitute an acceptance by the Town of the dedication of any street, highway, park or other public open space. Before the final plat shall have been approved or disapproved, the Board shall hold a public hearing on the plan. Notice thereof shall be sent to the subdivider by certified mail, stating the time and place of such hearing, not less than five days before the date fixed thereof.

E. Approval

The Board shall, within 30 days from the date of submission of the final plat, approve or disapprove the plat in accordance with Section 23, Chapter 36, N. H. Revised Statutes Annotated, 1955. If the Board approves the plat, the Chairman or Secretary of the Board shall transmit a copy of such approval in writing to the Register of Deeds of Merrimack County.

F. Final Approval Condition

The Board's approval of a Final Application shall lapse if all conditions of the Final Approval have not been met within ninety (90) days of the date the Final Approval was granted. If additional time is needed, the applicant shall appear before the Board by the deadline date to explain the request for more time. The Board shall then vote on whether to grant an extension.

G. Certificate of Failure to Take Action

The Town Clerk is hereby specified as the municipal officer who shall issue on behalf of the Planning Board a certificate of failure on the part of the Planning Board to take action on approval or disapproval of a plat submitted to it, as provided by Chapter 36, Section 23, N. H. Revised Statutes Annotated, 1955.

H. Filing

Whenever any subdivision is proposed to be made and before any contract for the sale of, or negotiation to sell, such subdivision, or any part thereof, shall have been concluded, and before any permit for the erection of a structure shall be granted, the subdividing owner shall apply, in writing on the form prescribed, to the Board for approval of such subdivision. The Chairman or the Secretary of the Board shall furnish the applicant with a receipt for same.

Section IV

General Requirements for the Subdivision of Land:

The Subdivider shall observe the following general requirements and principles of land subdivisions:

- A.** The arrangement of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their proper projection when adjoining property is not subdivided, and shall be of a width at least as great as that of such existing connecting streets.
- B.** No street or highway right-of-way shall be less than 50 feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board. The apportioning of the street widths among roadway, sidewalks and possible grass strips shall be subject to the approval of the Board. The roadway shall have a width of at least 20 feet. It shall be constructed in accordance with the following specifications:
 1. All topsoil, loam, clay, muck and stumps, and other improper road foundation material must be removed from the limits of the road bed to a depth of at least 12 inches in depth, such material must be excavated and replaced with bank-run gravel or broken rock.
 2. The base course shall consist of bank-run gravel, free from loam or organic matter.
 3. The finish course shall consist of fine gravel, not to exceed 3 inches in diameter.
 4. Paving - All pavement shall meet the requirements of the most current edition of the New Hampshire Department of Transportation specifications for road and bridge construction.
 5. All proposed drainage facilities and culverts shall be installed. Natural water courses shall be cleaned and increased in size where necessary to take care of storm run-off. Drainage swales at least 3 feet in width and 16 inches in depth at its midpoint below centerline grade shall be constructed in the street right-of-way on both sides of the paved roadway.
 6. The roadway shall be graded to the final grade in accordance with the profile and cross section submitted.
- C.** Dead end or Cul-de-sac streets shall not exceed 3000 feet and shall be required to have a cistern(s) or other adequate water supply (location(s) and size as determined by the Fire Department and or Town Engineer) to provide water for a fire event. All dead end roads will require a cue-de-sac with at least a 60-foot radius from the edge of the right of way.
- D.** Reserve strip land which, in the opinion of the Planning Board show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use shall not be permitted.
- E.** The widths of blocks shall not be less than 200 feet, nor shall the exceed 1,200 feet.

- F.** Intersecting property lines at street intersections shall be joined by a curve of at least 20 foot radius.
- G.** There shall be adequate width and area on every lot after the erection of a residence, to permit the parking within the lot of at least one car for each family dwelling unit.
- H.** Grades of all streets shall conform in general to the terrain and shall, so far as practicable, not exceed 5% for major streets and 8% for minor streets. No street shall have a grade of less than 1/2 of 1 %.
- I.** Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or peril from fire, flood or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, until appropriate measures have been taken by the owner or his agent to lessen such hazards.
- J.** Areas set aside for parks and playgrounds to be dedicated or to be reserved for the common use of all property owners by covenant in the deed, whether or not required by the Board, shall be of reasonable size and character for neighborhood playgrounds or other recreational uses.
- K.** Streets which join or are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the Town of Chichester.
- L.** In areas not currently served by public sewer systems it shall be the responsibility of the subdivider or his agent to provide adequate information to prove that the area of each lot is adequate to permit the installation and operation of an individual sewage disposal system (septic tank and drain field). Such information shall consist of the report of the health officer regarding seepage and other tests he may require. The subdivider or his agent shall be required to provide the necessary equipment and labor for the making of these tests.
- M.** Pavement and drainage facilities, curbs and sidewalks, when required shall be installed and constructed in accordance with the standard specifications of the Town of Chichester and in all cases must be constructed under the supervision of the Engineer.
- N.** Before approval of a subdivision by the Planning Board, there shall be filed a bond by the subdivider in an amount sufficient to cover the cost of the preparation of the streets and the extension of public water and sewer lines if available. This bond shall be approved as to form and conditioned on the completion of such improvement within five years of the date of bond.
- O.** The proposed subdivision shall conform to the Zoning Ordinance of the Town of Chichester where strict conformity to the Subdivision Regulations would cause undue hardship or injustice to the owner of the land, a subdivision plan substantially in conformity with regulations may be approved by the Board provided that the spirit of the Regulations and public convenience and welfare will not be adversely affected.
- P.** Wetlands - comply with current wetlands ordinance within the Zoning

Section V

The Preliminary Layout:

The importance of a clear statement of the Town's policy in regard to the extension of streets and utilities to serve new subdivisions cannot be overstressed. Subdividers shall file with the Board three (3) copies of a preliminary layout at a scale of not more than 100 feet to the inch showing or accompanied by the following information:

- A.** Proposed subdivision name; name and address of owner of record; subdivider and designer; date; north point and scale.
- B.** Names of owners of record of abutting properties, abutting subdivision names, streets, easements, building lines, alleys, parks, and public open spaces and similar facts regarding abutting property.
- C.** Location of property lines and their approximate dimensions; existing easements, buildings, water courses, ponds or standing water, rock ledges and other essential features.
- D.** Existing water mains, sewers, culverts, drains and proposed connections or alternative means of providing water supply and disposal of sewerage and surface drainage.
- E.** Location, name and widths of existing and proposed streets and highways with their grades and profiles and the elevations of sufficient points on the property to indicate the general topography of the property.
- F.** Where the topography is such as to make difficult the inclusion of any facilities mentioned above, within the public area so laid out, the preliminary layout shall show the boundaries of proposed permanent easements over or under private property. Such easements shall not be less than ten (10) feet in width and shall have satisfactory access to existing or proposed public ways.
- G.** Location of all parcels of land proposed to be dedicated to public use and the conditions of such dedication, and a copy of such private deed restrictions as are intended to cover part or all of the tract.
- H.** Preliminary designs of any bridges or culverts which may be required.
- I.** Where the preliminary layout submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the submitted plat will be considered in the light of adjustments and connections with the street system of the part not submitted.

Section VI

The Final Plat:

A. The final plat submitted for approval and subsequent recording shall be submitted with five (5) copies. An extra copy will be required for each additional lot; also one drawn 1" = 400' for the tax map. The size of the sheets shall conform to the requirements of the Registry of Deeds, of Merrimack County, for filing. A margin of at least one inch shall be provided outside ruled border lines on three sides and of at least two inches along the left side for binding. Adequate space shall be available on the map for the necessary endorsement by the proper authorities. The drawings shall be of a scale of not more than 100 feet to the inch. A fee sufficient to cover the cost of filing the plat with the county recorder shall accompany the final plat.

B. The final plat shall show:

1. Proposed subdivision name or identifying title, the name and address of owner of record and subdivider, and the name, license number and seal of the designer, date, scale, and north point.
2. Street Lines, building lines, pedestrian ways, lot lines, reservations, easements and areas to be dedicated to public use and areas the title to which is reserved by the developer.
3. Sufficient data acceptable to the Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. All dimensions shall be shown to hundredths of a foot and bearings to at least half minutes. The error of closure shall not exceed 1 to 10,000. The final plan shall show the boundaries of the property
4. Permanent monuments shall be set as required by the Engineer.

Section VII

Amendments:

These regulations may be amended or rescinded by the Planning Board following public hearing on the proposed change. The chairman or secretary of the Planning Board shall transmit a record of any changes so authorized to the Registry of Deeds of Merrimack County.

Section VIII

Penalty:

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells any land by reference to, or exhibition of, or by other use of, a plat of a subdivision, before such plat has been approved by the Planning Board and recorded or filed in the office of the appropriate Register of Deeds shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The Town through its solicitor or other official designated by its Selectmen may enjoin such transfer or sale or agreement and may recover the said penalty by civil action.

Section IX

Adoption:

These Regulations shall become effective and adopted by the Board after public hearing. Revised on February 5, 2004 following a Public Hearing on February 5, 2004. Revised on March 9, 2004 following Town Meeting ballot vote.